

Kelso Police Department

Kelso PD Policy Manual

LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

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

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

Kelso Police Department

Kelso PD Policy Manual

Table of Contents

LAW ENFORCEMENT CODE OF ETHICS.	1
Chapter 1 - Law Enforcement Role and Authority.	6
100 - Law Enforcement Authority.	7
102 - Law Enforcement Certification.	9
104 - Oath of Office.	10
106 - Policy Manual.	11
Chapter 2 - Organization and Administration.	14
200 - Organizational Structure and Responsibility.	15
204 - Departmental Directive.	17
206 - Emergency Management Plan.	18
208 - Training.	20
212 - Electronic Mail.	23
214 - Administrative Communications.	24
216 - Staffing Levels.	25
218 - Concealed Pistol License.	26
220 - Retiree Concealed Firearms.	31
Chapter 3 - General Operations.	34
300 - Use of Force.	35
302 - Deadly Force Review.	46
306 - Handcuffing and Restraints.	49
308 - Control Devices and Techniques.	57
309 - Conducted Energy Device.	63
310 - Officer-Involved Shootings and Deaths.	69
312 - Firearms.	77
314 - Vehicle Pursuits.	86
316 - Officer Response to Calls.	99
320 - Domestic Violence.	102
322 - Search and Seizure.	108
324 - Temporary Custody of Juveniles.	110
326 - Adult Abuse.	118
328 - Discriminatory Harassment.	121
330 - Child Abuse.	126
332 - Missing Persons.	132
334 - Public Alerts.	139
336 - Victim Witness Assistance.	145
338 - Hate Crimes.	147
340 - Standards of Conduct.	150
342 - Information Technology Use.	157
343 - Phone Mail and Electronic Mail.	159
344 - Report Preparation.	160
346 - Media Relations.	163

Kelso Police Department

Kelso PD Policy Manual

348 - Subpoenas and Court Appearances.	165
352 - Outside Agency Assistance.	168
356 - Registered Offender Information.	169
358 - Major Incident Notification.	172
360 - Death Investigation.	173
362 - Identity Theft.	176
368 - Limited English Proficiency Services.	177
370 - Communications with Persons with Disabilities.	185
377 - MEDICATION DISPOSAL PROGRAM.	193
380 - Child and Dependent Adult Safety.	195
382 - Service Animals.	199
385 - Off-Duty Law Enforcement Actions.	201
386 - Canines.	203
387 - Department Use of Social Media.	212
388 - Extreme Risk Protection Orders.	215
Chapter 4 - Patrol Operations.	220
400 - Patrol Function.	221
402 - Bias-Based Policing.	223
404 - Shift Briefing Training.	226
406 - Crime and Disaster Scene Integrity.	227
408 - S.W.A.T. Unit.	229
410 - Ride-Along Policy.	230
412 - Hazardous Material Response.	233
414 - Hostage and Barricade Incidents.	235
416 - Response to Bomb Calls.	239
418 - Emergency Detentions.	242
420 - Citation Releases.	245
422 - Foreign Diplomatic and Consular Representatives.	246
424 - Rapid Response and Deployment.	250
426 - Reporting Police Activity Outside of Jurisdiction.	253
428 - Immigration Violations.	254
430 - Emergency Utility Service.	258
433 - Aircraft Accidents.	259
435 - Field Training Officer Program.	263
439 - Contacts and Temporary Detentions.	266
441 - Criminal Organizations.	271
447 - Mobile Data Terminal Use.	275
448 - Portable Audio/Video Recorders.	277
449 - Police Camera Systems.	279
451 - Medical Cannabis.	289
455 - Foot Pursuits.	294
463 - Homeless Persons.	297
464 - Public Recording of Law Enforcement Activity.	300
465 - Crisis Intervention Incidents.	303
Chapter 5 - Traffic Operations.	309

Kelso Police Department

Kelso PD Policy Manual

500 - Traffic Function and Responsibility.	310
502 - Traffic Collision Reporting.	314
510 - Vehicle Towing and Release.	316
512 - Vehicle Impound Hearings.	319
514 - Impaired Driving.	320
516 - Traffic Citations.	325
519 - Disabled Vehicles.	327
523 - Unauthorized 24 Hour Vehicle Violations.	328
525 - Vehicle Seizure and Forfeiture.	329
Chapter 6 - Investigation Operations.	332
600 - Investigation and Prosecution.	333
606 - Asset Forfeiture.	337
608 - Informants.	343
610 - Eyewitness Identification.	348
612 - Brady Material Disclosure.	352
613 - Unmanned Aerial System.	355
Chapter 7 - Equipment.	358
700 - Department Owned and Personal Property.	359
704 - Vehicle Maintenance.	361
706 - Vehicle Use.	363
707 - Personal Communication Devices.	368
Chapter 8 - Support Services.	371
800 - Property and Evidence.	372
802 - Records.	386
805 - Records Maintenance and Release.	389
807 - Protected Information.	394
808 - Animal Control.	397
Chapter 9 - Custody.	401
900 - Custodial Searches.	402
902 - Biological Samples.	408
903 - Temporary Custody of Adults.	411
Chapter 10 - Personnel.	421
1000 - Recruitment and Selection.	422
1001 - Evaluation of Employees.	427
1005 - Grievance Procedure.	431
1007 - Anti-Retaliation.	432
1009 - Reporting of Arrests, Convictions, and Court Orders.	435
1011 - Alcohol and Drug Use.	437
1013 - Sick Leave.	439
1015 - Communicable Diseases.	441
1017 - Smoking and Tobacco Use.	446
1018 - Personnel Complaints.	447

Kelso Police Department

Kelso PD Policy Manual

1020 - Seat Belts.	459
1022 - Body Armor.	461
1024 - Personnel Records.	462
1028 - Commendations and Awards.	466
1030 - Fitness for Duty.	473
1032 - Meal Periods and Breaks.	476
1033 - Lactation Break Policy.	477
1034 - Payroll Records.	479
1036 - Overtime Payment Requests.	480
1038 - Outside Employment.	482
1040 - Occupational Disease and Work-Related Injury Reporting.	484
1042 - Personal Appearance Standards.	486
1044 - Uniform Regulations.	488
1048 - Nepotism and Conflicting Relationships.	495
1050 - Domestic Violence Involving Law Enforcement Employees.	498
1054 - Temporary Modified-Duty Assignments.	503
1058 - Employee Speech, Expression and Social Networking.	506
1059 - Wellness Program.	510
Attachments.	515
discipline page 1.1.JPG.	516
discipline page 8.1.JPG.	517
discipline page 9.1.JPG.	518
Washington State Law Enforcement Records Retention Schedule.pdf.	519
Department Awards.Ribbons.pdf.	520
discipline page 7.1.JPG.	521
discipline page 6.1.JPG.	522
discipline page 5.1.JPG.	523
discipline page 2.1.JPG.	524
discipline page 3.1.JPG.	525
discipline page 4.1.JPG.	526
Department Ribbons.pdf.	527

Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 PEACE OFFICER POWERS

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

100.2.1 OREGON AUTHORITY

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

- (a) In response to a request for law enforcement assistance initiated by an Oregon sheriff, constable, marshal, municipal police officer or member of the Oregon State Police.
- (b) In response to a reasonable belief that emergency law enforcement assistance is necessary to preserve life and circumstances make it impractical for Oregon law enforcement officials to formally request assistance.
- (c) For the purpose of assisting Oregon law enforcement officials with emergency assistance in response to criminal activity, traffic accidents, emergency incidents or other similar public safety situations, whether or not an Oregon law enforcement official is present at the scene of the incident.

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

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

100.2.2 ARREST AUTHORITY

The arrest authority of the Kelso 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, 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).

Kelso Police Department

Kelso PD Policy Manual

Law Enforcement Authority

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

100.3 CONSTITUTIONAL REQUIREMENTS

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 Kelso Police Department shall receive certification by CJTC prior to assuming law enforcement duties and responsibilities, and shall begin attending an approved academy within the first six months of employment.

Oath of Office

104.1 PURPOSE AND SCOPE

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

104.2 OATH OF OFFICE

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

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

104.3 MAINTENANCE OF RECORDS

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

Policy Manual

106.1 PURPOSE AND SCOPE

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

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

106.2 POLICY

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

106.2.1 DISCLAIMER

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

106.3 AUTHORITY

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue Departmental Directives, which shall modify those provisions of the manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

106.4 DEFINITIONS

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

Adult - Any person 18 years of age or older.

CFR - Code of Federal Regulations.

Kelso Police Department

Kelso PD Policy Manual

Policy Manual

City - The City of Kelso.

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

CJTC - The Criminal Justice Training Commission.

Department/KPD - The Kelso Police Department.

DOL - The Department of Licensing.

Employee - Any person employed by the Department.

Juvenile - Any person under the age of 18 years.

Manual - The Kelso Police Department Policy Manual.

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

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

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

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

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

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

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

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

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

Shall or will - Indicates a mandatory action.

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

Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward, or discipline of other department members, directing the work of other members or having the authority to adjust grievances. The

Kelso Police Department

Kelso PD Policy Manual

Policy Manual

supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

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

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

USC - United States Code.

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

WSP - The Washington State Patrol.

106.5 ISSUING THE POLICY MANUAL

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

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

106.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

106.7 REVISIONS TO POLICIES

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

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

The Division Commander will ensure that members under his/her command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to the Division Commander or the designee, who will consider the recommendations.

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 DIVISIONS

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

- Services Division
- Patrol Division

200.2.1 SERVICES DIVISION

The Services Division is supervised by the Administrative Sergeant whose primary responsibility is to provide general management direction and control for the Services Division. The Services Division consists of Technical Services, Administrative Services, and the Detective Unit. The Services Division also includes the Evidence and Records functions. The Administrative Sergeant is also responsible for retaining training records for all employees.

200.2.2 PATROL DIVISION

The Patrol Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for that Division. The Patrol Division consists of Uniformed Patrol Officers.

200.3 COMMAND PROTOCOL

200.3.1 ORDERS

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

200.3.2 UNITY OF COMMAND

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

200.3.3 SUCCESSION OF COMMAND

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

Kelso Police Department

Kelso PD Policy Manual

Organizational Structure and Responsibility

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 Captain
- (b) Sergeant

Departmental Directive

204.1 PURPOSE AND SCOPE

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

204.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL

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

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

204.2 RESPONSIBILITIES

204.2.1 STAFF

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

204.2.2 CHIEF OF POLICE

The Chief of Police shall issue all Departmental Directives.

204.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES

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

Emergency Management Plan

206.1 PURPOSE AND SCOPE

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

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

206.1.1 AGENCYCITYNAME CODES

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

206.2 ACTIVATING THE EMERGENCY PLAN

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

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

206.2.1 RECALL OF PERSONNEL

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

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

206.3 LOCATION OF EMERGENCY MANAGEMENT PLAN

The manual for the employees is available in Services, the Shift Sergeant's office and in the Communications Center. All supervisors should familiarize themselves with the Emergency Management Plan and what roles police personnel will play when the plan is implemented. The Administrative Sergeant should ensure that all personnel receive periodic training on the Emergency Management Plan.

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

Kelso Police Department

Kelso PD Policy Manual

Emergency Management Plan

206.4 BUILDING EVACUATION PLAN

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

206.5 UPDATING OF MANUALS

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

206.6 TRAINING

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

Training

208.1 PURPOSE AND SCOPE

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

208.2 PHILOSOPHY

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

208.3 OBJECTIVES

The objectives of the Training Program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of department members.
- (c) Provide for continued professional development of department members.

208.4 TRAINING PLAN

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

- (a) All sworn members will successfully complete an annual in-service training program of no less than 24 hours that includes the training required by the CJTC (WAC 139-05-300).
 - 1. Successful completion of the CJTC's two-hour annual online crisis intervention course shall be included in the 24 hours (RCW 43.101.427).
- (b) All officers must complete a minimum of 40 hours of continuing de-escalation and mental health training every three years as provided in WAC 139-11-020 and WAC 139-11-060.
 - 1. This training may substitute the annual 24 hours in-service requirement under WAC 139-05-300 in the year the officer completes the 40-hour violence de-escalation training.
- (c) All sworn members will successfully complete an annual in-service training program on the department use of force and deadly force policies.
- (d) All sworn members will successfully complete in-service training on less-than-lethal weapons every two years.

Kelso Police Department

Kelso PD Policy Manual

Training

- (e) Full-time supervisors or managers will receive appropriate training and certification required by CJTC.
- (f) All sworn members will successfully complete the National Incident Management System (NIMS) introductory training course.
- (g) Members who will serve as school resource officers shall receive training for school resource officers (RCW 28A.400.345).
 - 1. Training shall include the subject requirements of the safety and security staff training program developed by the educational service districts and completed within the required timeframe (RCW 28A.310.515; RCW 28A.400.345).
 - 2. Review of applicable school district policies and procedures of duties and responsibilities of school resource officers (RCW 28A.320.124).
- (h) Any request for exemption, waiver, extension, or variance from any requirement of CJTC training must be made under WAC 139-03-030 and corresponding information be made available to the public in accordance with the Records Maintenance and Release Policy (WAC 139-11-030).

208.5 TRAINING NEEDS ASSESSMENT

The Training Section will conduct an annual training-needs assessment of the Department. The needs assessment will be reviewed by staff. Upon approval by the staff, the needs assessment will form the basis for the training plan for the fiscal year.

208.6 TRAINING DOCUMENTATION

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

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

208.7 TRAINING PROCEDURES

- (a) All employees assigned to attend training shall attend unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to:
 - 1. Court appearances
 - 2. First choice vacation
 - 3. Sick leave
 - 4. Physical limitations preventing the employee's participation.
 - 5. Emergency situations

Kelso Police Department

Kelso PD Policy Manual

Training

- (b) When an employee is unable to attend mandatory training, that employee shall:
1. Notify his/her supervisor as soon as possible, but no later than one hour prior to the start of training.
 2. Document his/her absence in a memorandum to his/her supervisor.
 3. Make arrangements through his/her supervisor and the Administrative Sergeant to attend an alternate date.

Electronic Mail

212.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the Department electronic email system by employees of this department. Email is a communication tool available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law (e.g., Washington Public Disclosure Act). Messages transmitted over the email system must only be those that involve official business activities or contain information essential to employees for the accomplishment of business-related tasks and/or communication directly related to the business, administration, or practices of the Department.

212.2 EMAIL RIGHT OF PRIVACY

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

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

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

212.3 PROHIBITED USE OF EMAIL

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

Email messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users 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 email, name and/or password by others.

212.4 EMAIL RECORD MANAGEMENT

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

Administrative Communications

214.1 PURPOSE AND SCOPE

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

214.2 MEMORANDUMS

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

214.3 CORRESPONDENCE

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

214.4 SURVEYS

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

Staffing Levels

216.1 PURPOSE AND SCOPE

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

216.2 MINIMUM STAFFING LEVELS

The minimum staffing level for the Kelso Police Department is a supervisor and two officers.

Nothing in this policy prohibits supervisors from contacting command staff to request authorization to call in additional officers if the need arises. In emergency situations, supervisors may call in staff without authorization but command staff notification must be made at the earliest opportunity.

216.2.1 SUPERVISION DEPLOYMENTS

A senior officer may be used as a field supervisor in place of a field sergeant.

Concealed Pistol License

218.1 PURPOSE AND SCOPE

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

218.2 QUALIFIED APPLICANTS

All applicants for a concealed pistol license shall qualify to receive such a license unless the applicant is ineligible for a license or to possess a pistol under any of the following conditions (RCW 9.41.070):

- (a) The applicant is ineligible or is prohibited to possess a firearm under the provisions of RCW 9.41.040, RCW 9.41.045 or federal law.
- (b) The applicant's concealed pistol license is in a revoked status.
- (c) The applicant is under twenty-one years of age.
- (d) The applicant is subject to a court order or injunction regarding firearms.
- (e) The applicant is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense.
- (f) The applicant has an outstanding warrant for his/her arrest from any court of competent jurisdiction for a felony or misdemeanor.
- (g) The applicant has been ordered to forfeit a firearm under RCW 9.41.098(1)(e) within one year before filing an application to carry a pistol concealed on his/her person.
- (h) The applicant has been convicted of a felony or is otherwise restricted from possessing a firearm unless the person has been granted relief from disabilities by the United States Attorney General under 18 USC § 925(c), or RCW 9.41.040(3) or (4) applies.

Non-immigrant aliens are not eligible for concealed pistol licenses. However, they may be eligible for an alien firearm license for the purposes of hunting and sport shooting, subject to certain eligibility requirements. Any non-immigrant alien who wishes to obtain an alien firearm license should be directed to apply to the sheriff in the county in which he/she resides (RCW 9.41.173).

218.3 APPLICATION PROCESS AND RENEWAL

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

The Chief of Police is required to check with the National Instant Criminal Background Check System, the Washington State Patrol (WSP) electronic database, the Department of Social

Kelso Police Department

Kelso PD Policy Manual

Concealed Pistol License

and Health Services electronic database, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or RCW 9.41.045, or is prohibited under federal law to possess a firearm and therefore ineligible for a concealed pistol license. This check applies for a new concealed pistol license or to renew a concealed pistol license.

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

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

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

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

218.3.1 REQUIRED WARNINGS

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

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

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

218.3.2 DOCUMENTATION AND FEES

The Chief of Police shall deliver the original license to the licensee, within seven days send the duplicate to the Director of Licensing, and shall preserve the triplicate or other form prescribed

Kelso Police Department

Kelso PD Policy Manual

Concealed Pistol License

by the Department of Licensing for six years after the license has expired, been voided or revoked, or as otherwise provided in the department's established records retention schedule (RCW 9.41.070(4)).

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

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

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

218.4 LICENSE RENEWAL

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

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

218.5 TEMPORARY EMERGENCY LICENSE

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

218.6 REVOCATION OF LICENSES

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

- (a) Discovery that the person was ineligible under RCW 9.41.070 for a concealed pistol license when applying for the license or license renewal.
- (b) Conviction of the licensee of an offense, or commitment of the licensee for mental health treatment, that makes a person ineligible under RCW 9.41.040 to possess a firearm.
- (c) Conviction of the licensee for a third violation of RCW Chapter 9.41 within five calendar years.

Kelso Police Department

Kelso PD Policy Manual

Concealed Pistol License

- (d) An order that the licensee forfeit a firearm under RCW 9.41.098(1)(d).
- (e) Upon notification from the Department of Licensing that the licensee has lost the licensee's right to possess a firearm as identified in RCW 9.41.047.
- (f) Receipt of an order to surrender and prohibit weapons or an extreme risk protection order, other than an ex parte temporary protection order, issued against the licensee.

218.6.1 INELIGIBILITY

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

218.6.2 FIREARM FORFEITURE

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

- (a) On the first forfeiture, revoke the license for one year.
- (b) On the second forfeiture, revoke the license for two years.
- (c) On the third or subsequent forfeiture, revoke the license for five years.

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

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

218.7 RECIPROCITY

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

- (a) The licensing state does not issue concealed pistol licenses to persons under twenty-one years of age, and
- (b) The licensing state requires mandatory fingerprint-based background checks of criminal and mental health history for all persons who apply for a concealed pistol license, and
- (c) The Chief of Police will honor such a license only while the license holder is not a resident of this state. A license holder from another state must carry the handgun in compliance with the laws of this state.

Kelso Police Department

Kelso PD Policy Manual

Concealed Pistol License

218.8 RESIDENCY

The Chief of Police may issue a license to an applicant if the applicant resides within this City.

218.9 CONFIDENTIAL RECORDS

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

218.10 SUSPENSION OF LICENSES

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

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

Retiree Concealed Firearms

220.1 PURPOSE AND SCOPE

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

220.2 POLICY

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

220.3 LEOSA

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

- (a) Separated from service in good standing from this department as an officer.
- (b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.
- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

220.3.1 LEOSA IDENTIFICATION CARD FORMAT

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

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

220.3.2 AUTHORIZATION

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

- (a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
 - 1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

Kelso Police Department

Kelso PD Policy Manual

Retiree Concealed Firearms

2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
 - (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
 - (c) Not prohibited by federal law from receiving a firearm.
 - (d) Not in a location prohibited by Washington law or by a private person or entity on his/her property if such prohibition is permitted by Washington law.

220.4 WASHINGTON IDENTIFICATION CARD

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

- (a) Has retired from this department.
- (b) Did not retire because of a mental or stress-related disability.
- (c) Has not been convicted or found not guilty by reason of insanity of a crime making him/her ineligible for a concealed pistol license.

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

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

220.5 FORMER OFFICER RESPONSIBILITIES

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

220.5.1 RESPONSIBILITIES UNDER LEOSA

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

- (a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.
- (b) Remain subject to all applicable department policies and federal, state and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

Kelso Police Department

Kelso PD Policy Manual

Retiree Concealed Firearms

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

220.6 FIREARM QUALIFICATIONS

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

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

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

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

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

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

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

Deadly force - The intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury (RCW 9A.16.010).

De-escalation tactics - Actions used by a peace officer that are intended to minimize the likelihood of the need to use force during an incident (RCW 10.120.010).

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

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

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

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

Kelso Police Department

Kelso PD Policy Manual

Use of Force

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

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

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

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

300.2 POLICY

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

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

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

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

300.2.1 DUTY TO INTERVENE AND REPORT

Any identifiable on-duty officer who witnesses another law enforcement officer engaging or attempting to engage in the use of excessive force against another person, that is clearly beyond that which is objectively reasonable under the circumstances, shall, when in a position to do so, intervene to end the use of excessive force or attempted use of excessive force or to prevent the further use of excessive force (RCW 10.93.190).

Any identifiable on-duty officer who witnesses any wrongdoing committed by another peace officer, or has a good faith reasonable belief that another peace officer committed wrongdoing, shall report such wrongdoing to a supervisor as soon as feasible (RCW 10.93.190).

Kelso Police Department

Kelso PD Policy Manual

Use of Force

Excessive force is defined as force that exceeds the force permitted by law or policy of the witnessing officer's agency.

Wrongdoing is defined as conduct that is contrary to law or contrary to the policies of the witnessing officer's agency, provided that the conduct is not de minimus or technical in nature.

300.2.2 PERSPECTIVE

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

300.2.3 ADDITIONAL STATE REQUIREMENTS ON THE DUTY TO INTERVENE AND REPORT

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

300.2.4 CRITICAL DECISION MAKING

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

- (a) Begin assessment and planning with available facts before arriving at the scene.
- (b) Request available resources, as needed, such as 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. When safe and feasible, officers should not unnecessarily jeopardize their own safety or the safety of others through tactical decisions that unreasonably place themselves or others at risk.

300.3 REASONABLE CARE

A peace officer shall use reasonable care when determining whether to use physical force or deadly force and when using any physical force or deadly force against another person. To that end, a peace officer shall:

- (a) When possible, use all available and appropriate de-escalation tactics prior to using any physical force, such as:

Kelso Police Department

Kelso PD Policy Manual

Use of Force

1. Creating physical distance by employing tactical repositioning and repositioning as often as necessary to maintain the benefit of time, distance, and cover;
 2. Make attempts to slow down or stabilize the situation so more time, options and resources are available to resolve the incident;
 3. When there are multiple officers, designating one officer to communicate in order to provide clear instruction, verbal persuasion and avoid competing commands;
 4. Calling for additional resources such as a crisis intervention team or mental health professional when possible;
 5. Calling for back-up officers when encountering resistance;
 6. Taking as much time as necessary, without using physical force or weapons; and
 7. Leaving the area if there is no threat of imminent harm and no crime has been committed, is being committed or is about to be committed.
- (b) When using physical force, use the least amount of physical 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 (RCW 10.120.020):
1. Is 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 available and appropriate less lethal alternatives before using deadly force; and
- (e) Make less lethal alternatives issued to the officer reasonably available for their use.

300.4 USE OF FORCE

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

Kelso Police Department

Kelso PD Policy Manual

Use of Force

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

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

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

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

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

300.4.1 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to (RCW 10.120.020):

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual displays signs of mental, behavioral, intellectual, developmental, or physical impairments or disabilities, including individuals who reasonably appear suicidal.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and the individual's ability to resist despite being restrained.

Kelso Police Department

Kelso PD Policy Manual

Use of Force

- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

300.4.2 PAIN COMPLIANCE TECHNIQUES

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

- (a) Whether the individual can comply with the direction or orders of the officer.
- (b) Whether the individual has been given sufficient opportunity to comply.

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

300.4.3 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and prevent the destruction of evidence when there is probable cause to make an arrest, effect an arrest, prevent escape or protect against an imminent threat of bodily injury to the officer, another person or the person against whom force is being used.

300.4.4 RESTRICTIONS ON RESPIRATORY RESTRAINTS

Officers of this department are not authorized to use respiratory restraints, also known as chokeholds or neck restraints, except to protect his or her life or the life of another from an imminent threat (RCW 10.120.020).

300.4.5 PERMISSIBLE USES OF FORCE

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

Kelso Police Department

Kelso PD Policy Manual

Use of Force

- (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 RCW 9A.76.
- (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.
- (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.

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

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

Kelso Police Department

Kelso PD Policy Manual

Use of Force

300.5 DEADLY FORCE APPLICATIONS

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

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

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

300.5.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks.

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

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

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

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

300.6 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report. This requirement also applies to members of this department who are present when another member of this department uses force.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

Kelso Police Department

Kelso PD Policy Manual

Use of Force

300.6.1 NOTIFICATIONS TO SUPERVISORS

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

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

300.6.2 NOTIFICATION TO INDIAN AFFAIRS

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

300.6.3 NOTIFICATION TO CRIMINAL JUSTICE TRAINING COMMISSION (CJTC)

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

300.6.4 REPORTING TO WASHINGTON STATEWIDE USE OF FORCE DATA PROGRAM

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

300.7 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or 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). Therefore, as soon as safe and feasible after handcuffing

Kelso Police Department

Kelso PD Policy Manual

Use of Force

or restraining a person taken to the ground, officers should roll individuals to their side, to a position that does not appear to interfere with the mechanism of normal breathing or to an alternative position at the individual's request unless doing so poses a substantial risk of safety to the individual, officers or others.

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

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

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

300.8 SUPERVISOR RESPONSIBILITY

- (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) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (d) Review each use of force by any personnel under his/her supervision to insure compliance with this policy and to address any training needs.
- (e) BWC video captured by employees who were present during any part of the event is collected, tagged and secured as soon as practical, but no later than the end of the employees' patrol shift.

300.9 TRAINING

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

Kelso Police Department

Kelso PD Policy Manual

Use of Force

Officers shall receive training and subsequent periodic training on (RCW 43.101.450; RCW 43.101.495; RCW 10.120.010; RCW 10.120.020):

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force and legal requirements.
- (c) Duty to intervene.

300.9.1 TRAINING REQUIREMENTS

Required annual training should include:

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

300.10 USE OF FORCE ANALYSIS

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

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

Deadly Force Review

302.1 PURPOSE AND SCOPE

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

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

302.2 POLICY

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

302.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

302.4 REVIEW BOARD

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

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

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

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

302.4.1 COMPOSITION OF THE BOARD

The Chief of Police or his designee should select five Use of Force Review Board members from the following, as appropriate:

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

Kelso Police Department

Kelso PD Policy Manual

Deadly Force Review

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

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

302.4.2 RESPONSIBILITIES OF THE BOARD

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

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

The board does not have the authority to recommend discipline.

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

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

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

The board shall make one of the following recommended findings:

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

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

The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Chief of Police's final findings will be

Kelso Police Department

Kelso PD Policy Manual

Deadly Force Review

forwarded to the involved employee's Division Commander for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

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

Handcuffing and Restraints

306.1 PURPOSE AND SCOPE

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

306.1.1 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.

306.2 POLICY

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

306.3 USE OF RESTRAINTS

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

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

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

Restrained persons shall be monitored while in law enforcement custody (Washington State Office of the Attorney General Model Use of Force Policy). Continuous monitoring is not necessary

Kelso Police Department

Kelso PD Policy Manual

Handcuffing and Restraints

in all custodial situations. However, members should take appropriate steps, based on the circumstances, to assess the level and frequency of monitoring required.

306.3.1 RESTRAINT OF DETAINEES

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

306.3.2 RESTRAINT OF PREGNANT PERSONS

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

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

306.3.3 RESTRAINT OF JUVENILES

A juvenile under 12 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.

306.3.4 NOTIFICATIONS

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

306.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

In most situations handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be 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 person or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Kelso Police Department

Kelso PD Policy Manual

Handcuffing and Restraints

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

306.5 APPLICATION OF SPIT GUARDS

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

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

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

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

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

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

306.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons, WRAP restraint system and other similar devices. Auxiliary restraint devices are intended

Kelso Police Department

Kelso PD Policy Manual

Handcuffing and Restraints

for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

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

306.6.1 APPLICATION OF THE WRAP SYSTEM

The WRAP restraint system is a temporary restraint manufactured by Safe Restraints, Inc. Used properly, it can increase officer safety, prisoner safety and reduce the risk of liability from injuries or in-custody death. The WRAP immobilizes the body and restricts one's ability to kick or intentionally harm oneself or others. The WRAP minimizes the time required to secure a person safely, restrains the subject in an upright position and has the subject safely prepared for transportation or movement.

Only qualified, trained personnel who have received training in the use of the WRAP system by Department-certified instructors should use this restraint device. The WRAP system can be applied by one officer, but for violent/combative subjects, additional certified officers trained in its use should be summoned. However, under exigent circumstances or when no other trained personnel are available, those who are qualified to use the WRAP system may direct untrained personnel in its application under their direct supervision.

Other than in a training environment, supervisory notification shall occur prior to, when feasible, or immediately after restraining anyone in the WRAP restraint system. Upon notification of use or intended use of the WRAP, supervisors should respond to the scene to insure compliance with the device's established safety precautions and this policy.

306.6.2 GUIDELINES FOR USE OF THE WRAP SYSTEM

The WRAP system may be used under the following situations, including, but not limited to:

- (a) When assaultive, violent or combative behavior is imminent.
- (b) To immobilize a violent or combative subject.
- (c) To limit violent/combative subjects from causing injury to themselves or others.
- (d) To prevent subjects from causing property damage, generally caused by punching or kicking.
- (e) When conventional methods of restraint are ineffective.

306.6.3 WRAP SAFETY PRECAUTIONS

1. The shoulder harness should never be tightened to the point where it interferes with a subject's ability to breathe.
2. The leg bands and shoulder harness must be checked routinely for tightness and adjusted as necessary until the WRAP system is removed.
3. If the restrained subject complains of or shows signs of respiratory distress, e.g., shortness of breath, unexpected calmness, change in facial color, etc., medical attention shall be summoned as soon as practicable.

Kelso Police Department

Kelso PD Policy Manual

Handcuffing and Restraints

4. Subjects restrained in the WRAP system should be continuously monitored.
5. Once a subject is properly restrained in the WRAP system, the subject should be placed on his/her side in a recovery position or in a seated position to reduce the potential for respiratory fatigue.
6. As with any restraint device, do not assume a subject cannot escape from the WRAP system.

306.6.4 TRANSPORTATION OF A SUBJECT WHILE RESTRAINED IN THE WRAP SYSTEM

Movement of a restrained subject can be accomplished in two ways depending on their cooperation. The restrained subject can either be carried or allowed to stand and shuffle step to the destination.

- (a) To carry the restrained subject, it is recommended between two and four personnel be used depending on the size and weight of the subject. Lift the subject under their arms and ankles. A "log lift" carrying technique may be used when moving the subject. Proper lifting techniques should be used to prevent injury.
- (b) As an alternative to lifting, the subject may move under their own momentum by means of a shuffle step. If the subject is cooperative, the lower WRAP leg band may be loosened to allow limited and controlled leg movement below the knees without compromising security or safety. By loosening the tether to the shoulder harness, the subject can be brought to a standing position with the help of officers then allowed to shuffle step to the destination. If this method is used, appropriate support must be provided to prevent injury from tripping and/or falling.

Prior to vehicle transport, re-check all belts on the WRAP to insure they are securely fastened. The use of a seatbelt is required to limit movement and reduce risk of injury to the subject.

306.6.5 DOCUMENTATION

Body Worn Cameras (BWC) shall be activated in accordance with Department policy and during any incident in which the WRAP system is being considered for use. Any time the WRAP restraint is used, a written report shall be prepared and include the following details:

- (a) The reason and/or justification for its use.
- (b) The amount of time the subject was restrained in the WRAP system.
- (c) The physical orientation or position of the subject during transportation.
- (d) Any notable physical and physiological observations of the subject.
- (e) Any uncharacteristic details of the application and/or removal of the WRAP.
- (f) Any known or suspected drug use or other medical problems.
- (g) Any injury suspected to have been caused prior to or during the use of the WRAP.

306.6.6 STORAGE AND RE-USE

The WRAP system must always be properly stored and ready for immediate use. Proper storage involves a practice that prevents its components from entanglement and allows the WRAP to be quickly laid out next to a subject to allow for application without confusion. The WRAP shall be

Kelso Police Department

Kelso PD Policy Manual

Handcuffing and Restraints

kept in the provided storage bag. The WRAP system components should be routinely inspected for signs of wear or damage prior to use and removed from service until repaired if not safe to use. If cleaning is necessary, a mild soapy solution and/or disinfectant may be used then air-dried thoroughly prior to storage.

306.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

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

306.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

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

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on the person's stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person shall be continually monitored by an officer while in the leg restraint (Washington State Office of the Attorney General Model Use of Force Policy). The officer should ensure that the person does not roll onto and remain on the person's stomach.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

Kelso Police Department

Kelso PD Policy Manual

Handcuffing and Restraints

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

306.8 REQUIRED DOCUMENTATION

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

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

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

- (a) The factors that led to the decision to use restraints.
- (b) The types of restraint used.
- (c) The amount of time the person was restrained.
- (d) How the person was transported and the position of the person during transport.
- (e) Observations of the person's behavior and any signs of physiological problems.
- (f) Any known or suspected drug use or other medical problems.

306.8.1 SCHOOL RESOURCE OFFICERS

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

306.9 TRAINING

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

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

306.10 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):

Kelso Police Department

Kelso PD Policy Manual

Handcuffing and Restraints

- (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/or move the person to an upright position that does not impede the mechanism of normal breathing.
 - 1. An exception is if the person is conscious and expresses a desire to be placed in a different position, the officers should consider placing the person in that position unless doing so poses a safety risk to the individual, officers or others, or the request is unreasonable.
- (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, all officers should consider themselves safety officers and 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, verbalizes they are okay and they appear to be well and speaking normally.
- (e) Do not transport a restrained person in a prone position.

Control Devices and Techniques

308.1 PURPOSE AND SCOPE

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

308.1.1 DEFINITIONS

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

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).

308.2 POLICY

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

308.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

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

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

308.4 RESPONSIBILITIES

308.4.1 SHIFT SERGEANT RESPONSIBILITIES

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

Kelso Police Department

Kelso PD Policy Manual

Control Devices and Techniques

308.4.2 RANGEMASTER RESPONSIBILITIES

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

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

308.4.3 USER RESPONSIBILITIES

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

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

308.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. 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 a holder it is designed for. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

308.6 OLEORESIN CAPSICUM GUIDELINES

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

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

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

Kelso Police Department

Kelso PD Policy Manual

Control Devices and Techniques

308.6.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in a holder it is designed for. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

308.6.2 TREATMENT FOR OC SPRAY EXPOSURE

At the earliest safe opportunity at a scene controlled by law enforcement, 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.

308.7 TEAR GAS GUIDELINES

Tear gas is defined as chloroacetophenone (CN), O-chlorobenzylidene malononitrile (CS), and any similar chemical irritant dispersed in the air for the purpose of producing temporary physical discomfort. Tear gas does not include oleoresin capsicum (OC).

Officers or other members are not authorized to use tear gas unless necessary to alleviate a present risk of serious harm posed by a (RCW 10.116.030):

- (a) Riot.
- (b) Barricaded subject.
- (c) Hostage situation.

Only the Shift Supervisor, Incident Commander, or Special Weapons and Tactics Team Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary, and other alternatives to the use of tear gas have been exhausted (RCW 10.116.030).

If tear gas is to be used outside a correctional, jail, or detention facility, authorization shall be obtained from the highest elected official of the jurisdiction in which the tear gas is to be used (RCW 10.116.030).

Prior to any use, an announcement shall be made of the intent to use tear gas. Sufficient time and space shall be allowed for compliance with the announcement (RCW 10.116.030).

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

308.8 POST-APPLICATION NOTICE

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

Kelso Police Department

Kelso PD Policy Manual

Control Devices and Techniques

Information regarding the method of notice and the individuals notified should be included in related reports.

308.9 KINETIC ENERGY PROJECTILE GUIDELINES

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles 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.

308.9.1 DEPLOYMENT AND USE

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

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

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

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

308.9.2 DEPLOYMENT CONSIDERATIONS

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

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

Kelso Police Department

Kelso PD Policy Manual

Control Devices and Techniques

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

An officer should target the buttocks, thigh, calf, and large muscle groups (Washington State Office of the Attorney General Model Use of Force Policy). Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. Officers should not use kinetic energy projectiles in the following circumstances unless the use of deadly force is justified (see the Use of Force Policy) (Washington State Office of the Attorney General Model Use of Force Policy):

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

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

308.9.3 SAFETY PROCEDURES

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

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

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

Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

308.10 TRAINING FOR CONTROL DEVICES

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

Kelso Police Department

Kelso PD Policy Manual

Control Devices and Techniques

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the officer's training file.
- (c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

308.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

308.12 TEAR GAS GUIDELINES

Tear gas is defined as chloroacetophenone (CN), O-chlorobenzylidene malononitrile (CS), and any similar chemical irritant dispersed in the air for the purpose of producing temporary physical discomfort. Tear gas does not include oleoresin capsicum (OC).

Officers or other members are not authorized to use tear gas unless necessary to alleviate a present risk of serious harm posed by a (RCW 10.116.030):

- (a) Riot.
- (b) Barricaded subject.
- (c) Hostage situation.

Only the Shift Sergeant, Incident Commander, or Special Weapons and Tactics Team Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary, and other alternatives to the use of tear gas have been exhausted (RCW 10.116.030).

If tear gas is to be used outside a correctional, jail, or detention facility, authorization shall be obtained from the highest elected official of the jurisdiction in which the tear gas is to be used (RCW 10.116.030).

Prior to any use, an announcement shall be made of the intent to use tear gas. Sufficient time and space shall be allowed for compliance with the announcement (RCW 10.116.030).

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

Conducted Energy Device

309.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of TASER (TM) devices.

309.1.1 DEFINITIONS

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

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

309.2 POLICY

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

309.3 ISSUANCE AND CARRYING TASER DEVICES

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

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

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

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

When carrying while in uniform, officers shall carry the TASER device on their weak side opposite their duty weapon.

- (a) All TASER devices shall maintain their factory dimensions to differentiate them from the duty weapon.
- (b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the TASER device.
- (c) Officers shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.
- (d) Officers should not hold both a firearm and the TASER device at the same time.

309.4 VERBAL AND VISUAL WARNINGS

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

Kelso Police Department

Kelso PD Policy Manual

Conducted Energy Device

- (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.

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

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

309.5 USE OF THE TASER DEVICE

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

309.5.1 APPLICATION OF THE TASER DEVICE

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

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

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

309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.

Kelso Police Department

Kelso PD Policy Manual

Conducted Energy Device

- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

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

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

309.5.3 TARGETING CONSIDERATIONS

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

309.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

Officers shall apply the TASER device for only one standard cycle of five seconds or less and then evaluate the situation before applying any subsequent cycles (Washington State Office of the Attorney General Model Use of Force Policy). Absent articulable circumstances, multiple applications of the TASER device against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

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

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

Multiple applications of the TASER device may 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 device clearly fails. An officer shall consider other options if the officer has used a TASER device three times against a person and the person continues to be a threat, as the TASER device may not be effective against that person (Washington State Office of the Attorney General Model Use of Force Policy).

Kelso Police Department

Kelso PD Policy Manual

Conducted Energy Device

309.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all TASER discharges. The TASER device serial number(s) should be documented in a police report. Any TASER probes recovered as evidence should be considered a "biohazard" if the probes come into contact with skin.

309.5.6 DANGEROUS ANIMALS

The TASER device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety.

309.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department TASER devices while off-duty.

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

309.6 DOCUMENTATION

An officer shall clearly articulate and document the justification for each individual application of the TASER device in the related arrest/crime report, including presenting it as a warning or activating the laser in anticipation of deployment. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges where no injury or damage occurs shall be immediately reported to a supervisor.

309.6.1 REPORTS

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

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

309.7 FORCE RESPONSE FORM

The Patrol Captain should periodically analyze the Force Response forms to identify trends, including deterrence and effectiveness. The Patrol Captain should also conduct audits of data downloads and reconcile Force Response forms with recorded activations. TASER device information and statistics, with identifying information removed, should periodically be made available to the public.

309.8 MEDICAL TREATMENT

At the earliest safe opportunity at a scene controlled by law enforcement, officers shall remove TASER device probes, unless probes are in a sensitive area, such as the head, breast, or groin. Probes in sensitive areas shall be removed by an emergency medical technician (EMT),

Kelso Police Department

Kelso PD Policy Manual

Conducted Energy Device

paramedic, or other health care professional (Washington State Office of the Attorney General Model Use of Force Policy). 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 impacted 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 by a certified EMS provider or medical staff at the corrections facility prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The TASER device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

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

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

309.10 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 review each incident where a person has been exposed to an activation of the TASER device. The device's onboard memory should be downloaded by a TASER instructor and saved with the force response form. Photographs of probe sites should be taken and witnesses interviewed.

309.10 TRAINING

Personnel who are authorized to carry the TASER device shall be permitted to do so only after successfully completing the initial department-approved training.

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

Kelso Police Department

Kelso PD Policy Manual

Conducted Energy Device

if deemed appropriate by a supervisor. All training and proficiency for TASER devices will be documented in the officer's training file.

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

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

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

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

The Rangemaster should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the TASER device.
- (h) A demonstration and verbal explanation of differences between the TASER device and firearm.

Officer-Involved Shootings and Deaths

310.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or as a result of other action of an officer.

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.

310.2 POLICY

The policy of the Kelso Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

310.3 TYPES OF INVESTIGATIONS

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

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's action.
- An administrative investigation as to policy compliance by involved officers.
- A civil investigation to determine potential liability.

310.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

310.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Kelso Police Department would control the investigation if the suspect's crime occurred in Kelso.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

310.4.2 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 employing agency's protocol. When an officer from this department is

Kelso Police Department

Kelso PD Policy Manual

Officer-Involved Shootings and Deaths

involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

310.4.3 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.

310.4.4 OFFICER/DEPUTY 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).

310.5 INVESTIGATION PROCESS

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

310.5.1 UNINVOLVED OFFICERS RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved Kelso Police 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.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.

310.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved KPD 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.
 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any KPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.

Kelso Police Department

Kelso PD Policy Manual

Officer-Involved Shootings and Deaths

1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
 2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Communications Center. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional KPD members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
1. Each involved KPD officer should be given an administrative order not to discuss the incident with other involved officers or KPD members pending further direction from a supervisor.
 2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

310.5.3 SHIFT SERGEANT RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Shift Sergeant shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or a Division Commander.

310.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Patrol Captain
- Outside agency investigators (if appropriate)
- Chaplain (if requested)
- Coroner (if necessary)
- The involved officer(s) agency representative

310.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
1. Involved KPD 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.

Kelso Police Department

Kelso PD Policy Manual

Officer-Involved Shootings and Deaths

2. Requests from involved non-KPD 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 KPD officer. A licensed psychotherapist may also be provided to any other affected KPD members, upon request.
 1. Interviews with a licensed psychotherapist will be considered privileged.
 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members 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.
 3. 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).

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 KPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Patrol Commander to make schedule adjustments to accommodate such leave.

310.6 CRIMINAL INVESTIGATION

The County Prosecutor's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

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) KPD supervisors should not participate directly in any voluntary interview of KPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

Kelso Police Department

Kelso PD Policy Manual

Officer-Involved Shootings and Deaths

- (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. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

310.6.1 REPORTS BY INVOLVED KPD OFFICERS

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

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

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

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

310.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting 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 his/her departure should be made whenever feasible.

Kelso Police Department

Kelso PD Policy Manual

Officer-Involved Shootings and Deaths

- (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.
 - 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) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

310.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Lower Columbia Major Crimes Task Force Commander to assign appropriate investigative personnel to handle the investigation.

310.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of involved KPD officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Patrol Commander and will be considered a confidential peace officer personnel file.

Interviews of members shall be subject to department policies and applicable laws.

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas 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 interviews.
- (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 select an uninvolved representative to be present during the interview. However, in order to maintain

Kelso Police Department

Kelso PD Policy Manual

Officer-Involved Shootings and Deaths

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 interviews should be recorded by the investigator. The officer may also record the interview.
4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her Garrity rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
5. The Patrol Commander shall complete all relevant information and reports necessary for the Department to determine compliance with applicable policies.
6. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

310.8 CIVIL LIABILITY RESPONSE

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the 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.

310.9 AUDIO AND VIDEO RECORDINGS

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

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with the approval of assigned investigators or a supervisor.

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney's Office, as appropriate.

310.10 DEBRIEFING

Following an officer-involved shooting or death, the Kelso Police Department should conduct both a critical incident/stress debriefing and a tactical debriefing.

310.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Patrol Commander is responsible for organizing the debriefing. Notes and recorded statements should not be taken

Kelso Police Department

Kelso PD Policy Manual

Officer-Involved Shootings and Deaths

because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

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 shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., dispatcher, other non-sworn). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department.

310.10.2 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

Firearms

312.1 PURPOSE AND SCOPE

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

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

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

312.2 POLICY

The Kelso Police Department will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow. The intent of this policy is to promote the highest level of firearm safety on- and off-duty.

312.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Rangemaster.

All other weapons not provided by the Department may not be carried by members in the performance of their official duties without the express written authorization of the Chief of Police including, but not limited to:

- (a) Edged weapons.
- (b) Chemical or electronic weapons.
- (c) Impact weapons.
- (d) Any weapon prohibited, or restricted by law, or that is not covered elsewhere by department policy.

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

312.3.1 DUTY HANDGUNS

The authorized department-issued handgun is determined by the Chief of Police and is a Glock 21SF.45ACP or Glock 45MOS 9mm. Officers serving in a non-uniformed capacity may opt to carry a department-issued compact Glock model of .45ACP or 9mm caliber.

Any exception to the authorized department-issued duty handgun must be approved by the Chief of Police prior to use.

312.3.2 SHOTGUNS

The authorized department-issued shotgun is determined by the Chief of Police.

Kelso Police Department

Kelso PD Policy Manual

Firearms

When not deployed, the shotgun shall be properly secured in a locking weapons rack or secure storage vault inside the vehicle with the magazine loaded, the action closed on an empty chamber, the trigger pulled to release the hammer and the safety in the safe position.

312.3.3 PATROL RIFLES

The authorized department-issued patrol rifle is determined by the Chief of Police.

Officers shall not carry or utilize a patrol rifle unless they have successfully completed department training and passed a rifle qualification. Thereafter, officers shall successfully complete rifle training and qualification at least annually.

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

- (a) Situations where the member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured in a locking weapons rack or secure storage vault inside the patrol vehicle with the chamber empty, magazine loaded and inserted into the magazine well, and the bolt forward.

Absent traveling to, attending or returning from a department-approved training event or emergency, department-issued rifles shall not be in an employee's possession off premise while in an off-duty capacity without express permission from the Chief of Police or his/her designee.

312.3.4 AUTHORIZED SECONDARY HANDGUN

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

- (a) The handgun shall be in good working order and approved by the Rangemaster.
- (b) Only one secondary handgun may be carried at a time.
- (c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.
- (d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

Kelso Police Department

Kelso PD Policy Manual

Firearms

- (e) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (f) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.
- (g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency, safe handling and that the handgun functions properly.
- (h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.
- (i) Members, while attending a plain-clothes work-related training event or other work-related event outside a normally-scheduled work day where there is no expectation of carrying out official law enforcement duties, may carry their personally-owned secondary firearm in-lieu of their department-issued duty firearm.

312.3.5 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty may be rescinded by the Chief of Police should circumstances dictate (e.g., administrative leave).

Members who choose to carry a personally-owned or department-issued firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

- (a) The firearm shall be used, carried and inspected in accordance with this policy.
- (b) The firearm should be carried concealed and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (c) When armed, officers shall carry Kelso Police Department identification cards.

312.3.6 AMMUNITION

Members shall carry only department-authorized ammunition. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster.

312.4 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally-owned firearms are the responsibility of the individual member.

312.4.1 REPAIRS OR MODIFICATIONS

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

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

Kelso Police Department

Kelso PD Policy Manual

Firearms

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

312.4.2 HOLSTERS

Only department-approved holsters shall be used and worn by members. Personnel assigned to uniformed patrol shall wear their holster mounted to their duty belt, not secured by any style of leg strap. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun. Any deviation from this section must be approved by the Chief of Police.

312.4.3 TACTICAL LIGHTS

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

312.4.4 OPTICS OR LASER SIGHTS

A firearm optic may be issued by the Department for use on a Department-issued firearm. A duty handgun with an installed optic may only be used on-duty after successful completion of a red-dot handgun optic course provided by a certified firearms instructor who possesses certification for red-dot sight instruction. Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to insure proper functionality and sighting of the firearm prior to carrying it.

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

312.5 SAFE HANDLING, INSPECTION AND STORAGE

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

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded using clearing barrels.
- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail

Kelso Police Department

Kelso PD Policy Manual

Firearms

section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.

- (f) Members shall not use any heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried and shall be promptly presented to the Rangemaster or Firearms Instructor for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

312.5.1 INSPECTION AND STORAGE

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

All firearms must be secured in lockers or the armory at the completion of the shift. Handguns may remain loaded if they are secured in an appropriate holster and locked in a secure location. Shotguns and rifles shall be unloaded in a safe manner then stored in the armory.

312.5.2 STORAGE AT HOME

Members shall insure that all department-issued firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil liability.

312.5.3 ALCOHOL AND DRUGS

A member of the Kelso Police Department may not carry a department-issued firearm or a personally-owned firearm under the authority of the Kelso Police Department while under the influence of any intoxicating liquor or drug. This does not apply to personally-owned firearms when the member is either carrying openly as any civilian member of the public or carrying concealed with a concealed pistol license.

312.6 FIREARMS TRAINING AND QUALIFICATIONS

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

Kelso Police Department

Kelso PD Policy Manual

Firearms

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

All firearms shall be thoroughly cleaned and properly lubricated prior to returning them to service. All firearms and ammunition authorized for use by this department are subject to inspection by a supervisor or Rangemaster at any time.

312.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

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

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

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
 - 1. Unauthorized range make-up.
 - 2. Failure to meet minimum standards or qualify after remedial training.

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

312.7 DUTY FIREARM DISCHARGE

Except during training or in the official capacity of active duty, any member who discharges a department-issued firearm or personally-owned secondary firearm while being carried on-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy.

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

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Division Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

Kelso Police Department

Kelso PD Policy Manual

Firearms

312.7.1 DESTRUCTION OF ANIMALS

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

312.7.2 INJURED ANIMALS

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

312.7.3 WARNING SHOTS

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

312.8 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Administrative Sergeant after each range date.

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

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

The Rangemaster shall complete and submit to the Administrative Sergeant documentation of the training courses provided.

312.9 FLYING WHILE ARMED

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

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their Kelso Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also

Kelso Police Department

Kelso PD Policy Manual

Firearms

carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).

- (c) The Kelso Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Kelso Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

312.10 CARRYING FIREARMS OUT OF STATE

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

- (a) The officer shall carry his/her Kelso Police Department identification card whenever carrying such firearm.
- (b) The officer is not the subject of any current disciplinary action.
- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property,

Kelso Police Department

Kelso PD Policy Manual

Firearms

installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

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

Vehicle Pursuits

314.1 PURPOSE AND SCOPE

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

314.1.1 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.

Pursuit Intervention Technique (PIT) - A low-speed maneuver designed to cause the suspect vehicle to spin out, stall, and come to a stop.

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.

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.

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. (Chapter 320 § 7, 2021 Laws).

314.2 POLICY

It is the policy of this department to weigh the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

314.2.1 WHEN TO INITIATE A PURSUIT

Only full-time, commissioned Kelso Police Officers are authorized to engage in pursuits.

Kelso Police Department

Kelso PD Policy Manual

Vehicle Pursuits

It is the policy of the Kelso Police Department that pursuits are permissible only when the need for immediate capture outweighs the danger created by the pursuit. The circumstances justifying the decision to pursue must exist at the time the pursuit is initiated.

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

1. Reasonable suspicion exists to believe a person has violated the law.
2. The pursuit is necessary for the purpose of identifying or apprehending the suspect.
3. The suspect poses a threat to the safety of others and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the vehicle pursuit itself.

The suspected crime of eluding will not, without additional circumstances, justify a pursuit. Pursuits for traffic infractions, misdemeanors, gross misdemeanors and most property crimes alone, are to be avoided and are discouraged; an infraction or criminal act will not, by itself, constitute justification for a pursuit, barring extraordinary circumstances. Examples of extraordinary circumstances include, but are not limited to: Display of a weapon or any situation where the suspect creates a clear and imminent danger to others. The extraordinary circumstances must be known prior to the initiation of a pursuit.

Officers or supervisors will not be criticized or disciplined for declining to initiate a pursuit or deciding to terminate a pursuit:

The following factors individually and collectively shall be considered when deciding to continue a pursuit:

- (a) Seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) 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.
- (c) The identity of the suspect(s) has been verified and there is comparatively minimal risk in allowing the suspect(s) to be apprehended at a later time.
- (d) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic and the speed of the pursuit relative to these factors.
- (e) Pursuing officer(s) familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (f) Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect.
- (g) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.

Kelso Police Department

Kelso PD Policy Manual

Vehicle Pursuits

- (h) Vehicle speeds.
- (i) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (j) Availability of other resources such as air support.
- (k) The police unit is carrying passengers other than police officers. Pursuits should not be undertaken with a prisoner(s) or other civilians in the police vehicle.

314.3 OFFICER RESPONSIBILITIES

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.

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) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.
- (b) Exceed the speed limit.
- (c) Disregard regulations governing parking, direction of movement or turning in specified directions.

314.3.1 MOTORCYCLE OFFICERS

A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a police motorcycle as primary and/or secondary pursuit unit as soon as practical.

314.3.2 WHEN TO TERMINATE A PURSUIT

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 when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit.

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.

Kelso Police Department

Kelso PD Policy Manual

Vehicle Pursuits

- (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.

314.3.3 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) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) Whether weather, traffic, and road conditions unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (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.
- (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) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., minors, passengers, co-offenders, hostages).
- (k) The availability of other resources, such as air support assistance.

Kelso Police Department

Kelso PD Policy Manual

Vehicle Pursuits

- (l) 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.

314.4 PURSUIT VEHICLES

When involved in a pursuit, unmarked police department emergency vehicles should be replaced by marked emergency vehicles whenever practicable.

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, resume the appropriate response to the pursuit termination point while adhering to Policy 316 - Officer Response to Calls.

314.4.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

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.

314.4.2 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES

The initial pursuing officer will be designated as the primary pursuit vehicle and will be responsible for the conduct of the pursuit unless he/she 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 him/herself or others.

The primary pursuing officer should 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 and estimated speed 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.
- (d) The use of firearms, threat of force, violence, injuries, hostages or other unusual hazards.
- (e) The number of occupants and identity or description.

Kelso Police Department

Kelso PD Policy Manual

Vehicle Pursuits

- (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.

314.4.3 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES

The second officer in the pursuit will be designated as the secondary pursuit vehicle and is responsible for:

- (a) Immediately notifying the dispatcher of his/her 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.

314.5 PURSUIT DRIVING

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:
 1. 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.
 2. 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:

Kelso Police Department

Kelso PD Policy Manual

Vehicle Pursuits

1. Request assistance from available air support.
 2. Maintain visual contact with the pursued vehicle by paralleling the vehicle while driving on the correct side of the roadway.
 3. 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.

314.5.1 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.

314.5.2 OFFICERS NOT INVOLVED IN THE PURSUIT

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.

If additional assistance is requested at the pursuit termination point, officers should respond appropriately while adhering to Policy 316 - Officer Response to Calls.

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.

314.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department (Chapter 320 § 7, 2021 Laws).

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

- (a) Immediately notifying involved officers and the dispatcher 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.

Kelso Police Department

Kelso PD Policy Manual

Vehicle Pursuits

- (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 his/her 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 Shift Sergeant 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.
- (j) Controlling and managing Kelso Police Department officers when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit as required.

314.7 THE COMMUNICATIONS CENTER

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

314.7.1 RESPONSIBILITIES

Upon notification or becoming aware that a pursuit has been initiated, the dispatcher is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved officers.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Shift Sergeant as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

314.8 LOSS OF PURSUED VEHICLE

When a 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.

Kelso Police Department

Kelso PD Policy Manual

Vehicle Pursuits

314.9 INTERJURISDICTIONAL CONSIDERATIONS

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.

314.9.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Kelso Police Department is requested by the agency 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.

314.9.2 PURSUITS EXTENDING INTO THIS JURISDICTION

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 the supervisor. An officer from this department may, with supervisory approval, join the pursuit to provide assistance only if the circumstances that initiated the pursuit meet the criteria above defined in section 314.2.1 (When to Initiate a Pursuit).

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of the Kelso 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.

Kelso Police Department

Kelso PD Policy Manual

Vehicle Pursuits

As soon as practicable, the supervisor should review a request for assistance from another agency. The 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 City 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.

314.10 PURSUIT INTERVENTION

Pursuit intervention is an attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking or vehicle intercept, boxing-in, the PIT, ramming or roadblock procedures.

314.10.1 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 intervention tactics, officers/supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With 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.

314.10.2 INTERVENTION STANDARDS

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public, or anyone in or on the vehicle being pursued. 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.

- (a) 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:
 1. 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.
 2. All other reasonable intervention tactics have failed or reasonably appear ineffective.

Kelso Police Department

Kelso PD Policy Manual

Vehicle Pursuits

3. Employing the blocking or vehicle intercept maneuver does not unreasonably increase the risk of danger to those involved or the public.
 4. The suspect vehicle is stopped or traveling at a low speed.
 5. Only law enforcement vehicles should be used in this tactic.
- (b) The PIT is limited to use by properly trained officers 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.
- (c) 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 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:
1. The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.
 2. 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.
- (d) 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.
- (e) 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.
- (f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is 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

Kelso Police Department

Kelso PD Policy Manual

Vehicle Pursuits

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.

314.10.3 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

314.11 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.

314.12 REPORTING REQUIREMENTS

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 supervisor's log or interoffice memorandum, briefly summarizing the pursuit to the Chief of Police or the authorized designee. This log or memorandum should include, at a minimum:
 1. Date and time of the pursuit.
 2. Initial reason and circumstances surrounding the pursuit.
 3. Length of pursuit in distance and time, including the starting and termination points.
 4. Involved vehicles and officers.
 5. Alleged offenses.
 6. 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.

Kelso Police Department

Kelso PD Policy Manual

Vehicle Pursuits

7. Arrestee information, if applicable.
 8. Any injuries and/or medical treatment.
 9. Any property or equipment damage.
 10. Name of supervisor at the scene or who handled the incident.
 11. 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, logs and other pertinent information, the Chief of Police or the authorized designee shall conduct or assign the completion of a 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 and training needs.

314.13 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.

314.14 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.

314.15 POLICY REVIEW

Officers of this department shall certify in writing that they have received, read and understand this policy initially, upon any amendments and whenever training on the policy is provided.

Officer Response to Calls

316.1 PURPOSE AND SCOPE

This policy provides officers with guidelines for the safe and appropriate vehicular response to emergency and non-emergency incidents or requests for assistance, whether these are dispatched or self-initiated.

316.2 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.

316.2.1 CODE 1 RESPONSE

When responding "Code 1", officers shall operate their police vehicles in accordance with all rules of the road. This includes obeying all posted speed and regulatory signs/signals.

316.2.2 CODE 2 RESPONSE

Officers responding to a "Code 2" call for service will be required to operate their police vehicle with emergency lights on. This response may include exceeding the posted speed limit but does not relieve the officer of the duty to continue to drive with due regard for the safety of all persons. A "Code 2" response may be used instead of "Code 3" when a "silent" approach is necessary. This includes, but is not limited to alarm calls where a siren may alert suspects to officers approach.

316.2.3 CODE 3 RESPONSE

Officers responding to "Code 3" emergency events will use both emergency lights and audible signals as required under RCW 46.61.035.

316.3 RESPONSE TO CALLS

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.

316.4 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

Kelso Police Department

Kelso PD Policy Manual

Officer Response to Calls

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

316.5 SAFETY CONSIDERATIONS

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

316.6 OFFICER RESPONSIBILITIES

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

Upon receiving authorization or determining that an emergency response is appropriate, whenever practicable, an officer should immediately give the location from which he/she is responding.

The first officer arriving at the emergency call should determine whether to increase or reduce the level of the response of additional officers and shall notify the dispatcher of his/her determination. Any subsequent change in the appropriate response level should be communicated to the dispatcher by the officer in charge of the scene unless a supervisor assumes this responsibility.

316.7 FAILURE OF EMERGENCY EQUIPMENT

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

316.8 SUPERVISOR RESPONSIBILITIES

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

- (a) The proper response has been initiated.
- (b) No more than those officers reasonably necessary under the circumstances are involved in the response.

Kelso Police Department

Kelso PD Policy Manual

Officer Response to Calls

(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 Shift Sergeant or the field supervisor should consider:

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

Domestic Violence

320.1 PURPOSE AND SCOPE

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

320.1.1 DEFINITIONS

Definitions related to this policy include:

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

Domestic violence - Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault, coercive control, unlawful harassment, or stalking of one intimate partner by another intimate partner or of one family or household member by another family or household member (RCW 10.99.020; RCW 7.105.010).

320.2 POLICY

The Kelso Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

320.3 OFFICER SAFETY

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

320.4 INVESTIGATIONS

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

- (a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.

Kelso Police Department

Kelso PD Policy Manual

Domestic Violence

- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Detective Unit in the event that the injuries later become visible.
- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.
 - 1. Officers who have probable cause that a crime has been committed shall lawfully seize all firearms and ammunition that they reasonably believe were used or threatened to be used in the commission of the offense. Officers shall also seize all firearms in plain sight or discovered in a lawful search. Officers shall request consent to take temporary custody of any other firearms and ammunition that the alleged suspect may have access to (RCW 10.99.030).
 - 2. Officers shall separate the victim and inquire whether there are any firearms or ammunition in the home, whether the suspect has access to any firearms either on the premises or stored elsewhere, whether the suspect has a concealed pistol license, and whether a firearm has ever been used by the suspect under other circumstances that could be threatening or coercive (RCW 10.99.030).
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 - 1. Whether the suspect lives on the premises with the victim.
 - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 3. The potential financial or child custody consequences of arrest.

Kelso Police Department

Kelso PD Policy Manual

Domestic Violence

4. The physical or emotional state of either party.
 5. Use of drugs or alcohol by either party.
 6. Denial that the abuse occurred where evidence indicates otherwise.
 7. A request by the victim not to arrest the suspect.
 8. Location of the incident (public/private).
 9. Speculation that the complainant may not follow through with the prosecution.
 10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
 11. The social status, community status, or professional position of the victim or suspect.
- (k) Unless doing so would jeopardize the criminal investigation, the victim should be apprised of investigative plans such as when the suspect or witnesses are going to be interviewed and any plans for making an arrest.

320.4.1 HOSPITALIZED VICTIM

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

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

320.4.2 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

320.4.3 IF NO ARREST IS MADE

If no arrest is made, the officer should:

- (a) Advise the parties of any options, including but not limited to:
 1. Voluntary separation of the parties.
 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
- (b) Document the resolution in a report.

Kelso Police Department

Kelso PD Policy Manual

Domestic Violence

320.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Officers should:

- (a) Recognize that a victim's behavior and actions may be affected.
- (b) Provide the victim with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.
- (c) Alert the victim to any available victim advocates, shelters, and community resources.
- (d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
- (e) Seek medical assistance as soon as practicable for the victim if the victim has sustained injury or complains of pain.
- (f) Ask the victim whether the victim has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a safety concern or if the officer determines that a need exists.
- (g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (h) Seek or assist the victim in obtaining an emergency order if appropriate (RCW 10.99.040).

320.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

320.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

320.7.1 CANADIAN COURT ORDERS

Any foreign court order properly issued in Canada shall be enforced by an officer as a foreign court order above. Any notice, if required, should be made in compliance with RCW 26.55.020.

320.8 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

Kelso Police Department

Kelso PD Policy Manual

Domestic Violence

violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms, and efforts to respond to the order.
- (b) Check available records or databases that may show the status or conditions of the order.
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

320.9 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

- (a) The primary duty of officers when responding to a domestic violence situation is to enforce the laws allegedly violated and to protect the complaining party (RCW 10.99.030(1)).
- (b) When an officer responds to a domestic violence call and has probable cause to believe that a crime has been committed, he/she shall make an arrest pursuant to the criteria in RCW 10.31.100 and RCW 10.99.030(2)(a).
- (c) When an officer has confirmed that a valid court order exists and has probable cause to believe the defendant has violated that order, the officer shall make a physical arrest (RCW 10.99.055; RCW 10.31.100(2)). Whenever a member of this department serves or assists in serving a court order and that service is completed, a return of service form shall be completed and submitted to the Washington Crime Information Center (WACIC).

320.10 ENTRY OF COURT ORDERS

The Records Supervisor shall ensure that orders received from the court are entered into the WACIC or other applicable criminal intelligence information system for one year or until the expiration date specified on the order (RCW 10.99.040; RCW 10.99.050).

320.11 SERVICE OF COURT ORDERS

The officer serving a protection order, no-contact order, or restraining order that includes an order to surrender all firearms, dangerous weapons, and a concealed pistol license under RCW 9.41.800 shall (RCW 9.41.801):

- (a) Advise the subject that the order is effective upon service.
- (b) Request that any firearms, dangerous weapons, and any concealed pistol license be immediately surrendered. Officers shall take possession of any firearms discovered in plain view, lawful search, or consent from the subject.

Kelso Police Department

Kelso PD Policy Manual

Domestic Violence

1. If the subject indicates by word or action that he/she will not comply with a request to surrender firearms, dangerous weapons, or a concealed pistol license, consideration should be given to obtaining a search warrant for seizure.
- (c) Issue a receipt for any surrendered items.
1. The officer should ensure the original receipt is forwarded to the Records Supervisor as soon as practicable for filing with the court.

All firearms and weapons collected shall be handled and booked in accordance with the Property and Evidence Policy.

320.11.1 ELECTRONIC SERVICE OF COURT ORDERS

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

Search and Seizure

322.1 PURPOSE AND SCOPE

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

322.2 POLICY

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

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

322.3 SEARCHES

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

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

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

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

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

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

322.3.1 RESTRICTIONS ON CELL SITE SIMULATOR USE

A member may only install or use a pen register, trap and trace device, or cell site simulator device with a supporting court order or when there is both coordination with a prosecuting attorney

Kelso Police Department

Kelso PD Policy Manual

Search and Seizure

and joint determination of probable cause to believe an emergency situation exists that involves immediate danger of death or serious bodily injury to a person. A court order must be obtained within 48 hours after installation of the pen register, trap and trace device, or cell site simulator device when an emergency situation exists (RCW 9.73.260).

322.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
 1. Another officer or a supervisor should witness the search.
 2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

322.5 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- 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.

Temporary Custody of Juveniles

324.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Kelso Police Department (34 USC § 11133).

324.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent or alien juvenile who may be legally held for his/her own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection, or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person.

Juvenile offender - A juvenile 17 years of age or younger who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) or a juvenile who has violated RCW 9.41.040(2)(a) by possessing a handgun (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of an officer or other custody employee at all times and is not placed in a locked room, cell or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

Place of Detention - A fixed location under the control of a law enforcement agency where individuals are questioned about alleged crimes or status offenses. The term includes a jail, police or sheriff's station, holding cell, correctional or detention facility, police vehicle, and, in the case of juveniles, schools.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.
- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when an unsecure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

Kelso Police Department

Kelso PD Policy Manual

Temporary Custody of Juveniles

- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, or truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

324.2 POLICY

The Kelso 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 Kelso Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

324.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Kelso Police Department:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated
- (e) Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation.

These juveniles should not be held at the Kelso Police Department unless they have been evaluated by a qualified medical and/or mental health professional.

If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release or a transfer is completed.

324.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Kelso Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile who is suspected of being a victim.

Kelso Police Department

Kelso PD Policy Manual

Temporary Custody of Juveniles

No juvenile should be held in temporary custody at the Kelso Police Department without authorization of the arresting officer's supervisor or the Shift Sergeant. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent, legal guardian, or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the Department (34 USC § 11133; RCW 13.04.116(b)).

324.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Kelso Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

324.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133; RCW 43.185C.260).

324.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Kelso Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, juvenile offenders may be taken into custody under the following circumstances (RCW 13.40.040(1)):

- (a) Pursuant to a court order.
- (b) Without a court order, by an officer if grounds exist for the arrest of an adult in identical circumstances.
- (c) When his/her parole has been suspended.

324.4.4 LIMITATIONS ON RELEASE OF JUVENILE OFFENDERS

Juveniles should be referred to the appropriate juvenile authority and not released to a parent or guardian when there is probable cause to believe the juvenile (RCW 13.40.040(2)):

- (a) Will likely fail to appear for further proceedings.
- (b) Needs protection from him/herself.
- (c) Is a threat to community safety.
- (d) Will intimidate witnesses or otherwise unlawfully interfere with the administration of justice.

Kelso Police Department

Kelso PD Policy Manual

Temporary Custody of Juveniles

- (e) Has committed a crime while another case was pending.
- (f) Is a fugitive from justice.
- (g) Has had his/her parole suspended or modified.
- (h) Is a material witness.

324.5 ADVISEMENTS

When a juvenile offender is taken into custody, the officer should, as soon as practicable, notify the juvenile's parent, guardian, or a responsible relative that the juvenile is in custody.

Juveniles taken into custody should be advised the reason for the custody (RCW 43.185C.265).

324.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

- (a) Identifying information about the juvenile being held.
- (b) Date and time of arrival and release from the Kelso Police Department.
- (c) Shift Sergeant notification and approval to temporarily hold the juvenile.
- (d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.
- (e) Any changes in status.
- (f) Time of all welfare checks.
- (g) Any medical and other screening requested and completed.
- (h) Circumstances that justify any secure custody.
- (i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

324.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Kelso Police Department shall maintain a constant, immediate presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

324.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Kelso Police Department shall ensure the following:

Kelso Police Department

Kelso PD Policy Manual

Temporary Custody of Juveniles

- (a) The Shift Sergeant should be notified if it is anticipated that a juvenile may need to remain at the Kelso Police Department more than four hours. This will enable the Shift Sergeant to ensure no juvenile is held at the Kelso Police Department more than six hours.
- (b) Welfare checks and significant incidents/activities are noted on the log.
- (c) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (d) A member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (e) There is reasonable access to toilets and wash basins.
- (f) There is reasonable access to a drinking fountain or water.
- (g) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.
- (h) There are reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (i) There is privacy during family, guardian, and/or attorney visits.
- (j) Juveniles are generally permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (k) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (l) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.
- (m) Adequate furnishings are available, including suitable chairs or benches.
- (n) Juveniles shall have the right to the same number of telephone calls as an adult in custody (see the Temporary Custody of Adults Policy).
- (o) Discipline is not administered to any juvenile, nor will juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse.

324.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Kelso Police Department when the juvenile presents

Kelso Police Department

Kelso PD Policy Manual

Temporary Custody of Juveniles

a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Shift Sergeant. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse.

324.9.1 PREGNANT JUVENILES

Juveniles who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

324.10 PERSONAL PROPERTY

The personal property of a juvenile shall be processed in the same manner as an adult in temporary custody (see the Temporary Custody of Adults Policy).

324.11 SECURE CUSTODY

Only juvenile offenders 14 years and older may be placed in secure custody. Shift Sergeant approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others.

Members of this department should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

When practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody, rather than the use of a locked enclosure. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object.

Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

324.11.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

- (a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.
- (b) Juveniles shall have constant auditory access to department members.

Kelso Police Department

Kelso PD Policy Manual

Temporary Custody of Juveniles

- (c) Initial placement into and removal from a locked enclosure shall be logged.
- (d) Random personal visual checks of the juvenile by a staff member, no less than every 15 minutes, shall occur.
 - 1. All checks shall be logged.
 - 2. The check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
 - 3. Requests or concerns of the juvenile should be logged.
- (e) Males and females shall not be placed in the same locked room.
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

324.12 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

The Patrol Division Commander will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the Kelso Police Department. The procedures will address:

- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification of the on-duty supervisor, Chief of Police and Detective Unit supervisor.
- (c) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.
- (d) Notification of the appropriate prosecutor.
- (e) Notification of the City Attorney.
- (f) Notification of the Coroner.
- (g) Notification of the juvenile court.
- (h) Evidence preservation.

324.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent, to an interview or interrogation.

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

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

Kelso Police Department

Kelso PD Policy Manual

Temporary Custody of Juveniles

- (d) The questions are limited to what is reasonably expected to obtain the information necessary to protect an individual's life from an imminent threat.

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

324.13.1 RECORDING OF INTERVIEWS OR INTERROGATIONS

Interrogations or interviews of juvenile suspects shall be recorded when conducted at a place of detention (RCW 10.122.020; RCW 10.122.030).

324.14 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

A juvenile offender may be photographed and fingerprinted as provided by RCW 43.43.735.

324.15 RELEASE OF INFORMATION CONCERNING JUVENILES

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Officers of this department shall not divulge any information regarding juveniles in situations where they are uncertain of the legal authority to do so.

324.16 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

Adult Abuse

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others.

326.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

326.2 POLICY

The Kelso Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

326.3 MANDATORY NOTIFICATION

Members of the Kelso Police Department shall notify the Washington State Department of Social and Health Services (DSHS) when there is reasonable cause to believe that abandonment, abuse, financial exploitation or neglect of a vulnerable adult has occurred. Members shall also notify DSHS when there is reason to suspect sexual assault or physical assault or reasonable cause to believe that an act has caused fear of imminent harm. The medical examiner or coroner shall also be notified when there is reason to suspect that the death of a vulnerable adult was caused by abuse, neglect or abandonment by another person (RCW 74.34.035).

For purposes of notification (RCW 74.34.020):

- Abandonment is action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the person without the means or ability to obtain necessary food, clothing, shelter or health care.
- Abuse is willful action or inaction that inflicts injury, unreasonable confinement or restraint, sexual abuse, physical abuse, financial exploitation, mental abuse, intimidation or punishment as provided.
- A vulnerable adult is a person who is:
 - (a) 60 years or older who has the functional, mental or physical inability to care for himself/herself.
 - (b) Is found by the superior court to be incapacitated under RCW 11.88.005 et seq.
 - (c) Has a developmental disability as defined under RCW 71A.10.020.
 - (d) Is admitted to any facility as defined in RCW 74.34.020 (assisted living facility, nursing home or other facility licensed by DSHS).
 - (e) Is receiving services from an individual provider or licensed home health, hospice or home care agency.

Kelso Police Department

Kelso PD Policy Manual

Adult Abuse

- (f) Self-directs his/her own care and receives services from a personal aide under RCW 74.39.001 et seq.

326.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (RCW 74.34.035):

- (a) All notification to DSHS shall be made immediately or as soon as practicable by telephone
- (b) Information provided shall include, if known:
 1. The name and address of the person making the report.
 2. The name and address of the vulnerable adult.
 3. The name and address of the facility or agency providing care for the vulnerable adult.
 4. The name and address of the legal guardian or alternate decision maker.
 5. The nature and extent of the abandonment, abuse, financial exploitation, neglect or self-neglect.
 6. Any history of previous abandonment, abuse, financial exploitation, neglect or self-neglect.
 7. The identity of the alleged perpetrator, if known.
 8. Any other information that may be helpful in establishing the extent of abandonment, abuse, financial exploitation, neglect or the cause of death of the deceased vulnerable adult.

326.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to adult abuse investigations.
- (c) 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.

326.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated. If the investigation reveals that a crime may have been committed, the City prosecutor shall be provided a written report of the incident (RCW 74.34.063(3)).

Kelso Police Department

Kelso PD Policy Manual

Adult Abuse

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.

326.6 TRAINING

The Department should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting interviews.
- (c) Availability of therapy services for adults and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to adult abuse investigations.
- (f) Availability of victim advocates or other support.

Discriminatory Harassment

328.1 PURPOSE AND SCOPE

This policy is intended to prevent department members from being subjected to discrimination or sexual harassment.

328.2 POLICY

The Kelso Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against employees in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The non-discrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

328.3 DEFINITIONS

Definitions related to this policy include:

328.3.1 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 race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, crude and offensive statements or remarks, making slurs or off-color jokes, stereotyping, engaging in threatening acts, making indecent gestures, pictures, cartoons, posters or material, making inappropriate physical contact, or using written material or department equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to department policy and to the department's commitment to a discrimination free work environment.

328.3.2 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Kelso Police Department

Kelso PD Policy Manual

Discriminatory Harassment

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

328.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and Washington State Human Rights Commission guidelines.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

328.3.4 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

328.4 RESPONSIBILITIES

This policy applies to all department members, who shall follow the intent of these guidelines in a manner that reflects department policy, professional standards, and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Captain, Chief of Police or City Manager.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment or discrimination, is 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.

Kelso Police Department

Kelso PD Policy Manual

Discriminatory Harassment

328.4.1 SUPERVISOR RESPONSIBILITY

Each supervisor and manager shall:

- (a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.
- (c) Ensure their subordinates understand their responsibilities under this policy.
- (d) Ensure that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Notify the Chief of Police in writing of the circumstances surrounding any reported allegations or observed acts of discrimination/harassment no later than the next business day.

328.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline in a manner that is consistent with established procedures.

328.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination or harassment shall be fully documented, and promptly and thoroughly investigated. The participating or opposing member should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

328.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

Kelso Police Department

Kelso PD Policy Manual

Discriminatory Harassment

328.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The member assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police or City Manager.

328.5.3 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.

328.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- (a) Approved by the Captain, Chief of Police or City Manager, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the established records retention schedule.

328.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the action taken to remedy or address the circumstances giving rise to the complaint.

328.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that 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.

Kelso Police Department

Kelso PD Policy Manual

Discriminatory Harassment

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.

328.7.1 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT

Members having questions are encouraged to contact a supervisor, the Chief of Police, or the City Manager or they may contact the Washington State Human Rights Commission toll free at (800) 233-3247.

Child Abuse

330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Kelso Police Department members are required to notify the Department of Children, Youth, and Families, Child Protective Services (CPS) of suspected child abuse.

330.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency.

330.2 POLICY

The Kelso Police Department will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

330.3 MANDATORY NOTIFICATION

Members of the Kelso Police Department shall notify CPS when a report of abuse or neglect of a child is received or when there is reasonable cause to believe that a child has suffered abuse or neglect (RCW 26.44.030).

For purposes of notification, abuse or neglect of a child includes sexual abuse, sexual exploitation, or injury inflicted by any person under circumstances that cause harm to the child's health, welfare or safety, excluding lawful discipline, or the negligent treatment or maltreatment by a person who is responsible for, or providing care to, a child (RCW 26.44.020).

Officers shall promptly notify CPS whenever a child under 16 years of age is in a vehicle being driven by the child's parent, guardian, legal custodian, sibling or half-sibling and that person is being arrested for a drug or alcohol-related driving offense (RCW 46.61.507).

If, during an investigation of drug manufacturing, an officer discovers that a child is present at the investigation site, the officer shall notify CPS immediately (RCW 26.44.200).

330.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (RCW 26.44.030(5)):

- (a) In emergency cases, notification to CPS should be made immediately when the child's welfare is endangered but in all such cases within 24 hours.
- (b) In non-emergency cases, notification to CPS shall be made within 72 hours after a report is received.

Kelso Police Department

Kelso PD Policy Manual

Child Abuse

- (c) Notification, when possible, should include (RCW 26.44.040):
 - 1. The name, address and age of the child.
 - 2. The name and address of the child's parents, stepparents, guardians or other persons having custody of the child.
 - 3. The nature and extent of the alleged injury or injuries.
 - 4. The nature and extent of the alleged neglect.
 - 5. The nature and extent of the alleged sexual abuse.
 - 6. Any evidence of previous injuries, including the nature and extent of the injury.
 - 7. Any other information that may be helpful in establishing the cause of the child's death, injury or injuries, and the identity of the alleged perpetrator or perpetrators.
- (d) The Department shall forward all case dispositions to CPS.

330.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies, and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians, and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (RCW 26.44.180).

330.5 INVESTIGATIONS AND REPORTING

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

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

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

Kelso Police Department

Kelso PD Policy Manual

Child Abuse

- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (k) Applicable local protocol regarding child abuse investigations (RCW 26.44.180 et seq.).

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

330.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact CPS. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to CPS.

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

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

Kelso Police Department

Kelso PD Policy Manual

Child Abuse

- (a) A court order has been issued authorizing the removal of the child.
- (b) There is probable cause to believe that the child is abused or neglected and that the child would be injured or could not be taken into custody if it were necessary to first obtain a court order (e.g., the child could be taken and concealed).

330.7 INTERVIEWS

330.7.1 PRELIMINARY INTERVIEWS

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

330.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
 - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

330.7.3 TRAINING REQUIREMENT

Only those members who have successfully completed Washington State Criminal Justice Training Commission (WSCJTC) sponsored training on interviewing child victims of sexual abuse shall participate in or conduct such interviews. Interviews of children who are suspected victims of sexual abuse will be conducted in compliance with the training standards set forth in RCW 43.101.224.

330.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

Kelso Police Department

Kelso PD Policy Manual

Child Abuse

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

330.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

330.9.1 SUPERVISOR RESPONSIBILITIES

The Detective Unit Supervisor should:

- (a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Detective Unit Supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

330.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Detective Unit Supervisor so an interagency response can begin.

330.10 STATE MANDATES AND OTHER RELEVANT LAWS

Washington requires or permits the following:

330.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (RCW 42.56.240).

330.10.2 ARREST WITHOUT WARRANT

When an officer responds to a call alleging that a child has been subjected to sexual or physical abuse or criminal mistreatment and has probable cause that a crime has been committed, or the

Kelso Police Department

Kelso PD Policy Manual

Child Abuse

officer responds to a call alleging that a temporary restraining order or preliminary injunction has been violated, he/she has the authority to arrest the person without a warrant (RCW 10.31.100; RCW 26.44.130).

330.10.3 CASE SUBMISSION TO PROSECUTOR

The Kelso Police Department shall forward all cases of child abuse to the appropriate prosecutor when a crime may have been committed and (RCW 26.44.030):

- (a) A child has died or has had a physical injury.
- (b) Injuries were inflicted upon a child other than by accidental means.
- (c) A child has been subjected to alleged sexual abuse.

330.10.4 AGENCY COORDINATION

If this department responds to a complaint of alleged child abuse and discovers that another agency has also responded to the complaint, this department shall notify the other agency of its presence. The agencies shall coordinate the investigation and keep each other apprised of progress (RCW 26.44.035).

330.10.5 LOCAL CHILD ABUSE PROTOCOLS

The Detective Unit Supervisor should ensure that local child abuse protocols for the investigation of child abuse are available to those department members who have a role in child abuse investigations (RCW 26.44.185).

330.10.6 CONFLICT OF INTEREST IN INVESTIGATIONS

An officer shall not participate as an investigator in a child abuse case concerning a child for whom he/she is, or has been, a parent, guardian or foster parent (RCW 26.44.190).

330.11 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (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.

Missing Persons

332.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

332.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - This includes persons who:

- (a) Are 13 years of age or younger.
- (b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:
 1. Missing under unexplained, involuntary or suspicious circumstances and is believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or it is believed that the person is unable to return to safety without assistance.
 2. Out of the zone of safety for his/her chronological age and developmental stage.
 3. Mentally or behaviorally disabled.
 4. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
 5. Absent from home for more than 24 hours before being reported to law enforcement as missing.
 6. In a life-threatening situation.
 7. In the company of others who could endanger his/her welfare.
 8. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
 9. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown.

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC) and the Washington Crime Information Center (WACIC).

332.2 POLICY

The Kelso 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 Kelso Police Department gives missing person cases priority over property-related

Kelso Police Department

Kelso PD Policy Manual

Missing Persons

cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

332.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Detective Unit supervisor shall ensure the following forms and kits are developed and available:

- Missing person report form
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (RCW 43.43.876)
- Missing person school notification form
- Medical records release form
- Biological sample collection kits

332.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

332.5 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a “Be on the Look-Out” (BOLO) bulletin if the person is under 16 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 16 years of age or may be at risk.
- (e) Ensure that entries are made into the appropriate missing person networks, as follows:
 1. Immediately, when the missing person is at risk.
 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

Kelso Police Department

Kelso PD Policy Manual

Missing Persons

- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
 - 1. A photograph and fingerprint card of the missing person, if available.
 - 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
 - 3. Any documents that may assist in the investigation, such as court orders regarding custody.
 - 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier (RCW 80.36.570).
 - 1. Information may only be sought from a carrier in an emergency situation that involves the risk of death or serious physical harm.
 - 2. Members shall check NCIC and other available databases for a history of domestic violence or court order restricting contact and verify through the Washington State Patrol (WSP) that the missing person is not participating in the address confidentiality program under RCW 40.24.030 et seq. Information obtained from NCIC, other databases, or WSP shall not be released except by court order.
 - 3. Information received from a carrier is restricted and should only be released to first responders responding to the emergency situation.
- (i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.
- (j) Consider contacting the WSP Missing and Exploited Children's Task Force (MECTF) if additional resources are needed (RCW 13.60.110).

332.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

332.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not be limited to:

- (a) Reviewing and approving missing person reports upon receipt.
 - 1. The reports should be promptly sent to the Records Division.
- (b) Ensuring resources are deployed as appropriate.

Kelso Police Department

Kelso PD Policy Manual

Missing Persons

- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
 - 1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

332.6.2 RECORDS SECTION RESPONSIBILITIES

The receiving member shall:

- (a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notify and forward a copy of the report to the agency of jurisdiction where the missing person was last seen.
- (c) Notify and forward a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forward a copy of the report to the Detective Unit.

332.7 DETECTIVE UNIT FOLLOW-UP

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.

Kelso Police Department

Kelso PD Policy Manual

Missing Persons

- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Coroner.
- (h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the WSP Missing and Unidentified Persons Unit (MUPU) and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

332.7.1 MISSING OVER 30 DAYS OR WHEN CRIMINAL ACTIVITY SUSPECTED

When a person reported missing has not been found within 30 days of the report or at any time when criminal activity is suspected, the handling detective shall contact the county coroner or medical examiner to determine if that office has any information concerning the missing person. If, after conferring with the coroner or medical examiner, the person is still determined to be missing, the handling officers shall:

- (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).

Kelso Police Department

Kelso PD Policy Manual

Missing Persons

332.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the reporting party and other involved agencies and refer the case for additional investigation if warranted.

The Records Supervisor should ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to MUPU.
- (b) A missing child's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) When a person is at risk, the fact that the person has been found should be reported within 24 hours to MUPU.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

332.8.1 UNIDENTIFIED PERSONS

Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

332.9 CASE CLOSURE

The Detective Unit Supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Kelso 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.

Kelso Police Department

Kelso PD Policy Manual

Missing Persons

332.10 TRAINING

Subject to available resources, the Administrative Sergeant should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

- (a) The initial investigation:
 - 1. Assessments and interviews
 - 2. Use of current resources, such as Mobile Audio Video (MAV)
 - 3. Confirming missing status and custody status of minors
 - 4. Evaluating the need for a heightened response
 - 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of department members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., Internet use, cell phone use).
- (n) Media relations.

Public Alerts

334.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

334.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

334.3 RESPONSIBILITIES

334.3.1 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

334.3.2 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.

334.4 WASHINGTON STATEWIDE AMBER ALERT™ PLAN

The AMBER Alert™ Plan is a voluntary partnership between law enforcement, state government agencies, broadcasters and other participants to rapidly disseminate information to enhance the public's ability to assist in recovering abducted children (RCW 13.60.010).

The Kelso 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.

Kelso Police Department

Kelso PD Policy Manual

Public Alerts

334.4.1 CRITERIA

The following criteria must exist prior to requesting an AMBER Alert:

- (a) The child is under 18 years of age and is known to have been abducted. The child is not a runaway or an abandoned child.
- (b) The abducted child is believed to be in danger of death or serious bodily injury.
- (c) The AMBER Alert activation should occur within four hours of the qualifying event unless circumstances or the timeliness of the information warrant otherwise.
- (d) There must be enough descriptive information to believe that an AMBER Alert activation will assist in the recovery of the child, including:
 - 1. Where the abduction took place.
 - 2. A physical description of the child: height, weight, age, hair color and length, eye color, clothing worn when the child was last seen, and any distinguishing physical characteristics.
 - 3. A physical description of the abductor: height, weight, age, hair color and length, eye color, clothing worn when the suspect last seen, and any distinguishing physical characteristics.
 - 4. Place last seen.
 - 5. Description of the vehicle: color, make, model, license number, approximate year.
- (e) The incident must be reported to and investigated by a law enforcement agency.

334.4.2 PROCEDURE

Should the Shift Sergeant or supervisor determine that the incident meets the criteria of the Washington Statewide AMBER Alert Plan, the Shift Sergeant or supervisor should:

- (a) Ensure that department protocol is followed regarding approval of the alert.
- (b) Ensure all appropriate documentation is completed.
- (c) Contact the Washington State Patrol (WSP) Communication Center for entry into the Law Enforcement Alerting Portal (LEAP).
- (d) Ensure prompt entry of information into the Washington Crime Information Center (WACIC) and the National Crime Information Center (NCIC) databases.
- (e) Promptly notify the Chief of Police and the appropriate Division Commander of any AMBER Alert activation.
- (f) Ensure the preparation of an initial press release that includes all the information required by the Washington Statewide AMBER Alert Plan, and any other available information that might aid in locating the child, such as:
 - 1. A photograph.
 - 2. Detail regarding location of incident, direction of travel, and potential destinations, if known.

Kelso Police Department

Kelso PD Policy Manual

Public Alerts

3. Name and telephone number of the Public Information Officer (PIO) or other authorized point of contact to handle media and law enforcement liaison.
4. A telephone number and point of contact for the public to call with leads or information.

334.5 ENDANGERED MISSING PERSON ADVISORY

The Endangered Missing Person Advisory is a voluntary partnership between law enforcement, other government agencies, and local broadcasters to rapidly disseminate information to law enforcement agencies, the media, and the public about a missing and endangered person in circumstances that do not qualify for an AMBER Alert (RCW 13.60.050).

The Kelso 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.

334.5.1 CRITERIA

All of the following criteria must exist prior to initiating an Endangered Missing Person Advisory:

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

334.5.2 PROCEDURE

Should the Shift Sergeant or supervisor determine that the incident meets the criteria of an Endangered Missing Person Advisory, the Shift Sergeant or supervisor should:

- (a) 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.

Kelso Police Department

Kelso PD Policy Manual

Public Alerts

- (d) Direct Records Division personnel to enter the information into the WACIC and NCIC databases using the proper message key: Missing (MNP), Endangered (EME), or Involuntary (EMI).
- (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 Records Division to enter the photograph into WACIC and NCIC, then send an email to the WSP Missing Persons Unit (MPU).
- (h) Appoint a Public Information Officer to handle the media.
 - 1. The Public Information Officer should notify the media through appropriate channels regarding the Endangered Person Advisory. Upon request, the WSP MPU can provide electronic posters with details of the missing person.
 - 2. If the Endangered Missing Person is 21 years of age or younger, NCMEC should be notified as soon as practicable.
- (i) The Records Division 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.

334.6 BLUE ALERTS

The Blue Alert system is a voluntary cooperation between law enforcement, state government agencies and local broadcasters to enhance the public's ability to assist in locating and apprehending persons suspected of killing or seriously injuring a law enforcement officer (RCW 10.108.030).

The Kelso Police Department participates in this partnership and may initiate a Blue Alert to disseminate information to the public when the criteria for a Blue Alert are met.

334.6.1 CRITERIA

All of the following criteria are required to exist prior to initiating a Blue Alert (RCW 10.108.030):

- (a) The suspect has not been apprehended.
- (b) The suspect poses a serious threat to the public.
- (c) Sufficient information is available to disseminate to the public to assist in locating and apprehending the suspect.
- (d) The release of the information will not compromise the investigation.
- (e) The release of the information will not improperly notify an officer's next of kin.

Kelso Police Department

Kelso PD Policy Manual

Public Alerts

334.6.2 PROCEDURE

Should the Shift Sergeant or supervisor determine that the incident meets the criteria of a Blue Alert, the Shift Sergeant or supervisor should:

- (a) Direct Records Division personnel to prepare a Blue Alert administrative message through ACCESS. The words, "Blue Alert Advisory" should be included in the title of the message.
- (b) Contact WSP Communications to verify that the advisory was received and, if available, provide the suspect's vehicle information and request the Washington Department of Transportation (WSDOT) to activate variable message signs.
- (c) Ensure that descriptive information about the suspect, the suspect's whereabouts, and the suspect's method of escape is disseminated.
- (d) Appoint a PIO to issue press releases and handle media inquiries.
 1. The PIO should be updated continually and be in constant contact with all media outlets to obtain maximum media exposure, provide updates, and cancel the Blue Alert when appropriate.
- (e) Notify 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.

334.7 HIT-AND-RUN ALERTS

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

334.7.1 CRITERIA

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

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

334.7.2 PROCEDURE

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

- (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.

Kelso Police Department

Kelso PD Policy Manual

Public Alerts

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

Victim Witness Assistance

336.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

336.2 POLICY

The Kelso Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Kelso Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

336.3 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

336.3.1 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).

336.4 VICTIM INFORMATION

The Services Division Commander 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

Kelso Police Department

Kelso PD Policy Manual

Victim Witness Assistance

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).

336.5 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

Hate Crimes

338.1 PURPOSE AND SCOPE

This department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to provide members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

338.2 DEFINITIONS

Except where otherwise noted, the following definitions are provided per RCW 9A.04.110:

Bodily injury, physical injury, or bodily harm - Physical pain or injury, illness, or an impairment of physical condition.

Gender expression or identity - Having, or being perceived as having, a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth (RCW 9A.36.080).

Malice and maliciously - To import an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

Reasonable person - A reasonable person who is a member of the victim's race, color, religion, ancestry, national origin, gender, or sexual orientation, or who has the same gender expression or identity, or the same mental, physical, or sensory 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.

338.3 CRIMINAL STATUTES

338.3.1 HATE CRIME OFFENSES

A person is guilty of a hate crime offense if he/she maliciously and intentionally commits one of the following acts because of his/her perception of the victim's race, color, religion, ancestry, national origin, 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.

Kelso Police Department

Kelso PD Policy Manual

Hate Crimes

- (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).

338.3.2 THREATS TO BOMB OR INJURE PROPERTY

It is unlawful for any person to threaten to bomb or otherwise injure any public or private school building, any place of worship or public assembly, any governmental property, or any other building, common carrier, or structure, or any place used for human occupancy; or to communicate or repeat any information concerning such a threatened bombing or injury, knowing such information to be false and with intent to alarm the person or persons to whom the information is communicated or repeated (RCW 9.61.160).

338.3.3 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).

338.4 CIVIL STATUTES

In addition to the criminal penalty provided in RCW 9A.36.080 for committing a hate crime offense, the victim may bring a civil cause of action for the hate crime offense against the person who committed the offense. A person may be liable to the victim of the hate crime offense for actual damages, punitive damages of up to one hundred thousand dollars, and reasonable attorneys' fees and costs incurred in bringing the action (RCW 9A.36.083).

338.5 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

- (a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks.
- (b) Providing victim assistance and follow-up as outlined below, including community follow-up.
- (c) Educating community and civic groups about hate crime laws.

338.6 PROCEDURE FOR INVESTIGATING HATE CRIMES

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

Kelso Police Department

Kelso PD Policy Manual

Hate Crimes

- (a) Officer(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate.
- (b) A supervisor should be notified of the circumstances as soon as practical.
- (c) Once “in progress” aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned officer(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved.
- (d) The assigned officer(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.
- (e) Depending on the situation, the assigned officer(s) or supervisor may request additional assistance from detectives or other resources to further the investigation.
- (f) The assigned officer(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports will be clearly marked as “Hate Crimes” and, absent prior approval of a supervisor, will be completed and submitted by the assigned officer(s) before the end of the shift.
- (g) The assigned officer(s) will provide the victim(s) of any suspected hate crime with a brochure on hate crimes. Such brochures will also be available to members of the general public upon request. The assigned officer(s) should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations.
- (h) The assigned officer(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further.

338.6.1 DETECTIVE UNIT RESPONSIBILITY

If a case is assigned to the Detective Unit, the assigned detective will be responsible for following up on the reported hate crime as follows:

- (a) Coordinate further investigation with the County Prosecutor and other appropriate law enforcement agencies, as appropriate.
- (b) Maintain contact with the victim(s) and other involved individuals as needed.
- (c) Maintain statistical data on suspected hate crimes and tracking as indicated and report such data to the Washington Association of Sheriffs and Police Chiefs (WASPC) (RCW 36.28A.030).

338.7 TRAINING

All members of this department will receive CJTC approved training on hate crime recognition and investigation (RCW 43.101.290).

Standards of Conduct

340.1 PURPOSE AND SCOPE

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

340.2 POLICY

The continued employment or appointment of every member of the Kelso 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.

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

340.2.1 PROGRESSIVE DISCIPLINE

The administration of discipline is generally expected to be progressive in nature, with relatively minor violations of rules resulting in minor disciplinary action for first offenders. Repetitive similar violations, or more serious violations, would generally result in progressively more serious forms of discipline being administered.

Nothing in this policy is intended to preclude the administration of more serious forms of discipline, including termination, for a first offense when warranted by the seriousness of the offense.

340.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

340.3.1 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

Kelso Police Department

Kelso PD Policy Manual

Standards of Conduct

shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

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

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

340.3.2 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.

340.4 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.

340.5 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

Kelso Police Department

Kelso PD Policy Manual

Standards of Conduct

for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

340.5.1 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 City manuals.
- (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.

340.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Kelso Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity. (RCW 9A.80.010)
- (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.

340.5.3 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.

340.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

Kelso Police Department

Kelso PD Policy Manual

Standards of Conduct

- (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.

340.5.5 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 on scheduled days of work.
- (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.

340.5.6 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 Kelso 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.

340.5.7 EFFICIENCY

- (a) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.
- (b) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

Kelso Police Department

Kelso PD Policy Manual

Standards of Conduct

- (c) Unauthorized sleeping during on-duty time or assignments.

340.5.8 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 work-related 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:
 - (a) While on department premises.
 - (b) At any work site, while on-duty or while in uniform, or while using any department equipment or system.
 - (c) 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:
 - (a) Unauthorized attendance while on-duty at official legislative or political sessions.
 - (b) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on department property except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.
- (i) Any act on- or off-duty that brings discredit to this department.
- (j) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.

Kelso Police Department

Kelso PD Policy Manual

Standards of Conduct

- (k) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.

340.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on the member's part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy (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 City.
- (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.

340.5.10 SAFETY

- (a) Failure to observe posted rules, signs and written or oral safety instructions while on-duty, violating department safety standards or safe working practices or failure to use required protective clothing or equipment.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).

Kelso Police Department

Kelso PD Policy Manual

Standards of Conduct

- (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 any lethal weapon or firearm 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.
- (i) Engaging in any serious or repeated violations of departmental safety standards or safe working practices.

340.5.11 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.

340.5.12 SECURITY

- (a) Unauthorized, intentional release of designated confidential information, materials, data, forms or reports.

340.6 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with Personnel Complaint Procedure Policy Manual § 1018 and RCW 41.12.090.

- (a) No person in the classified civil service who shall have been permanently appointed or inducted into civil service pursuant to RCW 41.12.090, shall be removed, suspended, demoted or discharged except for cause, and only upon:
 - 1. Written accusation of the appointing power, or any citizen or taxpayer; a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the civil service commission.
- (b) In the event the conduct in question is potentially criminal in nature, the employee shall be provided with and required to sign a "Garrity" notice.

Information Technology Use

342.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

342.1.1 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 Kelso Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

342.2 POLICY

It is the policy of the Kelso Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

342.3 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.

Kelso Police Department

Kelso PD Policy Manual

Information Technology Use

Employees may not be asked or required to disclose logon information for their personal social networking accounts or to provide access to their personal social networking accounts unless otherwise allowed under RCW 49.44.200 (RCW 49.44.200).

342.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Shift Sergeants.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

342.4.1 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

342.4.2 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 shall be limited to messages, mail and data files.

Phone Mail and Electronic Mail

343.1 PURPOSE AND SCOPE

This policy establishes guidelines for how all department employees shall respond to electronic mail and phone mail. The purpose for these guidelines is to provide timely customer service to the public.

343.1.1 EMPLOYEE RESPONSIBILITY

All department members are required to check, and respond to, all email and phone mail as it relates to official duties at the Kelso Police Department. This shall be completed at least once per day of work for employees. Messages sent to the employee as it relates to follow-ups will be addressed in a timely manner.

Nothing in this policy requires employees to respond to phone/internet solicitation or scams.

Report Preparation

344.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

344.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who 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.

344.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

344.2.1 CRIMINAL ACTIVITY

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) All misdemeanor crimes where the victim desires a report.

Kelso Police Department

Kelso PD Policy Manual

Report Preparation

344.2.2 NON-CRIMINAL ACTIVITY

Incidents that require documentation on the appropriate approved report include:

- (a) Any time an officer points a firearm at any person.
- (b) Any use of force against any person by a member of this department (see the Use of Force Policy).
- (c) Any firearm discharge (see the Firearms Policy).
- (d) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Reporting Policy).
- (e) Any found property or found evidence.
- (f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy).
- (g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.
- (h) All protective custody detentions.
- (i) Suspicious incidents that may place the public or others at risk.
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.

344.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigation Policy. An officer handling a death investigation should notify and apprise a supervisor of the circumstances surrounding the incident and a determination will be made on how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths.
- (b) Suicides
- (c) Homicide or suspected homicide.
- (d) Unattended deaths (No physician in attendance within 36 hours preceding death).
- (e) Found dead bodies or body parts.

344.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

344.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

Kelso Police Department

Kelso PD Policy Manual

Report Preparation

- (a) The injury is a result of drug overdose.
- (b) Attempted suicide.
- (c) The injury is major/serious, whereas death could result.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

344.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

344.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for departmental consistency.

344.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

344.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

344.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Division for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Division may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

Media Relations

346.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

346.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Shift Sergeants and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

346.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative.
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

346.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Public Information Officer or other designated spokesperson.

Kelso Police Department

Kelso PD Policy Manual

Media Relations

2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Sergeant. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).
- (c) No member of this Department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee.
 - (d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media should be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

346.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

Subpoenas and Court Appearances

348.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Kelso Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

348.2 POLICY

Kelso Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

348.3 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).

348.3.1 PROCEDURE

To ensure that the officer is able to appear when required, that the officer is compensated for such appearance, and to protect the Department's right to reimbursement, officers shall follow the established procedures for the receipt of a civil subpoena.

348.3.2 CIVIL SUBPOENA ACCEPTANCE

Subpoenas shall not be accepted in a civil action in which the officer or Department is not a party without properly posted fees.

348.3.3 PARTY MUST DEPOSIT FUNDS

The party in the civil action who seeks to subpoena an officer must deposit the statutory fee for each appearance before such subpoena will be accepted. Parties seeking to have the officer make multiple appearances must make an additional deposit in advance.

348.3.4 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.

Kelso Police Department

Kelso PD Policy Manual

Subpoenas and Court Appearances

- (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 Kelso Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Kelso Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

348.3.5 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

348.4 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.

348.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

348.6 COURTROOM PROTOCOL

When appearing in court, members shall:

- (a) Be punctual when appearing in court and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire.
- (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.

Kelso Police Department

Kelso PD Policy Manual

Subpoenas and Court Appearances

348.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

Outside Agency Assistance

352.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

352.2 POLICY

It is the policy of the Kelso Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

352.3 ASSISTING OUTSIDE AGENCIES

When another law enforcement agency requests assistance from this department, the Shift Sergeant may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

352.3.1 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 Kelso Police Department shall notify his/her supervisor or the Shift Sergeant 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.

352.4 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.

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

Registered Offender Information

356.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Kelso Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered offenders.

356.2 POLICY

It is the policy of the Kelso Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

356.3 MONITORING OF REGISTERED OFFENDERS

The Detective Unit supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include, as applicable:

- (a) Efforts to confirm residence using an unobtrusive method, such as an Internet search, drive-by of the declared residence or address verification under RCW 9A.44.135.
 - 1. When notice is received that a sex offender is moving outside the jurisdiction of the Kelso Police Department, the Detective Unit supervisor is responsible for address verification until the registrant completes registration with a new residential address (RCW 9A.44.130(5)).
- (b) Review of information on the WASPC Sex Offender Information website.
- (c) Contact with a registrant's community correction officer.
- (d) Review any available Washington State database of felony firearm offenders.

Any discrepancies with sex/kidnapping offenders should be reported to ACCESS (A Central Computerized Enforcement Service System), which is administered by WSP, and, in the case of sex offenders only, to WASPC.

The Detective Unit supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Kelso Police Department personnel, including timely updates regarding new or relocated registrants.

356.4 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.

Kelso Police Department

Kelso PD Policy Manual

Registered Offender Information

Members of the public requesting information on sex/kidnapping registrants should be provided the WASPC Sex Offender Information website or the Kelso Police Department's website.

The Records Supervisor shall release local sex/kidnapping registered offender information to residents in accordance with RCW 4.24.550 and in compliance with a request under the Public Records Act (RCW 42.56.001 et seq.).

Information pertaining to felony firearm offenders should not be disseminated to the public. All inquiries should be referred to WSP.

356.4.1 RELEASE NOTIFICATIONS FOR SEX OR KIDNAPPING OFFENDERS

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
- (f) The Kelso Police Department has no authority to direct where an offender may live.

356.4.2 MANDATORY NOTIFICATION

The Detective Unit supervisor shall ensure that:

- (a) A public notification is made for sex offenders who are classified as Risk Level III and who register in the County. The notice shall conform to the guidelines established in RCW 4.24.5501.
- (b) All information on sex/kidnapping offenders registered in the County is regularly updated and posted on the WASPC Sex Offender Information website (RCW 4.24.550(5)).

356.4.3 DISCRETIONARY DISSEMINATION FOR SEX OFFENDERS

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

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

Kelso Police Department

Kelso PD Policy Manual

Registered Offender Information

and private schools, child day care centers, family day care providers, public libraries, businesses and organizations that serve primarily children, women or vulnerable adults, and neighbors and community groups near the residence where the sex offender resides, expects to reside or is regularly found.

- (c) Offenders classified as Risk Level III: In addition to the dissemination of Level I and Level II, the Department may also disclose relevant, necessary and accurate information to the public at large.
- (d) Homeless and transient sex offenders may present unique risks to the community due to the impracticality of localized notification. The Department may also disclose relevant, necessary and accurate information to the public at large for sex offenders registered as homeless or transient.

356.4.4 SCHOOL NOTIFICATIONS

The 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

Major Incident Notification

358.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

358.2 POLICY

The Kelso Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

358.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Division 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 Kelso official.
- Arrest of Department employee or prominent Kelso official.
- Aircraft crash with major damage and/or injury or death.
- In-custody deaths.

358.4 SHIFT SERGEANT RESPONSIBILITY

The Shift Sergeant is responsible for making the appropriate notifications. The Shift Sergeant shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Shift Sergeant shall attempt to make the notifications as soon as practical. Notification should be made by calling the home phone number first and then any additional contact numbers supplied.

358.4.1 STAFF NOTIFICATION

In the event an incident occurs described in 357.3, the Chief of Police shall be notified along with the affected Division Commander.

358.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

Death Investigation

360.1 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.

360.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Emergency medical services shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed, etc.). Officers are not authorized to pronounce death. A supervisor shall be notified in all death investigations.

360.2.1 CORONER JURISDICTION OVER REMAINS

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

- (a) When in apparent good health without medical attendance within the thirty-six hours preceding death.
- (b) Where the circumstances of death indicate death was caused by unnatural or unlawful means.
- (c) Where death occurs under suspicious circumstances.
- (d) Where a coroner's autopsy or post mortem or coroner's inquest is to be held.
- (e) Where death results from unknown or obscure causes.
- (f) Where death occurs within one year following an accident.
- (g) Where the death is caused by any violence whatsoever.
- (h) Where death results from a known or suspected abortion; whether self-induced or otherwise.
- (i) Where death apparently results from drowning, hanging, burns, electrocution, gunshot wounds, stabs or cuts, lightning, starvation, radiation, exposure, alcoholism, narcotics or other addictions, tetanus, strangulations, suffocation or smothering.
- (j) Where death is due to premature birth or still birth.
- (k) Where death is due to a violent contagious disease or suspected contagious disease which may be a public health hazard.
- (l) Where death results from alleged rape, carnal knowledge or sodomy.
- (m) Where death occurs in a jail or prison.
- (n) Where a body is found dead or is not claimed by relatives or friends.

Kelso Police Department

Kelso PD Policy Manual

Death Investigation

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

360.2.2 REPORTING

All incidents involving a death shall be documented on the appropriate form.

360.2.3 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene. The Detective Unit shall be notified to determine the possible need for an investigator to respond to the scene.

If the on-scene supervisor, through consultation with the Shift Sergeant or Detective Unit supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The investigator assigned to investigate a homicide or death that occurred under suspicious circumstances may, with the approval of the investigator's supervisor, request the Coroner to conduct physical examinations and tests, and to provide a report.

360.2.4 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 Coroner 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 Coroner having jurisdiction over the remains (Chapter 251 § 1, 2022 Laws).

The lead investigator in cooperation with the Coroner 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 Coroner and the lead investigator while the remains are under the jurisdiction of the Coroner (Chapter 251 § 1, 2022 Laws).

360.2.5 EMPLOYMENT-RELATED DEATHS OR INJURIES

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

360.3 POLICY

It is the policy of the Kelso Police Department to respond, document, and investigate incidents where a person is deceased. Investigations involving the death of a person, including those

Kelso Police Department

Kelso PD Policy Manual

Death Investigation

from natural causes, accidents, workplace incidents, suicide, and homicide, shall be initiated, conducted, and properly documented.

360.4 UNIDENTIFIED DEAD BODY

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

360.5 DEATH NOTIFICATION

When reasonably practicable, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification.

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

Identity Theft

362.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

362.2 REPORTING

This department will initiate an incident report whenever a person reasonably suspects that his/her financial information or means of identification has been unlawfully obtained, used, or transferred to another person or entity in all cases where the victim resides or works within this jurisdiction, or where any part of the crime occurred within this jurisdiction. The employee receiving the report will ensure that the complainant receives a copy of the incident report or number (RCW 3.35.020) and the Kelso Police Department Identity Theft Reference Guide.

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.

Limited English Proficiency Services

368.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

368.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Kelso Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

368.2 POLICY

It is the policy of the Kelso Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

368.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Patrol Division Commander or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

Kelso Police Department

Kelso PD Policy Manual

Limited English Proficiency Services

- (a) Coordinating and implementing all aspects of the Kelso Police Department's LEP services to LEP individuals.
- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Shift Sergeant and Communications Supervisor. The list should include information regarding the following:
 - 1. Languages spoken
 - 2. Contact information
 - 3. Availability
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures, or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding department LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

368.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

Kelso Police Department

Kelso PD Policy Manual

Limited English Proficiency Services

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

368.5 TYPES OF LEP ASSISTANCE AVAILABLE

Kelso Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

368.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

368.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

368.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

Kelso Police Department

Kelso PD Policy Manual

Limited English Proficiency Services

When a qualified bilingual member from this department is not available, personnel from other City departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

368.9 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

368.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

Kelso Police Department

Kelso PD Policy Manual

Limited English Proficiency Services

368.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

368.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

368.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Kelso Police Department will take reasonable steps and will work with the Personnel Department to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

368.11.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in the Communications Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Kelso Police Department

Kelso PD Policy Manual

Limited English Proficiency Services

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

368.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

368.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

Kelso Police Department

Kelso PD Policy Manual

Limited English Proficiency Services

368.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

368.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

368.16 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

368.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

368.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

Kelso Police Department

Kelso PD Policy Manual

Limited English Proficiency Services

The Patrol Captain shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Admin Sergeant shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

368.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Admin Sergeant shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

Communications with Persons with Disabilities

370.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

370.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

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

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters. Qualified interpreters should be certified pursuant to RCW 2.42.110.

370.2 POLICY

It is the policy of the Kelso Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

370.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Patrol Division Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the City ADA coordinator regarding the Kelso Police Department's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.

Kelso Police Department

Kelso PD Policy Manual

Communications with Persons with Disabilities

- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Shift Sergeant and Communications Supervisor. The list should include information regarding the following:
 - 1. Contact information
 - 2. Availability
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

370.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

370.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Kelso Police Department

Kelso PD Policy Manual

Communications with Persons with Disabilities

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Kelso Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

370.6 TYPES OF ASSISTANCE AVAILABLE

Kelso Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

Kelso Police Department

Kelso PD Policy Manual

Communications with Persons with Disabilities

370.7 AUDIO RECORDINGS AND ENLARGED PRINT

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

370.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal advisor.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

370.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

Kelso Police Department

Kelso PD Policy Manual

Communications with Persons with Disabilities

370.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

370.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

370.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

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

370.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

Kelso Police Department

Kelso PD Policy Manual

Communications with Persons with Disabilities

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

370.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

370.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter.

Kelso Police Department

Kelso PD Policy Manual

Communications with Persons with Disabilities

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

370.15 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally-owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

370.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

370.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

370.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.

Kelso Police Department

Kelso PD Policy Manual

Communications with Persons with Disabilities

- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Patrol Captain shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Admin Sergeant shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

MEDICATION DISPOSAL PROGRAM

377.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for proper disposal and destruction of unused medications received from the public.

377.2 POLICY

It is the policy of the Kelso Police Department to sponsor and facilitate the receipt and destruction of unused medications from the public. By providing this service, the opportunity for medication abuse and the disposal of unused medication into the city's water treatment system will be reduced.

377.3 DROP BOX

The medication drop box will be placed in the Kelso Police Department lobby where the drop box can be monitored and accessible during business hours. A procedures placard in English and Spanish will be affixed to the drop box and detail how the public can place medications into sealed plastic bags and deposit the sealed plastic bags into the one-way drop box for disposal.

Citizens should be educated on how to transport medications in the original containers in compliance with Washington state law.

377.4 PROCEDURE

The Kelso Police Department will employ the following procedure as a means to receive and destroy unused medications deposited in the drop box:

- (a) The drop box will be secured with 2 locks; one maintained by the Services Captain or designee and the other by the Evidence Technician.
- (b) The Evidence Technician will initiate the process to empty the drop box of accumulated medications.
- (c) The Admin Sergeant or designee and Evidence Technician will open the drop box and place accumulated medications into an appropriate evidence container sealed with evidence tape, which shall be initialed and dated by both individuals.
- (d) The Evidence Technician will request an Incident Report number from the Communications Center and process the medication for destruction.

377.5 PROGRAM MANAGEMENT

The Chief of Police or designee may employ the following guidelines to manage the Medication Disposal Program:

- (a) Maintain the program with occasional press releases.
- (b) Train officers to inform the public of the opportunity to dispose of unused medications.
- (c) Report on the productivity of the program and make appropriate recommendations.

Kelso Police Department

Kelso PD Policy Manual

MEDICATION DISPOSAL PROGRAM

- (d) Represent the program as the spokesperson.

Child and Dependent Adult Safety

380.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

380.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Kelso Police Department will endeavor to create a strong cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

380.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

Kelso Police Department

Kelso PD Policy Manual

Child and Dependent Adult Safety

380.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered, children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 - 1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 - 1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify the Department of Social and Health Services, if appropriate.
- (e) Notify the field supervisor or Shift Sergeant of the disposition of children and dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

Officers shall promptly notify Child Protective Services (CPS) whenever a child under 13 years of age is present in a vehicle and his/her parent, guardian or legal custodian is arrested for a drug or alcohol driving offense in accordance with the department Child Abuse Policy (RCW 26.44.250).

380.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any

Kelso Police Department

Kelso PD Policy Manual

Child and Dependent Adult Safety

child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

380.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Special needs (e.g., medical, mental health)
 - 5. How, where and with whom or which agency the child was placed
 - 6. Identities and contact information for other potential caregivers
 - 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Whether he/she reasonably appears able to care for him/herself
 - 5. Disposition or placement information if he/she is unable to care for him/herself

380.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

380.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.

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.

Kelso Police Department

Kelso PD Policy Manual

Child and Dependent Adult Safety

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

380.5 TRAINING

The Patrol Captain 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.

Service Animals

382.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Kelso Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices, and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

382.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

382.3 EMPLOYEE RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Kelso Police Department affords to all members of the public.

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability.

If it is apparent or if the officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Kelso Police Department

Kelso PD Policy Manual

Service Animals

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

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

Off-Duty Law Enforcement Actions

385.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Kelso Police Department with respect to taking law enforcement action while off-duty.

385.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving, or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any officer of this department who becomes aware of an incident or circumstance that the officer reasonably believes would justify the use of deadly force or result in significant property damage may take reasonable action to minimize or eliminate the threat (see the Use of Force Policy).

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

385.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying firearms while off-duty officers shall also carry their department-issued badge and/or identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication or any combination thereof that would tend to adversely affect the officer's senses or judgment.

385.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, OC or baton.

Kelso Police Department

Kelso PD Policy Manual

Off-Duty Law Enforcement Actions

- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

385.4.1 INTERVENTION PROCEDURE

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

Whenever feasible, the officer should display a form of law enforcement identification and loudly and repeatedly identify him/herself as a Kelso Police Department officer to enhance the likelihood of acknowledgement from responding officers that may mistakenly identify an off-duty officer as an armed suspect.

385.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

385.4.3 NON-SWORN RESPONSIBILITIES

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

385.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

385.5 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Shift Sergeant or OIC as soon as practicable. The Shift Sergeant or OIC shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

Canines

386.1 PURPOSE AND SCOPE

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

386.2 POLICY

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

386.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement Patrol to function primarily in a cover assignment role. However, they may be assigned by the Shift Sergeant to other functions, such as routine calls for service, based on the current operational needs. Whenever staffing allows, Canine teams shall be assigned a cover unit designation.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the Shift Sergeant.

386.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Patrol division or the authorized designee.

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

- (a) Review and maintain all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintaining a liaison with command staff.
- (c) Maintaining a liaison with other agency canine coordinators.
- (d) Ensure handlers maintain accurate records to document canine activities.
- (e) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
- (f) Scheduling all canine-related activities.
- (g) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

386.5 REQUESTS FOR CANINE TEAMS

Patrol Division members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Patrol Division shall be reviewed by the Shift Sergeant.

Kelso Police Department

Kelso PD Policy Manual

Canines

Prior to calling out a canine team, the Shift Sergeant should balance the seriousness of the offense or event with the immediate necessity to pursue and attempt to apprehend a suspect(s).

Shift Supervisors are responsible for documenting and forwarding to the Patrol Commander all requests for canine teams. This documentation should include both actual deployments of the canine team as well as attempts to deploy.

386.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Shift Sergeant and are subject to the following:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- (c) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (d) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

386.5.2 PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

386.6 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officers, or the handler.
- (b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Kelso Police Department

Kelso PD Policy Manual

Canines

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Shift Sergeant. Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

386.6.1 PREPARATION FOR DEPLOYMENT

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

- (a) The nature and seriousness of the suspected offense.
- (b) Whether violence or weapons were used or are anticipated.
- (c) The degree of resistance or threatened resistance, if any, the suspect has shown.
- (d) The suspect's known or perceived age, physical description and clothing description.
- (e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.
- (f) Any potential danger to the public and/or other officers at the scene if the canine is released.
- (g) The potential for the suspect to escape or flee if the canine is not utilized.
- (h) The suspect(s) last known location and direction of travel.
- (i) Containment of the search area.

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

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Kelso Police Department

Kelso PD Policy Manual

Canines

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

386.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

386.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

In addition to normal reports filed by all members of the Kelso Police Department, handlers should document canine deployments in a Use of Force report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

386.7 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

- (a) Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under

Kelso Police Department

Kelso PD Policy Manual

Canines

conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
- (c) The handler should, when reasonable and practicable, provide verbal assurances that the canine will not bite or hurt the individual if the individual complies with the handler and assisting officer's directives to comply and/or make him/herself known..
- (d) Once the individual has been captured, the handler should secure the canine as soon as reasonably practicable.

386.7.1 ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

386.7.2 NARCOTICS DETECTION

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

- (a) The search of vehicles, buildings, bags, and other articles.
- (b) Assisting in the search for narcotics during a search warrant service.
- (c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

386.7.3 BOMB/EXPLOSIVE DETECTION

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

- (a) Assisting in the search of a building, structure, area, vehicle, or article where an actual or suspected explosive device has been reported or located.
- (b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).
- (c) Preventive searches at special events, VIP visits, official buildings, and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

Kelso Police Department

Kelso PD Policy Manual

Canines

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

386.8 HANDLER SELECTION

Command Staff shall retain all decision making authority regarding the canine or the canine handler assignment.

The minimum qualifications for the assignment of canine handler include:

- (a) An officer who is currently off probation.
- (b) Residing in a location where a secure and humane kennel structure can be erected that provides adequate safety for the canine, the handler and any other persons or property.
- (c) Living within 30 minutes travel time from the Kelso City limits.
- (d) Agreeing to be assigned to the position for a minimum of five years.

386.9 HANDLER RESPONSIBILITIES

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

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (c) Handlers shall permit the canine coordinator to conduct on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- (d) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.
- (e) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (f) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (g) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator.
- (h) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Shift Sergeant.

Kelso Police Department

Kelso PD Policy Manual

Canines

- (i) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

386.9.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

- (a) A canine shall not be left unattended in any area to which the public may have access.
- (b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

386.10 HANDLER COMPENSATION

The canine handler shall be available for call-out under conditions specified by the canine coordinator.

The canine handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the collective bargaining agreement/memorandum of understanding (29 USC § 207).

386.11 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Shift Sergeant as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file. The Department shall maintain sole decision making authority regarding care and medical treatment of a canine.

386.12 TRAINING AND CERTIFICATION

Before assignment in the field, each canine team shall be trained and certified to meet current Criminal Justice Training Commission (CJTC) standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet current CJTC standards (WAC 139-05-915).

The canine coordinator shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or Shift Sergeant.

Kelso Police Department

Kelso PD Policy Manual

Canines

386.12.1 CONTINUED TRAINING

Each canine team shall be recertified to current CJTC standards. A canine team's certification will automatically expire if the handler and canine originally paired at the time of certification are no longer working together, or if the function for which the team was certified changes (WAC 139-05-915). Additional training considerations are as follows:

- (a) The canine team shall conduct regular objective-based training to maintain operational proficiency at an average of four (4) hours per week, in accordance with standards established by WAC 139-05-915 and Chapter 6 of the WSCJTC Policy Manual (Canine Certification Requirements).
- (b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.
- (c) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by the Department.

386.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

386.12.3 TRAINING RECORDS

A record for each canine that includes training, performance and identification records, and that meets CJTC requirements, shall be created and maintained in the canine handler's and the canine's training file.

386.12.4 CONTROLLED SUBSTANCE TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using or transporting controlled substances or explosives for canine training purposes must comply with federal and state regulations.

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics detection canine training in compliance with state and federal laws. (21 USC 823(f); RCW 69.50.302; RCW 69.50.508; WAC 246-887-200).

The Chief of Police, or the authorized designee, may authorize a member to possess controlled substances seized by the Kelso Police Department for use by the canine handler or narcotics detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Chief of Police, or the authorized designee, may request narcotics training aids from the Drug Enforcement Administration.

These procedures are not required if the canine handler uses commercially available synthetic substances that are not considered controlled substances.

Kelso Police Department

Kelso PD Policy Manual

Canines

386.12.5 CONTROLLED SUBSTANCE PROCEDURES

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

- (a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
- (b) The weight and test results shall be recorded and maintained by the canine coordinator.
- (c) Any person possessing controlled substance training samples shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed and tested quarterly. Quarterly inspection and testing shall be recorded and maintained by the canine coordinator and a copy forwarded to the Patrol Commander.
- (e) All controlled substance training samples will be stored in locked, airtight and watertight cases for security and prevention from accidental canine ingestion at all times, except during training events. The locked cases shall be secured in the canine handler's patrol vehicle during transport and stored in an appropriate locked container.
- (f) The canine coordinator shall periodically inspect every controlled substance training sample in the possession of the canine handler for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to property/evidence.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon conclusion of the training or upon demand by the dispensing agency.

Department Use of Social Media

387.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

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

387.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

387.2 POLICY

The Kelso Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

387.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted.

Except for information of an emergent nature where unnecessarily delaying notification to the public may jeopardize the safety of any person, it shall be the general practice to submit requested posts through a Department-authorized social media administrator who shall obtain approval from the Chief of Police or his/her designee before posting on a Department-identified social media platform.

Kelso Police Department

Kelso PD Policy Manual

Department Use of Social Media

387.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

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

387.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

387.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Kelso Police Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

Kelso Police Department

Kelso PD Policy Manual

Department Use of Social Media

387.5.1 PUBLIC POSTING PROHIBITED

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

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

387.6 MONITORING CONTENT

The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

387.7 RETENTION OF RECORDS

The Admin Sergeant should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

387.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

Extreme Risk Protection Orders

388.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving extreme risk protection orders and accounting for the firearms obtained pursuant to those orders.

388.1.1 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.

388.2 POLICY

It is the policy of the Kelso Police Department to petition for and serve extreme risk protection orders in compliance with state law and to properly account for firearms obtained by the Department pursuant to such orders.

388.3 EXTREME RISK PROTECTION ORDERS

An officer who reasonably believes a person, including a 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).

388.3.1 NOTICE TO PERSONS AT RISK

When a member petitions for an extreme risk protection order, the member shall make a good-faith effort to provide notice to an intimate partner or family or household member of the person and to any known third party who the member reasonably believes may be at risk of violence. The notice shall state the intention to seek an extreme risk protection order or that the order has already been sought and include referrals to appropriate resources, including behavioral health, domestic violence, and counseling (RCW 7.105.110).

388.3.2 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):

Kelso Police Department

Kelso PD Policy Manual

Extreme Risk Protection Orders

- (a) Allege that the person poses a significant danger of causing personal injury to the person or others by having in the person's control or custody, purchasing, possessing, accessing, receiving, or attempting to purchase or receive a firearm and be accompanied by the confidential party form and declaration signed under penalty of perjury that provides the specific statements and circumstances for which relief is sought.
- (b) Identify the number, types, and locations of any firearms that the [officer_deputy] believes to be owned, possessed, accessed, controlled, or in the custody of the person.
- (c) Identify any other known existing protection orders governing the person.
- (d) Identify, if reasonably identifiable, any pending lawsuits, complaints, petitions, or other action between the person and the Kelso 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, or receiving or attempting to purchase or receive a firearm. If necessary, the ex parte may be petitioned using an on-call, after-hours judge using the same procedures for after-hours search warrants (RCW 7.105.110).

388.4 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).

388.5 SEARCH WARRANTS

If a person who has been served with an extreme risk protection order refuses to surrender any firearm, the officer should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy.

388.6 RECORDS SUPERVISOR RESPONSIBILITIES

The Records Supervisor is responsible for ensuring that:

- (a) Orders received 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

Kelso Police Department

Kelso PD Policy Manual

Extreme Risk Protection Orders

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.

388.7 COURT-ORDERED FIREARMS SURRENDERS

Authorized members should accept firearms and a concealed pistol license from any person who is the subject of an extreme risk protection order. The member receiving any firearm shall:

- (a) Record the person's name, address, and telephone number.
- (b) Record the serial number of the firearm.
- (c) Prepare an incident report and property report.
- (d) Provide a property receipt to the person who surrendered the firearms (RCW 7.94.090).
 - 1. The original receipt is to be forward to the Records Supervisor.
- (e) Package and submit the firearms in accordance with the Property and Evidence Policy.

388.8 RELEASE OF FIREARMS

Firearms that were taken into custody or surrendered pursuant to an extreme risk protection order should be returned to the restrained person upon the expiration of the order, in accordance with the Property and Evidence Policy (RCW 7.105.345).

388.9 RENEWAL OF EXTREME RISK PROTECTION ORDER

The Detective Unit supervisor is responsible for review of an extreme risk protection order obtained by the Department, to determine if renewal should be requested within the time prescribed by law (RCW 7.105.410).

388.10 STANDARD FOR ARREST

When an officer has confirmed that a valid extreme risk protection order exists and has probable cause to believe the person has knowledge of the order and violated that order, the officer shall make an arrest and take the person into custody (RCW 10.31.100).

Kelso Police Department

Kelso PD Policy Manual

Extreme Risk Protection Orders

388.11 EXTREME RISK PROTECTION ORDER COORDINATOR

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

- (a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department members (RCW 7.105.100; RCW 7.105.105; RCW 7.105.110).
 - 1. This includes development of procedures to provide notice of an extreme risk protection order to persons who may be at risk of violence (RCW 7.105.110).
- (b) Identifying factors to consider when assessing whether to seek an order, including:
 - 1. Whether threats have been made, and if so, whether the threats are credible and specific.
 - 2. Whether the potential victim is within close proximity.
 - 3. Whether the person has expressed suicidal tendencies.
 - 4. Whether the person has access to firearms.
 - 5. Whether the person has committed an act of violence toward themselves or another person.
 - 6. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
 - 7. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
 - 8. Any known upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
 - 9. Whether the person has any history of drug or alcohol abuse.
- (c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of RCW 7.105.150 (Methods of Service) and RCW 7.105.155 (Service by a Law Enforcement Officer). Procedures should include:
 - 1. Methods of authorized service for orders (e.g., service by electronic means, personal service) including mechanisms and verification options for electronic service and electronic returns of service (RCW 7.105.175).
 - 2. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).
 - 3. Forwarding orders to the Operations Director or the authorized designee.
 - 4. Forwarding orders to the Records Supervisor for recording in appropriate databases and required notice to the court, as applicable.
 - 5. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate.

Kelso Police Department

Kelso PD Policy Manual

Extreme Risk Protection Orders

- (d) Coordinating with the Patrol Captain 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.

Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-department cooperation and information sharing.

400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Kelso, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions.
- (b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.
- (c) Calls for service, both routine and emergency in nature.
- (d) Investigation of both criminal and non-criminal acts.
- (e) The apprehension of criminal offenders.
- (f) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature.
- (g) The sharing of information between the Patrol and other division within the Department, as well as other outside governmental agencies.
- (h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies.
- (i) Traffic direction and control.

400.2 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 Kelso Police Department.

400.2.1 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.

Kelso Police Department

Kelso PD Policy Manual

Patrol Function

400.2.2 PATROL SHIFT BRIEFING

Patrol supervisors, officers, detectives, 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 Shift Briefings as time permits.

400.2.3 INFORMATION CLIPBOARDS

Several information clipboards will be maintained in the Shift Briefing 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 incident report clipboard, the probable cause clipboard, and confidential clipboard.

400.2.4 ELECTRONIC INFORMATION

An electronic file labeled "procedural updates" will be maintained on the Kelso Police Department Intra net. This will be reviewed during shift briefings when time allows.

Officers are assigned department email as well as department voice mail. They are responsible to check each at least once during their workday.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

Bias-Based Policing

402.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Kelso Police Department's commitment to policing that is fair and objective. Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships) (RCW 43.101.410).

402.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

402.2 POLICY

The Kelso Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

402.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

402.3.1 OTHER PROHIBITIONS

The Kelso 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.

Kelso Police Department

Kelso PD Policy Manual

Bias-Based Policing

- (b) Assist federal government authorities in compiling personal information about a person's religious belief, practice, or affiliation.
- (c) Investigate or enforce any requirement that a person register with the federal government or a federal agency based on religion.

402.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

402.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

402.4.2 REPORTING TRAFFIC STOPS

Each time an officer makes a traffic stop, the officer shall report any demographic information required by the Department (RCW 43.101.410).

402.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review MAV recordings, portable audio/video recordings, Mobile Data Terminal (MDT) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

Kelso Police Department

Kelso PD Policy Manual

Bias-Based Policing

- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

402.6 STATE REPORTING

Subject to any fiscal constraints, the Patrol 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 racial- or bias-based profiling and included in an annual report for the Washington Association of Sheriffs and Police Chiefs (RCW 43.101.410(3)).

402.7 ADMINISTRATION

The Patrol Division Commander should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The annual report should not contain any identifying information about any specific complaint, citizen or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report submitted to the Washington Association of Chiefs of Police and discuss the results with those they are assigned to supervise.

402.8 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Administrative Sergeant (RCW 43.101.410).

Shift Briefing Training

404.1 PURPOSE AND SCOPE

Shift Briefing training is generally conducted at the beginning of the officer's assigned shift. Shift Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Shift Briefing; however officers may conduct Shift Briefing for training purposes with supervisor approval.

Shift Briefing should accomplish, at a minimum, the following basic tasks:

- (a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations.
- (b) Notifying officers of changes in schedules and assignments.
- (c) Notifying officers of new Departmental Directives or changes in Departmental Directives.
- (d) Reviewing recent incidents for training purposes.
- (e) Providing training on a variety of subjects.

404.2 PREPARATION OF MATERIALS

The supervisor conducting Shift Briefing is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his/her absence or for training purposes.

Crime and Disaster Scene Integrity

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

406.2 POLICY

It is the policy of the Kelso Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

406.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

406.4 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

406.4.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

406.5 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.

Kelso Police Department

Kelso PD Policy Manual

Crime and Disaster Scene Integrity

- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

406.6 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)).

S.W.A.T. Unit

408.1 PURPOSE AND SCOPE

The Lower Columbia SWAT team is comprised of law enforcement personnel from multiple agencies, including the Kelso Police Department. The team is regulated by its own policies and procedures which are developed by the Executive Board. This Executive Board is comprised of the chiefs and sheriff from the agencies which provide personnel. The SWAT Commander position is assigned to an administrator from one of those same agencies.

408.1.1 SWAT TEAM DEFINED

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

408.2 OPERATION GUIDELINES FOR CRISIS RESPONSE UNIT

The following procedures serve as guidelines for requesting the SWAT team.

408.2.1 ON-SCENE DETERMINATION

The supervisor in charge on the scene of a particular event will assess whether the SWAT team is to respond to the scene. Upon final determination he/she will notify the Patrol Commander.

408.2.2 FIELD UNIT RESPONSIBILITIES

While waiting for the SWAT team, field personnel should, if safe, practical and sufficient resources exist:

- (a) Establish an inner and outer perimeter.
- (b) Establish a command post outside of the inner perimeter.
- (c) Establish an arrest/response team. The team actions may include:
 1. Securing any subject or suspect who may surrender.
 2. Taking action to mitigate a deadly threat or behavior.
- (d) Evacuate any injured persons or citizens in the zone of danger.
- (e) Attempt to establish preliminary communication with the suspect. Once the SWAT team has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.
- (f) Be prepared to brief the SWAT Commander on the situation.
- (g) Plan for, and stage, anticipated resources.

Ride-Along Policy

410.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

410.1.1 ELIGIBILITY

The Kelso Police Department Ride-Along Program is offered to residents, students and those employed within the City. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 18 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against the Department.
- Denial by any supervisor.

410.1.2 AVAILABILITY

Once approved, a ride-along candidate may ride for up to 4 hours on any given day. The shift supervisor will determine what best fits his/her shift and arrange those times. This can be cut short or extended depending on the dynamics of that shift and call load.

410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Patrol Commander. 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 and the Chief of Police should sign the Ride-Along Form prior to the scheduled ride-along.

A copy will be forwarded to the respective Shift Sergeant as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

410.2.1 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: Chaplains, Reserves, police applicants, and all others with approval of the Shift Sergeant or OIC.

Kelso Police Department

Kelso PD Policy Manual

Ride-Along Policy

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.

410.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Shift Sergeant or field supervisor may refuse a ride along to anyone not properly dressed.

410.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty 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 Shift Sergeant. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

410.3 OFFICER'S RESPONSIBILITY

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation 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 Patrol Commander is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the form shall be returned to the Patrol Commander with any comments which may be offered by the officer.

410.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- (a) The ride-along will follow the directions of the officer.
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment.
- (c) The ride-along may terminate the ride-along at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties.
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.

Kelso Police Department

Kelso PD Policy Manual

Ride-Along Policy

- (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.

Hazardous Material Response

412.1 PURPOSE AND SCOPE

Exposure to hazardous materials present potential harm to department members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities.

412.1.1 DEFINITIONS

Definitions related to this policy include:

Hazardous material - A substance which, by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

412.2 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill, or fire. When members come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond to and mitigate most incidents involving hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training. A responder entering the area may require decontamination before he/she is allowed to leave the scene, and should be evaluated by appropriate technicians and emergency medical services personnel for signs of exposure.

412.3 REPORTING EXPOSURE

Department members who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in an incident report that shall be forwarded via chain of command to the Shift Sergeant as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report as applicable.

412.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that a member has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to mitigate the exposure or continued exposure.

Kelso Police Department

Kelso PD Policy Manual

Hazardous Material Response

412.4 POLICY

It is the policy of the Kelso Police Department to respond to hazardous material emergencies with due regard for the safety of the public and those members responding to such incidents.

Hostage and Barricade Incidents

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

414.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

414.2 POLICY

It is the policy of the Kelso Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

414.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

414.3.1 EMERGENCY COMMUNICATIONS

A supervisor may order the telephone company to cut, reroute or divert telephone lines in order to prevent a suspect from communicating with anyone other than designated personnel in a barricade or hostage situation (RCW 70.85.100).

Kelso Police Department

Kelso PD Policy Manual

Hostage and Barricade Incidents

414.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

414.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.

Kelso Police Department

Kelso PD Policy Manual

Hostage and Barricade Incidents

- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

414.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the PIO.

Kelso Police Department

Kelso PD Policy Manual

Hostage and Barricade Incidents

- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

414.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Crisis Response Unit response if appropriate and apprising the Crisis Response Unit Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.
- (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.
- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.
- (g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).
- (h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or the Communications Center.
- (i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

414.6 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.

Response to Bomb Calls

416.1 PURPOSE AND SCOPE

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

416.2 POLICY

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

416.3 RECEIPT OF BOMB THREAT

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

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

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

416.4 PRIVATE FACILITY OR PROPERTY

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

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

Kelso Police Department

Kelso PD Policy Manual

Response to Bomb Calls

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

416.4.1 ASSISTANCE

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

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

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

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

416.5 EXPLOSION/BOMBING INCIDENTS

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

416.5.1 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.

Kelso Police Department

Kelso PD Policy Manual

Response to Bomb Calls

- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

416.6 FOUND DEVICE

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

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

Emergency Detentions

418.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under an emergency detention.

418.2 POLICY

It is the policy of the Kelso Police Department to protect the public and individuals through legal and appropriate use of the emergency detention process.

418.3 AUTHORITY

An officer may take a person into emergency detention when either (RCW 71.05.150; RCW 71.05.153; RCW 71.05.201; RCW 71.34.710; RCW 71.34.351):

- (a) There is reasonable cause to believe that a person is suffering from a behavioral health disorder (e.g., mental disorder, substance abuse disorder) and presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled
- (b) The officer has received an order authorizing emergency detention from a court or a designated crisis responder

Persons taken into emergency detention should be transported to an appropriate facility as soon as practicable.

418.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for emergency detention, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the officers should:

- (a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person.
- (b) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

If at any point the individual changes his/her mind regarding voluntary evaluation, officers should proceed with the emergency detention process, if appropriate.

418.4 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.

Kelso Police Department

Kelso PD Policy Manual

Emergency Detentions

- (d) Community or other resources available to assist in dealing with behavioral health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Emergency detentions should be preferred over arrest for individuals with behavioral health disorders who are suspected of committing minor crimes or creating other public safety issues.

418.5 TRANSPORTATION

When taking any individual into emergency detention, the transporting officer should have 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.

Officers may transport individuals in a patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Shift Sergeant approval is required before transport commences.

418.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking voluntary treatment, the officer should provide the staff member with the written application for an emergency detention and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

418.7 DOCUMENTATION

The officer should complete an application for emergency detention, provide it to the facility staff member assigned to the individual, and retain a copy of the application for inclusion in the case report.

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

418.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into emergency detention should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for emergency detention has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

Kelso Police Department

Kelso PD Policy Manual

Emergency Detentions

- (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.

418.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into emergency custody, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officers should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

418.10 TRAINING

This department will endeavor to provide department-approved training on interaction with persons with behavioral health disorders, emergency detentions and crisis intervention.

Citation Releases

420.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Kelso 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.

420.2 POLICY

The Kelso 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.

420.3 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)).

420.4 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.

420.5 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.

Foreign Diplomatic and Consular Representatives

422.1 PURPOSE AND SCOPE

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

422.2 POLICY

The Kelso 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.

422.3 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.

422.4 ENFORCEMENT ACTION

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

Kelso Police Department

Kelso PD Policy Manual

Foreign Diplomatic and Consular Representatives

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

422.5 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.

422.6 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

Kelso Police Department

Kelso PD Policy Manual

Foreign Diplomatic and Consular Representatives

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

Notes for diplomatic immunity table:

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

Kelso Police Department

Kelso PD Policy Manual

Foreign Diplomatic and Consular Representatives

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

Rapid Response and Deployment

424.1 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.

424.2 POLICY

The Kelso Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

424.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be made based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel.
- (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.

Kelso Police Department

Kelso PD Policy Manual

Rapid Response and Deployment

- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

424.4 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

424.5 PLANNING

The Patrol Division Commander should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes 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.

424.6 SCHOOL NOTIFICATION

The Patrol Division Commander should establish protocols for public and private school notification in the event an incident reasonably appears to require a lockdown or evacuation.

Kelso Police Department

Kelso PD Policy Manual

Rapid Response and Deployment

Protocols should include notification to all known schools in the vicinity of the incident that may be similarly threatened (RCW 28A.320.125).

Reporting Police Activity Outside of Jurisdiction

426.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting police activity while on or off-duty and occurring outside the jurisdiction of the Kelso Police Department.

426.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE CITY

When an officer is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor. If the request is of an emergency nature, the officer shall notify the Communications Center before responding and thereafter notify a supervisor as soon as practical.

426.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE CITY

Any on-duty officer, who engages in law enforcement activities of any type outside the immediate jurisdiction of the Kelso shall notify his/her supervisor at the earliest possible opportunity. Any off-duty officer who engages in any law enforcement activities, regardless of jurisdiction shall notify the 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 Division Commander.

Immigration Violations

428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Kelso Police Department relating to immigration laws and interacting with federal immigration officials (RCW 43.10.315).

428.2 POLICY

It is the policy of the Kelso Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

428.3 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.

428.4 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts.

428.5 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

428.6 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)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Kelso Police Department

Kelso PD Policy Manual

Immigration Violations

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Detective Unit supervisor assigned to oversee the handling of any related case.

The Detective Unit 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.
- (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.

428.6.1 TIME FRAME FOR COMPLETION

The Detective Unit 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).

428.6.2 U VISA AND T VISA DOCUMENTATION AND REPORTING

The Detective Unit 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 Detective Unit 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).

428.6.3 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 Records Maintenance and Release Policy.

Kelso Police Department

Kelso PD Policy Manual

Immigration Violations

428.7 TRAINING

The Administrative Sergeant should ensure that officers receive 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.

428.8 WASHINGTON STATE IMMIGRATION RESTRICTIONS

Members shall not (RCW 10.93.160):

- (a) Inquire into or collect information about an individual's immigration or citizenship status, or place of birth unless there is a connection between such information and an investigation into a violation of state or local criminal law.
- (b) Provide information pursuant to notification requests from federal immigration authorities for the purposes of civil immigration enforcement, except as required by law.
- (c) Provide nonpublicly available personal information about an individual to federal immigration authorities in a noncriminal matter, except as required by state or federal law.
- (d) Give federal immigration authorities access to interview individuals about a noncriminal matter while they are in custody, except as required by state or federal law, a court order, or written consent of the individual.
- (e) Allow a federal immigration authority to conduct an interview regarding federal immigration violations with a person who is in custody if the person has not consented in writing to be interviewed. In order to obtain consent, the person shall be provided with an oral explanation and a written consent form that explains the purpose of the interview, that the interview is voluntary, and that the person may decline to be interviewed or may choose to be interviewed only with the person's attorney present.
- (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

428.8.1 SCHOOL RESOURCE OFFICERS

Members who are school resource officers shall not (RCW 10.93.160):

Kelso Police Department

Kelso PD Policy Manual

Immigration Violations

- (a) Inquire or collect information about an individual's immigration or citizenship status, or place of birth.
- (b) Provide information pursuant to notification requests from federal immigration officials for the purposes of civil immigration enforcement, except as required by law.

Emergency Utility Service

430.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

430.1.1 BROKEN WATER LINES

The City's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practical by the Communications Center.

430.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, as appropriate.

430.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

430.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by the Communications Center.

430.2 TRAFFIC SIGNAL MAINTENANCE

The City of Kelso contracts with the State of Washington to furnish maintenance for all traffic signals within the City.

430.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise the Communications Center of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

Aircraft Accidents

433.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

433.1.1 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.

433.2 POLICY

It is the policy of the Kelso Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

433.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

433.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

433.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Kelso Police Department

Kelso PD Policy Manual

Aircraft Accidents

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

433.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Coroner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

433.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.
- (c) Fluids, batteries, flares and igniters.
- (d) Evacuation chutes, ballistic parachute systems and composite materials.

Kelso Police Department

Kelso PD Policy Manual

Aircraft Accidents

433.8 DOCUMENTATION

All aircraft accidents occurring within the City of Kelso shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of KPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

433.8.1 WRECKAGE

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
 - 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

433.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

433.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Kelso Police Department

Kelso PD Policy Manual

Aircraft Accidents

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

Field Training Officer Program

435.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Kelso Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment possessing all skills needed to operate in a safe, productive and professional manner.

435.2 FIELD TRAINING OFFICER SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

435.2.1 SELECTION PROCESS

FTO's will be selected based on the following criteria:

- (a) Desire and demonstrated ability to be a FTO.
- (b) Minimum of four years of patrol experience, two of which with this department is desired.
- (c) Evaluation by supervisors and current FTO's.
- (d) Holds a valid Peace Officer Certificate with CJTC.

435.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a CJTC Certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

All FTO's should complete a Field Training Officer update course every five years while assigned to the position of FTO.

435.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field 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 CJTC Supervisory Certificate.

The responsibilities of the FTO Program Supervisor include the following:

- (a) Assignment of trainees to FTOs.
- (b) Conduct FTO meetings.
- (c) Maintain and ensure FTO/Trainee performance evaluations are completed.
- (d) Maintain, update and issue the Field Training Manual to each trainee.

Kelso Police Department

Kelso PD Policy Manual

Field Training Officer Program

- (e) Monitor individual FTO performance.
- (f) Monitor overall FTO Program.

435.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the Kelso Police Department who has successfully completed a CJTC approved Basic Academy.

435.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 14 weeks.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of 8 weeks.

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers and geographical areas during their Field Training Program.

435.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Kelso Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations enacted by the Kelso Police Department.

435.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

435.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

- (a) Complete and submit a Daily Performance Evaluation of his/her assigned trainee to the FTO program supervisor on a daily basis.
- (b) Review the Daily Performance Evaluations with the trainee each day.
- (c) Complete a detailed evaluation on his/her assigned trainee at the end of the FTO 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.

Kelso Police Department

Kelso PD Policy Manual

Field Training Officer Program

435.6.2 FIELD TRAINING ADMINISTRATOR

The Field Training Officer program supervisor will review and approve the Daily Performance Evaluations submitted by the FTO.

435.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the student officer's personnel file.

Contacts and Temporary Detentions

439.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

439.1.1 DEFINITIONS

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

439.2 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Kelso Police Department to strengthen community involvement, community awareness, and problem identification.

Kelso Police Department

Kelso PD Policy Manual

Contacts and Temporary Detentions

439.2.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) Actions suggesting that he/she is engaged in a criminal activity.
- (c) Presence in an area at an inappropriate hour of the day or night.
- (d) Presence in a particular area is suspicious.
- (e) Carrying of suspicious objects or items.
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggests he/she is carrying a dangerous weapon.
- (g) Location in proximate time and place to an alleged crime.
- (h) Physical description or clothing worn that matches a suspect in a recent crime.
- (i) Prior criminal record or involvement in criminal activity as known by the officer.

439.2.2 JUVENILE FIELD CONTACTS

An officer shall permit a juvenile 17 years of age or younger to consult with legal counsel in person, by telephone, or by video conference, before the juvenile waives any constitutional rights anytime an officer detains a juvenile based on probable cause of involvement in criminal activity or requests the juvenile provide consent to an evidentiary search of the juvenile's property, dwellings, or vehicles under their control (RCW 13.40.740). See the Temporary Custody of Juveniles Policy, Interviewing or Interrogating Juvenile Suspects section for additional guidance and exceptions.

439.3 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down 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 weapons.
- (e) The actions and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Kelso Police Department

Kelso PD Policy Manual

Contacts and Temporary Detentions

Whenever practicable, pat-down searches 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.

439.4 FIELD PHOTOGRAPHS

Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

439.4.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent.

439.4.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based on reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

439.4.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Shift Sergeant with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Shift Sergeant should review and forward the photograph to one of the following locations:

- (a) If the photo and associated FI or memorandum is relevant to criminal organization/enterprise enforcement, the Shift Sergeant will forward the photo and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.
- (b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Division.

When a photograph is taken in association with a particular case, the investigator 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 shall be retained in accordance with the established records retention schedule.

Kelso Police Department

Kelso PD Policy Manual

Contacts and Temporary Detentions

439.4.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

439.5 PHOTO REVIEW POLICY

Any person who has been the subject of a field photograph or an FI by this agency during any contact other than an arrest may file a written request within 30 days of the contact requesting a review of the status of the photograph/FI. The request shall be directed to the office of the Chief of Police who will ensure that the status of the photograph or FI is properly reviewed according to this policy as described below. Upon a verbal request, the Department will send a request form to the requesting party along with a copy of this policy.

439.5.1 REVIEW PROCESS

Upon receipt of such a written request, the Chief of Police or his/her 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 upon 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 his/her 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 Kelso 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 his/her 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 his/her 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 Kelso Police Department policy, the original photograph will be destroyed or

Kelso Police Department

Kelso PD Policy Manual

Contacts and Temporary Detentions

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 his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest FI no longer exists or that the original F.I. was not obtained in accordance with established law or Kelso 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.

If the Chief of Police or his/her designee determines that any involved Kelso Police Department personnel violated existing law or department policy, the Chief of Police or designee shall initiate a separate internal investigation which may result in additional training, discipline or other appropriate action for the involved employees.

The person photographed/F.I.'d will be informed in writing within 30 days of the Chief of Police's determination whether or not the photograph/F.I. will be retained. This does not entitle any person to any discovery or access to any law enforcement records not otherwise authorized by law.

439.6 POLICY

The Kelso Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, 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.

439.7 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

- (a) Identifying all persons present at the scene and in the immediate area.
 1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, [officers/deputies] should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department members.
 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

Criminal Organizations

441.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Kelso Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

441.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

441.2 POLICY

The Kelso 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.

441.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20 and RCW 43.43.762.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

441.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Division. Any supporting documentation for an entry shall be retained by the Records Division in accordance with the

Kelso Police Department

Kelso PD Policy Manual

Criminal Organizations

established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Division are appropriately marked as intelligence information. The Records Supervisor may not purge such documents without the approval of the designated supervisor.

441.3.2 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)).

441.4 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.

441.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible department supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Division or Property and Evidence Section, but should be copies of, or references to, retained documents, such as copies of reports, field interview (FI) forms, the Communications Center records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

Kelso Police Department

Kelso PD Policy Manual

Criminal Organizations

441.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged in compliance with the department records retention schedule or entered in an authorized criminal intelligence system, as applicable.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

441.5 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 Administrative Sergeant to train members to identify information that may be particularly relevant for inclusion.

441.6 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.

441.7 CRIMINAL STREET GANGS

The Detective Unit supervisor should ensure that there are an appropriate number of department members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with identification of criminal street gangs, criminal street gang members and patterns of criminal gang activity.
- (b) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

Kelso Police Department

Kelso PD Policy Manual

Criminal Organizations

441.8 TRAINING

The Patrol Captain 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).

Mobile Data Terminal Use

447.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Terminal (MDT) 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 the Communications Center.

447.2 POLICY

Kelso Police Department members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

447.3 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors or Shift Sergeants.

Use of the MDT 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 MDT system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

447.3.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

447.4 EQUIPMENT CONSIDERATIONS

Kelso Police Department

Kelso PD Policy Manual

Mobile Data Terminal Use

447.4.1 MALFUNCTIONING MDT

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify the Communications Center. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

447.4.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

Portable Audio/Video Recorders

448.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties (RCW 10.109.010). Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Kelso Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

448.2 POLICY

The Kelso Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

448.3 MEMBER PRIVACY EXPECTATION

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 Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

448.4 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which a portable recorder should be used, although there are many situations where its use is appropriate. Members should activate a recorder any time the member believes it would be appropriate or valuable to record an incident.

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

No member of this department may record a face-to-face conversation without first announcing to everyone present that the conversation is going to be recorded and insuring the announcement is recorded except pursuant to a warrant, or when the communication is of an emergency nature or relates to communications by a hostage holder or barricaded suspect (RCW 9.73.030).

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media.

Kelso Police Department

Kelso PD Policy Manual

Portable Audio/Video Recorders

448.4.1 SURREPTITIOUS USE OF THE AUDIO/VIDEO RECORDER

Washington law prohibits any individual from surreptitiously recording any conversation, except as provided in RCW 9.73.040, RCW 9.73.090 and RCW 9.73.210.

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

448.4.2 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

448.5 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media 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 recorder. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Shift Sergeant. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

Police Camera Systems

449.1 PURPOSE

The Kelso Police Department Police Camera Systems includes all forms of cameras, either worn by its members or mounted in its vehicles, for the purpose of contemporaneously and objectively documenting citizen contacts. Throughout this policy, the term "Body Worn Camera" will be abbreviated as "BWC" or "BWCs". For clarity, BWCs do not include covert or undercover camera systems used specifically for other investigative or undercover operation purposes. BWCs are a valuable tool for promoting transparency in law enforcement by recording community member contacts with police officers. Video/audio footage produced by BWCs may be used as evidence in civil or criminal investigations, reviewed administratively for employee compliance with Department policies (as set forth below), used as a tool in law enforcement training and utilized as a reference in event documentation.

449.2 POLICY INTENT

It is the intent of the Kelso Police Department to use BWCs to effectively document in-person (non-telephonic) law enforcement-related community contacts when incidents of use of force or negative interaction most frequently occur and, due to the nature of the work, is more likely to occur (e.g., patrol, traffic, SWAT and specialty team enforcement activity). Simultaneously, this policy takes legitimate individual privacy interests into account. Facial recognition software will not be utilized without legal authorization.

449.3 DEFINITIONS

Advisement: Statement made by a Department member that a communication, conversation or interaction with a community member is being recorded.

Activation: The process that turns on the BWC and causes it to record or store audio and video data.

Body Worn Camera (BWC): A camera system that captures audio and video data, capable of being worn on the body of an officer that includes, at a minimum, a camera, microphone and data storage capability. In this policy, BWC also refers to a vehicle-mounted camera recording system.

Employee: Any Kelso Police Department member, regardless of rank or commission status.

Involved Employee: Any officer who used or directed the use of force.

Surreptitious Recording: A recording made without the knowledge of one or more of the parties to a conversation of communication and is a violation of Washington Privacy Act, RCW 9.73.

Witness Employee: A Kelso Police Department member who observes or has first-hand knowledge of the events surrounding an in-custody death or use of force by another Department member and did not use physical force. Additionally, this refers to an employee who observes or has first-hand knowledge of the events surrounding a Department member's direction to another to use force.

Kelso Police Department

Kelso PD Policy Manual

Police Camera Systems

449.4 TRAINING

Prior to wearing and operating a BWC, employees are required to successfully complete Department-authorized BWC training. The training, at a minimum, will include:

- Review of this policy.
- System preparation and operation
- Placement of the BWC
- Procedure for downloading and tagging recorded data

449.5 EMPLOYEE RESPONSIBILITIES

Department members shall inspect their BWC at the beginning of every shift. If an employee discovers the BWC equipment is not functioning during this inspection or at any other time, they are responsible for notifying their supervisor and arranging for repair as soon as practical. Officers will obtain a spare BWC from their supervisor while their BWC is being repaired.

The intent for this policy is to insure BWCs are used by Department personnel who have the most frequent contact with the public. This includes all uniformed Department members working in a patrol or patrol support capacity while on-duty. This may also include Detectives, SWAT and School Resource Officer.

- Non-uniformed personnel, such as Detectives, shall activate their assigned BWC during pre-planned enforcement events including, but not limited to: Search warrants, serving an arrest warrant or any other circumstance that may result in an arrest. The use of a BWC will be discretionary for interviews with witnesses and victims during ongoing/evolving investigations. It is permissible under this policy for Detectives to exercise reasonable discretion to record or not to record events and circumstances in accordance with State law. Detectives may activate their BWC any time they determine it would be beneficial to capture an event or activity. If a Detective works in a patrol capacity, they will be governed by the policy referencing uniformed Department members.
- Personnel performing tasks as part of a specialty team or unit will activate their camera while performing enforcement activities, e.g., SWAT, CNT, T/F, SRO. It is permissible under this policy for SWAT, CNT, T/F or other specialty unit to not record either pre-and/or post-operational briefings, tactical planning or law enforcement intelligence gathering/sharing regarding tactical operations.
- Employees assigned to duties involving explosives and/or personnel dispatched or present at the scene of a bomb threat are not required to wear or activate their BWC.
- Officers shall affix their camera on their person at or near chest level where it is unobstructed by the uniform or other equipment. This requirement does not include circumstances in which the camera becomes unintentionally obstructed or dislodged during policy activity.
- Exceptions to the requirement include uniformed Department members working in administrative roles or modified duty status where there is little to no risk of a negative encounter with the public or risk of use of force.

Kelso Police Department

Kelso PD Policy Manual

Police Camera Systems

- Privately-owned BWCs or recording with privately-owned equipment is not permitted.

449.6 WHEN TO RECORD

When equipped with a BWC system, members shall activate their BWC under the following circumstances or when an officer safety concern is present:

- Prior to exiting their vehicle when it is known, or likely, that the officer will be making suspect contact, taking enforcement action or in cases where those circumstances are not yet known. If it is determined that no factors exist that would require the recording of the event, the officer may discontinue recording.
- As soon as practical upon making the decision to engage in any self-initiated law enforcement activity.
- Examples of when to record include, but are not limited to:
 - Arrests
 - Service of a court order, infraction or citation
 - Vehicle or foot pursuit
 - Interviews with suspects
 - Consent searches
 - Search warrant services
 - Staffing a containment position during a K9 search
 - All enforcement and investigative stops including voluntary contacts and investigatory detentions
 - Traffic stops
 - Disabled motorist assistance
 - Contact with anyone believed to be suffering from a mental health crisis
 - At the request of a citizen when doing so would not violate this policy
 - Any adversarial or potentially adversarial encounter with any community member
- With the exception of prohibited recordings (Section 449.9), employees may, at their discretion, activate their BWC any time they determine it would be beneficial to capture an event or activity.
- If circumstances prevent an employee from activating their BWC at the start of an event, the employee will activate the BWC as soon as practicable. Nothing in this policy should be interpreted as prioritizing BWC activation over the safety of a Department member or community member.
- Remote BWC activation is not authorized for any purpose under this policy and will not be employed.
- Live Feed activation will only be employed under the following limited circumstance: When previously identified employees, prior to deployment in the field and with

Kelso Police Department

Kelso PD Policy Manual

Police Camera Systems

knowledge they will be live-streaming, are tasked with gathering intelligence during a civil unrest/riot/protest response. Such information would be solely used for providing intelligence, situational awareness and information to Command Post personnel.

449.6.1 ACTIVATION AMNESTY

No employee will be subject to discipline for failing to activate a BWC for any reason for the first month or 16 shifts, whichever occurs later, after he or she is assigned to wear a BWC. Evidence of a failure to activate a BWC during the amnesty period shall not be used or considered for performance evaluations or discipline.

When an employee is assigned to a non-uniformed position for a period of six months or more, the amnesty period will restart once that employee is reassigned to a uniformed position.

Employees assigned to non-uniformed positions who work extra shifts in uniformed assignments will not be subject to discipline for an unintentional failure to activate their BWC.

449.7 ADVISEMENT - WHEN REQUIRED

Conversations between uniformed police employees and community members that occur during the performance of official duties are not recognized as private conversations under Washington State law, and therefore, generally do not require an advisement the interaction is being recorded. The exceptions to this are traffic stops and custodial interrogations. RCW 9.73.090.

- Employees conducting traffic stops while equipped with a BWC shall notify the occupants there is an audio and video recording occurring. This statement should be given at the beginning of the contact, absent an emergent situation, and captured on the recording.
- Prior to any custodial interrogation, employees shall inform the arrestee they are being audio and video recorded with a BWC. This statement, along with Miranda advisement shall be included in the recording.

Nothing in this policy precludes an employee from advising a community member they are being recorded. If a community member asks if an employee is recording the event, employees must answer truthfully.

449.8 WHEN TO STOP RECORDING

Once activated, the employee shall not purposely turn off their BWC until the employee's involvement in the incident has concluded or it is determined no factors listed in Section 450.6 that require a recording continue to exist. The Department member should cease recording when their part of the active investigation is completed and there is little possibility the employee will have further contact with any person involved in the event. If a supervisor is required to obtain a Public Safety Statement, he/she will insure their BWC, as well as the BWC of the involved officer(s), is not recording to prevent compelled information from accidentally being provided to any Independent Investigative Team. Exceptions may occur when recording has commenced and a prohibition defined in Section 450.9 presents itself.

Kelso Police Department

Kelso PD Policy Manual

Police Camera Systems

449.9 PROHIBITED RECORDING

The BWC shall not be used to record:

- Anything not involved with official duties.
- Communications with other police personnel while not on a call.
- Communications with undercover officers or confidential informants.
- While on break or otherwise engaged in personal activities.
- While in a correctional facility unless responding to an in-progress call for service. Transferring custody of a suspect to jail staff is not considered an in-progress call for service. For this section, the jail sally port will not be considered part of the correctional facility. Recording should end at the point of entering the secure booking area unless the continuance of an investigation occurs inside the facility, e.g., Processing a DUI arrestee. Employees entering the facility when not responding to an in-progress call must deactivate their BWC prior to entering the facility, but may reactivate it once the investigation resumes therein.
- While in the interior of a medical, mental health, domestic violence shelter, counseling or therapeutic facility to avoid unintentional recording of uninvolved parties. Examples of exceptions include responding to a call for service, recording of an investigation of a crime committed at the facility, the drawing of blood at a facility following a DUI arrest or taking a statement from a suspect, witness or victim while inside the facility, e.g., Dying declaration, where no other alternative is available or reasonable. Unless an exigency exists or while responding to an in-progress call for service, employees entering the facility must deactivate their BWC prior to entering the facility, but may reactivate it once the investigation resumes therein.
- While inside a police station, except for taking law enforcement actions such as: Conducting interviews, taking an in-person report, processing a DUI, or guarding an in-custody person. The employee should announce as they enter the station that they are recording.
- Any privileged conversations, e.g., attorney-client, peer support or labor-privileged conversations.
- During community policing activities where no law enforcement action is anticipated, e.g, Shop with a Cop, National Night Out, Kelso Police Association events.
- Kelso Police Department employees are prohibited from surreptitiously or overtly recording any employee of the Department or any other person in a manner inconsistent with this policy. It is understood that cameras will record the activity of other employees during calls for service.
- Kelso Police Department employees may not use BWCs for non-work-related purposes or otherwise operate the BWC outside their legitimate law enforcement duties.

449.10 DISCRETIONARY RECORDING

Members should remain sensitive to the dignity of all individuals being recorded and exercise reasonable discretion to respect privacy by discontinuing a recording whenever it reasonably

Kelso Police Department

Kelso PD Policy Manual

Police Camera Systems

appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording.

It is permissible under this policy for employees to exercise reasonable discretion to not record events only in the following circumstances:

- When the employee is in a location where people have a reasonable expectation of privacy, such as a restroom or locker room and the employee is not there to make an arrest, serve a warrant, etc.
- When consideration and respect for one's privacy interests or dignity outweighs the need to record an event. Examples may include: Death notifications, child or sexual assault victim interviews and a person's cultural or religious objections to being recorded.
- Sensitive communications that include law enforcement intelligence information or tactical planning. If these sensitive communications occur mid-call, the Department member shall turn the BWC back on when these conversations are over unless there is another approved exception to keep it off.
- If a community member objects to being recorded, the Department member may elect to record despite the objection. Since conversations with police officers are not considered private under Washington State law, there is no requirement that an employee turn off the camera for a community member who objects to having the interaction recorded. However, prior to deactivating a BWC during a call, and if the circumstances permit, the officer shall document the reason for stopping the recording on camera prior to deactivation. Recording should resume once privacy interests are no longer an issue unless the circumstances no longer fit the criteria for recording.

449.11 END OF SHIFT RESPONSIBILITIES

Employees shall, prior to the end of their shift, or as soon as practical, follow the protocol to label, categorize and upload videos to the cloud storage system. Additionally, Department members shall upload their BWC footage during their shift if the BWC storage capacity is reaching its limit.

All BWC footage shall be uploaded to cloud storage prior to securing at the completion of a Department member's shift. Department members unable to complete this end of shift responsibility shall notify a supervisor prior to leaving for the day and will complete the process at the beginning of their next regular or overtime shift, whichever occurs first.

449.12 REPORT WRITING

An incident recorded on the BWC is not a substitute for a complete and thoroughly written police report. In situations that require an employee to write a police report, the employee may not use the BWC video as a substitute for, or basis to abbreviate, their documentation of the incident.

449.13 UNAUTHORIZED USE OF BODY WORN CAMERAS

All employees of the Kelso Police Department shall abide by the policies and procedures related to BWCs and BWC video as set forth in this policy.

Kelso Police Department

Kelso PD Policy Manual

Police Camera Systems

- Employees may not use BWCs for non-work-related purposes or otherwise operate the BWC outside their legitimate law enforcement duties.
- All BWC videos are the property of the Kelso Police Department. Dissemination outside of the agency is strictly prohibited except as required by law and pursuant to the provisions of Kelso Police Department policy. Any dissemination outside this policy is prohibited without the consent of the Chief of Police.
- Employees are prohibited from accessing stored camera data, except for legitimate law enforcement purposes, including authorized review as described in this policy

449.14 DOWNLOADING VIDEO

The only personnel permitted to download BWC videos will be Records staff assigned to public disclosure assignments, investigators and those personnel directed by the Chief for training purposes. When a video is downloaded, the designated employee conducting the download will note in the system the purpose for the download and where the video will be maintained.

449.15 REVIEW OF BODY WORN CAMERA VIDEO

1. Employees may view their own BWC video at any time in accordance with this policy.
2. Recordings may be reviewed by individuals other than the recording employee in any of the following situations:
 - (a) By employees prior to completing their police report or providing a statement pursuant to an internal or criminal investigation, subject to the following:
 - i. All employees in any administrative investigation will be allowed to view all footage of the incident prior to any interview or answering questions related to any administrative investigation.
 - ii. Involved and witness employees in a use of force investigation will be provided with and allowed to review relevant BWC footage prior to any interview, answering questions or writing reports. The BWC footage viewed by the involved and witness employees should show actions, items or other relevant factors the employee could have seen or heard from their vantage point and could have been used in making a determination to use force against an individual(s) at the time of the incident.
 - iii. During an Officer Involved Shooting or Use of Force incident that results in significant bodily injury or death, the supervisor of the employee wearing a BWC, or their designee, will obtain and lock any relevant BWC footage of these incidents.
 - (b) By any supervisor/investigator conducting an internal affairs investigation or supervisory inquiry. Review of the BWC video shall be related to the specific complaint(s) and not used as the basis to randomly search for other possible violations. Discovery of other violations during this review shall require the supervisor to articulate the purpose of expanding the scope of the review. Inadvertent discovery of certain policy violations (e.g., those defined as those violations that would amount to a crime, excessive force, or retaliation/discrimination/biased-based policing) noted during this review,

Kelso Police Department

Kelso PD Policy Manual

Police Camera Systems

but not mentioned in the complaint, shall be addressed at the appropriate level in accordance with the Collective Bargaining Agreement and Policy 340. Inadvertent discovery of other policy violations (e.g., rudeness or procedural violations) should not be the basis of disciplinary action and may be addressed through appropriate corrective action. Any disagreements about the processing of these violations shall be handled between the Chief of Police and the Collective Bargaining Unit's President, Representative or Electee.

- (c) By technical support staff for the purposes of assessing proper functioning of BWCs.
- (d) By the City and County Prosecutors.
- (e) By a Department investigator or officer, with the approval of a supervisor, who is participating in a criminal investigation providing the requested recording is specific to that investigation.
- (f) By legal counsel and/or union representation representing an officer in a critical incident prior to providing a statement pursuant to an administrative investigation.
- (g) Training - Recordings may be reviewed for training purposes. Prior to any recordings being used for training purposes, the Administrative Sergeant responsible for training will notify all involved employees. If an involved employee objects to showing a recording, they will submit a department memo to the Patrol Commander documenting their objection. The Patrol Commander will determine whether other training resources exist that serve the same purpose. Only in unique circumstances should the recording be used after approved through the employee's chain of command and the Chief of Police. Inadvertent discovery of minor policy violations normally addressed at the first-line supervisory level shall not be the basis for disciplinary action.
- (h) By an employee's legal representative and/or bargaining unit representative who is involved in representing the employee in an administrative investigation or a criminal investigation.
- (i) By the City's legal representative and/or bargaining unit representative who is involved in representing the City in an official matter, such as an administrative investigation, a lawsuit, or a criminal investigation.
- (j) Pursuant to a subpoena or public records request.
- (k) Specific acts showcasing the Department that reflect positively on Kelso Police Department, may be of interest to the public and are to be made available to the media.

449.16 RETENTION OF BODY WORN CAMERA VIDEO

1. Videos shall be retained in accordance with the State of Washington retention guidelines and Kelso Police Department policy regarding records retention.
2. All other BWC video shall be retained in the system for 60 days then deleted.

Kelso Police Department

Kelso PD Policy Manual

Police Camera Systems

3. Accidental activation - An employee may inadvertently/accidentally record themselves or others. These particular inadvertent/accidental recordings typically do not meet the statutory definition of a public recording (as defined in RCW 40.14.010) because they are not made "in connection with the transaction of public business" and, as such, may be deleted. In the event of an accidental activation of the BWC, the employee may request the BWC video in question be deleted forthwith by submitting a written request by email, including the date and time of the inadvertent/accidental recording through their chain of command to the Commander or designee. The Commander or designee shall approve or deny the request and forward the decision to the Records Division for deletion.
4. Employees shall not intentionally tamper with, alter, or delete video. This does not apply to personnel tasked with system maintenance who purge videos under established guidelines or who redact videos as part of their duties.

449.17 RELEASE OF BODY WORN CAMERA VIDEO

1. **For Criminal Justice Purposes:** BWC videos may be accessed for criminal discovery purposes directly by Prosecuting Attorney / City of Kelso Attorney, who have an account in the video cache system. Prosecutors will be able to locate the existence of a BWC video by its reference in the police report and/or CAD notes and a search for videos related to pending cases by inputting the law enforcement incident report number into the system. Discovery of BWC videos to the defense bar shall be made through the prosecutor.
2. **To the Public:** BWC videos will be made available to the public through public records requests pursuant to RCW 42.56. Public records requests for BWC videos should be processed by the Records Division. The release of any public record involving BWC footage will include a notation to the requestor of such information that the frame rate/recording speed of any such video may not necessarily capture all segments of an event nor provide a sharp or clear image of the recorded event. Prior to release, videos from BWCs will be reviewed and redacted by the Records Division and will be consistent with statutory exemptions under Washington State law, including the following:
 - (a) The images of any witness who expresses safety concerns or who requests that their identity not be disclosed.
 - (b) The image of domestic violence, sexual assault, trafficking, or stalking victims.
 - (c) People experiencing a medical emergency or receiving medical treatment.
 - (d) Child victims, child witnesses and juveniles in the court system.
 - (e) Images that are highly offensive to a reasonable person, such as images of deceased or seriously injured persons.
 - (f) Persons with apparent mental illness in crisis or who are detained for a mental health evaluation.
 - (g) The image of anything which reveals personal identifying information.

Kelso Police Department

Kelso PD Policy Manual

Police Camera Systems

3. The Records Division may provide third party notification to allow any person whose privacy may be impacted by the release of a BWC video time to file a petition for injunctive relief.
4. Community members shall not be allowed to view BWC camera recordings except in the instances listed above.
5. Officer-involved shooting / In-custody death cases.

449.18 GPS ASSOCIATED WITH BODY WORN CAMERAS

In the event GPS or other location capabilities (hereinafter "GPS") are available with the BWC, the GPS function will not be randomly reviewed or used for disciplinary purposes, unless they are associated with an internal investigation. GPS may be used for operational reasons for the purpose of officer safety, public safety, or efficient deployment of resources.

449.19 BODY WORN CAMERA LIMITATIONS

BWC recordings provide only a two-dimensional perspective with limited vantage points of an incident. Consequently, no employee will ever rely solely upon the review of video recordings as the basis for discipline against an employee. Instead, the department shall review and consider all available evidence (including witness statements, employee interviews, forensic analysis, documentary evidence, etc.) prior to imposing discipline against an employee.

449.20 PRE-EVENT RECORDING

Pre-event recording is a feature that allows the BWC device capture footage for a pre-determined amount of time prior to the activation of the camera (e.g., the time period the camera records to memory prior to the camera being turned on). The agreed upon pre-event recording time between Kelso Police Association and the City of Kelso is (30) seconds.

449.21 BODY WORN CAMERA IMPLEMENTATION AGREEMENT

Kelso Police Association and the City of Kelso agree the implementation and wearing of BWCs is a mandatory subject of bargaining. Any changes to this BWC policy shall be developed jointly between Kelso Police Association and the Chief of Police. However, nothing in this section should be construed as preventing the addition or removal of language regarding BWCs based upon a change in State or Federal law.

Medical Cannabis

451.1 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.).

451.1.1 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 can act as a designated provider to no more than one patient at a time and 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 or has been entered into the medical cannabis authorization database and has been provided a recognition card.
- Has an authorization from the person's health care professional.
- Is not under supervision for a crime that does not allow for the use of medical cannabis.

Kelso Police Department

Kelso PD Policy Manual

Medical Cannabis

Recognition Card - A card issued to qualifying patients and designated providers by a cannabis retailer with a medical cannabis endorsement that has entered them into the medical cannabis authorization database.

451.2 POLICY

It is the policy of the Kelso 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.

451.3 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.

451.3.1 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.

451.3.2 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 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; RCW 69.51A.043):

- (a) 48 ounces of cannabis-infused product in solid form

Kelso Police Department

Kelso PD Policy Manual

Medical Cannabis

- (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 may only purchase cannabis at a retail outlet at the same quantities as non-patients (RCW 69.50.360) if they do not have the appropriate authorization (RCW 69.51A.210). Qualifying patients and designated providers may purchase immature plants or clones as defined in RCW 69.50.101 and 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 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 possesses or uses the cannabis for the patient's personal, non-medical use or benefit (RCW 69.51A.040).

451.3.3 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 or that the patient or provider presented no authorization when initially contacted by law enforcement (RCW 69.51A.045).

Officers should conduct a thorough investigation in such cases, but in general, should not arrest a subject for possession, delivery, or production of cannabis if an excess amount appears reasonable based upon the above policy considerations. Similarly, if an officer can verify that authorization exists, even though a recognition card was not presented or obtained by a qualified patient or designated provider, an arrest generally should not be made (RCW 69.51A.043).

All facts should be thoroughly documented and if evidence is not seized, it shall be photographed and detailed in the report.

451.3.4 ADDITIONAL CONSIDERATIONS

Prior to making a physical arrest or confiscating cannabis plants, usable cannabis, or product, officers should consider the following:

- (a) Whenever the initial investigation reveals an amount greater than specified by law, officers should, in anticipation of an affirmative defense, consider and document:

Kelso Police Department

Kelso PD Policy Manual

Medical Cannabis

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).

451.4 EXCEPTIONS

This policy does not apply to the following offenses; officers may take enforcement action if the person (RCW 69.51A.060):

- (a) Engages in the medical use of cannabis in a way that endangers the health or well-being of any person through the use of a motorized vehicle on a street, road, or highway, including violations of RCW 46.61.502 or RCW 46.61.504, or equivalent local ordinances.
- (b) Uses or displays medical cannabis in a manner or place open to the view of the public.
- (c) Produces fraudulent documentation.

451.5 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.

Kelso Police Department

Kelso PD Policy Manual

Medical Cannabis

451.6 PROPERTY AND EVIDENCE SECTION SUPERVISOR RESPONSIBILITIES

The Property and Evidence Section Supervisor shall ensure that cannabis, drug paraphernalia, or other related property seized from a person engaged or assisting in the use of medical cannabis is not destroyed.

Upon a determination by the prosecuting attorney that the person from whom cannabis, drug paraphernalia, or related property was seized is entitled to possession under the law, the Property and Evidence Section Supervisor should return to that person any usable cannabis, plants, drug paraphernalia, or other seized property. That determination is the result of a decision not to prosecute, by the dismissal of charges or an acquittal.

The Property and Evidence Section Supervisor may destroy cannabis that was alleged to be for medical purposes upon receipt of a court order.

The Property and Evidence Section Supervisor may release cannabis to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Detective Unit Supervisor.

Foot Pursuits

455.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

455.2 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

455.3 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.
- (b) The officer is acting alone.
- (c) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with the dispatcher or with assisting or backup officers.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.

Kelso Police Department

Kelso PD Policy Manual

Foot Pursuits

- (l) The officer or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.
- (o) The officer's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

455.4 RESPONSIBILITIES IN FOOT PURSUITS

455.4.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit and containment. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the dispatcher of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

Kelso Police Department

Kelso PD Policy Manual

Foot Pursuits

455.4.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

455.4.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need to be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

455.5 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate crime/arrest reports documenting, at a minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.
 - 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
- (g) Arrestee information, if applicable.
- (h) Any injuries and/or medical treatment.
- (i) Any property or equipment damage.
- (j) Name of the supervisor at the scene or who handled the incident.
- (k) A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

Homeless Persons

463.1 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 Kelso Police Department recognizes that members of the homeless community are often in need of special protection and services. The Kelso Police Department will address these needs in balance with the overall missions of this department. Therefore, officers will consider the following policy sections when serving the homeless community (see the Emergency Detentions Policy).

463.1.1 POLICY

It is the policy of the Kelso 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.

463.2 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.

463.2.1 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.

Kelso Police Department

Kelso PD Policy Manual

Homeless Persons

- (e) Consider whether the person may be a vulnerable adult and if so, proceed in accordance with the Adult Abuse Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.
- (h) Document any facts indicating that the offense was intentionally committed because the victim was homeless or perceived to be homeless (RCW 9.94A.535).

463.3 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.

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 unless it is reasonably obvious the property has been abandoned.

463.4 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.

463.5 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

Kelso Police Department

Kelso PD Policy Manual

Homeless Persons

has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

Public Recording of Law Enforcement Activity

464.1 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.

464.2 POLICY

The Kelso 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.

464.3 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.

464.4 OFFICER/DEPUTY RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

Kelso Police Department

Kelso PD Policy Manual

Public Recording of Law Enforcement Activity

individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

464.5 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.

464.6 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.

Kelso Police Department

Kelso PD Policy Manual

Public Recording of Law Enforcement Activity

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

Crisis Intervention Incidents

465.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

465.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

465.2 POLICY

The Kelso Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

465.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

Kelso Police Department

Kelso PD Policy Manual

Crisis Intervention Incidents

465.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Division Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

465.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

465.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Kelso Police Department

Kelso PD Policy Manual

Crisis Intervention Incidents

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

In an effort to reduce the risk of escalation, responding officers should not, when reasonable:

- Display tactics that may be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

465.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

465.8 TACTICAL DISENGAGEMENT

Tactical disengagement is a strategic withdrawal from contact with a subject where: (1) Officers have determined the subject has not committed a serious or violent criminal offense, and (2) Where the subject is only a known or perceived threat to him/herself and, under the circumstances, not a threat to the public, officers or others.

Kelso Police Department

Kelso PD Policy Manual

Crisis Intervention Incidents

In an effort to avoid a use of force application during incidents where self-harm is the primary purpose for contact, disengaging may present a safer and more effective approach for the subject and officers.

A supervisor should be summoned to any scene where tactical disengagement is a consideration and may be an appropriate response after reasonable efforts to gain compliance through de-escalation techniques have failed. If a supervisor determines a person is not reasonably believed to be a threat to the public or others and that further or continued interaction with the subject may result in an increased risk to the person, the on-scene supervisor is encouraged to develop a plan for tactical disengagement.

When making a decision to disengage, the on-scene supervisor should:

1. Insure reasonable de-escalation techniques have been attempted to safely resolve the incident.
2. Insure family members, friends or others who are known to have interest are provided with resources and services available to them upon disengagement.
3. Inform any person remaining on scene we cannot guarantee their safety once we disengage and communicate they are responsible for their own safety and they should take reasonable efforts to insure their own safety.
4. Order officers to withdraw from the area after reasonable attempts to resolve the incident have failed and a plan is in place to disengage.
5. Insure notification is made to appropriate mental health services to consider attempting contact with the subject at a later date and time when the subject may be more receptive to intervention.

465.9 ADDITIONAL SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis when requested.

Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and insure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Determine if tactical disengagement is a viable option and formulate a plan to disengage.
- (d) Insure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing when appropriate.
- (f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

Kelso Police Department

Kelso PD Policy Manual

Crisis Intervention Incidents

465.10 INCIDENT REPORTING

When officers exercise tactical disengagement, officers shall prepare an incident report documenting the following:

1. The reason for the initial call for service.
2. Actions taken in an attempt to de-escalate and gain compliance.
3. Reason for the decision to disengage.
4. Actions taken and warnings given to promote safety to third parties.
5. Consider a officer caution entry and/or notice of recent disengagement for the subject and his/her address through the communications center.
6. Insure a copy of the incident report is forwarded to the appropriate mental health provider(s).

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

465.10.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Emergency Detentions Policy.

465.11 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Non-sworn members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

465.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

Kelso Police Department

Kelso PD Policy Manual

Crisis Intervention Incidents

Training shall include mandated training in crisis intervention, certified by the Criminal Justice Training Commission, as required by Washington law (RCW 43.101.427; WAC 139-09-020 et seq.).

Chapter 5 - Traffic Operations

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Kelso Police Department. Information provided by the Electronic Traffic Information Processing (eTRIP) data retrieval system is a valuable resource for traffic accident occurrences and officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance. The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

Kelso Police Department

Kelso PD Policy Manual

Traffic Function and Responsibility

500.3.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

- (a) Explanation of the violation or charge.
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist.
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

500.3.3 ARRESTS FOR TRAFFIC OFFENSES

Officers may issue a traffic citation for any criminal traffic offense or infraction when such violations are committed in an officer's presence or as allowed pursuant to RCW 10.31.100. With limited exceptions, the detention in such cases may not be for a period of time longer than is reasonably necessary to issue and serve a citation to the violator.

A traffic-related detention may expand to a physical arrest under the following circumstances:

- (a) When the officer has probable cause to believe that a felony has been committed, whether or not it was in the officer's presence
- (b) When the offense is one or more of the traffic violations listed in RCW 10.31.100
- (c) When a driver has been detained for a traffic offense listed in RCW 46.63.020 and fails to provide adequate identification or when the officer has reasonable grounds to believe that the person to be cited will not respond to a written citation. In such cases, officers should, when practicable, obtain the approval of a supervisor before making an arrest.

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

If an officer contacts a traffic violator who is also driving on a suspended or revoked license, the officer should issue a traffic citation or make an arrest as appropriate.

500.4.1 SUSPENDED, REVOKED OR CANCELED COMMERCIAL LICENSE PLATES

If an officer contacts a traffic violator who is operating a commercial truck, truck tractor or tractor with registration that a computer check confirms to be revoked, suspended or canceled, the officer shall confiscate the license plates. The Department may either recycle or destroy the plates (RCW 46.32.100).

500.5 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery, and equipment (23 CFR 655.601).

Kelso Police Department

Kelso PD Policy Manual

Traffic Function and Responsibility

Although intended primarily for use while performing traffic related assignments, high-visibility vests shall be worn at any time increased visibility would improve the safety or efficiency of the member.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests shall be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment.

Examples of when high-visibility vests shall be worn include traffic control duties, accident investigations, lane closures, and while at disaster scenes, or anytime high visibility is desirable.

When emergency conditions preclude the immediate donning of the vest, officers shall retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in the trunk of each patrol and investigation unit, in the side box of each police motorcycle and in the saddlebag or gear bag of each police bicycle. Each vest should be stored inside the resealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Administrative Sergeant should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

500.6 HAZARDOUS ROAD CONDITIONS

The Kelso Police Department will make all reasonable efforts to address all reported hazardous road conditions in a timely manner as circumstances and resources permit.

500.7 SCHOOL BUS SAFETY CAMERAS

Any school district with buses properly equipped with cameras that capture stop-arm violations may report such violations to the Kelso Police Department whenever they occur within the department's jurisdiction.

The Patrol Commander should establish a report form and procedure for school districts to report school bus stop-arm violations (RCW 46.63.180).

500.7.1 NOTIFICATION OF INFRACTION

The Patrol Commander or the authorized designee should initiate an investigation of the reported violation after receiving a stop-arm violation report from a school district.

Kelso Police Department

Kelso PD Policy Manual

Traffic Function and Responsibility

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.

Traffic Collision Reporting

502.1 PURPOSE AND SCOPE

The Kelso Police Department prepares traffic collision reports and as a public service makes traffic collision reports available to the community with some exceptions.

502.2 TRAFFIC COLLISION REPORTS

All traffic collision reports taken by members of this department shall be forwarded to the shift supervisor for approval and then to Records for data entry.

502.2.1 STATEWIDE ELECTRONIC COLLISION AND TICKET ONLINE RECORDS (SECTOR)

This department utilizes SECTOR software to complete traffic citations and traffic collision reports. SECTOR shall only be used by those authorized employees who have completed department-approved training in the use of SECTOR software. All traffic collision reports completed with SECTOR software shall comply with established report approval requirements.

All reports completed using SECTOR software should be downloaded to the designated server as soon as practicable or in any case prior to the end of the employee's shift.

502.3 REPORTING SITUATIONS

502.3.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic collision investigation reports shall be taken when a City-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a City vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Division Commander.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

502.3.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the Kelso Police Department, the Patrol Commander or the Shift Supervisor will request assistance from an outside agency.

502.3.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The Patrol Commander or on-duty Shift Supervisor may request assistance from an outside agency for the investigation of any traffic collision involving any City official or employee.

502.3.4 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

Kelso Police Department

Kelso PD Policy Manual

Traffic Collision Reporting

- (a) When there is a death or injury to any persons involved in the collision.
- (b) Property damage exceeding the dollar amount currently established by WSP.

502.4 NOTIFICATION OF TRAFFIC BUREAU SUPERVISION

In the event of a serious injury or death related traffic collision, the Shift Supervisor shall notify the Patrol Commander to relate the circumstances of the traffic collision and seek assistance if needed.

Vehicle Towing and Release

510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Kelso Police Department.

510.2 RESPONSIBILITIES

The responsibilities of those employees storing or impounding a vehicle are as follows.

510.2.1 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in the Communications Center.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the next rotational tow on the list for the impound. A Washington Uniform State Tow/Impound form will be used.

510.2.2 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, or to comply with posted signs.

510.2.3 RECORDS DIVISION RESPONSIBILITIES

Whenever a stolen vehicle is impounded by the Kelso Police Department, Records Division personnel will promptly attempt to notify the legal owner of the recovery (RCW 7.69.030(7)).

510.3 TOWING SERVICES

The City of Kelso periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) When a vehicle is being held as evidence in connection with an investigation.
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations.

Nothing in this policy shall require the Department to tow a vehicle.

Kelso Police Department

Kelso PD Policy Manual

Vehicle Towing and Release

510.4 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping for the arrestee's vehicle. The vehicle shall be stored whenever it is mandated by law, needed for the furtherance of an investigation or prosecution of the case, or when the Community Caretaker Doctrine would reasonably suggest it. For example, the vehicle would present a traffic hazard if not removed, or due to a high crime area the vehicle would be in jeopardy of theft or damage if left at the scene.

No impound should occur if other alternatives are available that would ensure the vehicle's protection. Factors that should be considered by officers in determining whether to impound a vehicle pursuant to this policy include:

- (a) Whether the offense for which the subject was arrested mandates vehicle impound (e.g., commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, or promoting travel for commercial sexual abuse of a minor (RCW 9A.88.140(2))).
- (b) Whether someone is available at the scene of the arrest to whom the vehicle could be released.
- (c) Whether the vehicle is impeding the flow of traffic or is a danger to public safety.
- (d) Whether the vehicle can be secured.
- (e) Whether the detention of the arrestee will likely be of such duration as to require protection of the vehicle.
- (f) Whether there is some reasonable connection between the crime/arrest and the vehicle, or the vehicle is related to the commission of another crime (i.e., the vehicle itself has evidentiary value).
- (g) Whether the owner/operator requests that the vehicle be stored.
- (h) Whether the vehicle would be in jeopardy of theft or damage if left at the scene in a high-crime area.

In cases where a vehicle is not stored, the handling employee shall note in the report that the owner was informed that the Department will not be responsible for theft or damages to the vehicle.

510.5 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. A locked vehicle trunk shall not be opened, even if it may be opened without a key from an accessible area of the passenger compartment. Locked or closed containers located within the passenger compartment should be inventoried as a sealed unit, absent exigent circumstances.

Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

Kelso Police Department

Kelso PD Policy Manual

Vehicle Towing and Release

510.6 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g. cash, jewelry, cell phone, prescriptions) which are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, search personnel shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

Vehicle Impound Hearings

512.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound validity hearings.

512.2 IMPOUND HEARING

When a vehicle is impounded by any member of the Kelso Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or their agent (RCW 46.55.240).

512.2.1 HEARING PROCEDURES

When requested, a hearing will be held at the Kelso Police Department within five days of the receipt of the request. The Department will appoint a Hearing Officer who will conduct the hearing and render a judgment. The employee who caused the removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on an impounded vehicle shall be submitted in person, writing, or by telephone within ten days of the date appearing on the notice. The person requesting the hearing may record the hearing at his/her own expense.

The vehicle impound hearing officer shall consider all information provided and determine whether the vehicle was impounded consistent with law and department policy. The Department will have the burden of proving by preponderance of the evidence that the vehicle was impounded lawfully and within policy.

If a decision is made that the vehicle was impounded within the law and department policy, the hearing officer shall advise the inquiring party that they may appeal the decision with the district court for a final judgment (RCW 46.55.240(1)(d)).

A decision that the vehicle was not impounded in a lawful manner or within department policy will require that the vehicle in impound be released immediately. Towing and storage fees will be paid at the Department's expense (RCW 46.55.120(3)(e)).

If a decision is made that the vehicle was not impounded in a lawful manner or within department policy, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Division Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

Impaired Driving

514.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

514.2 POLICY

The Kelso Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Washington's impaired driving laws.

514.2.1 COLLECTING BREATH AS EVIDENCE

If the arrested person chooses a breath test and it can be accomplished without undue delay, the arrested person shall first be transported to the jail for booking preparatory to the collection of breath samples. At the jail, an officer trained in the use of the alcohol breath machine will record the blood alcohol level by obtaining samples of the suspect's breath.

514.3 FIELD TESTS

The Patrol Commander should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

514.4 CHEMICAL TESTS

A person implies consent under Washington law to a chemical test or tests of the person's breath and to providing the associated chemical sample under any of the following (RCW 46.20.308):

- (a) The arresting officer has reasonable grounds to believe the person was driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor or drug.
- (b) The arresting officer has reasonable grounds to believe a person under the age of 21 was driving or in actual physical control of a motor vehicle while having a blood alcohol concentration of at least 0.02 (RCW 46.61.503).
- (c) The officer has stopped a person operating a commercial motor vehicle license (CDL) and has reasonable grounds to believe that the person was driving while having alcohol in the person's system (RCW 46.25.120).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

514.4.1 BREATH SAMPLES

The Patrol Commander 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.

Kelso Police Department

Kelso PD Policy Manual

Impaired Driving

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Patrol Commander.

Generally, chemical tests to determine alcohol concentration shall be of the breath only (RCW 46.20.308; RCW 46.25.120).

514.4.2 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).

514.4.3 STATUTORY NOTIFICATIONS

An officer requesting that a person submit to a chemical test shall provide the person, prior to administering the test, with the mandatory warnings pursuant to RCW 46.20.308(2) or if driving a commercial vehicle the warnings pursuant to RCW 46.25.120(3).

514.5 REFUSALS

When an arrestee refuses to provide a chemical sample, officers shall:

- (a) Advise the arrestee of the requirement to provide a sample.
- (b) Audio- and/or video-record the admonishment and the response when it is practicable.
- (c) Document the refusal in the appropriate report.

514.5.1 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.

Kelso Police Department

Kelso PD Policy Manual

Impaired Driving

Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

514.5.2 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.
 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

514.6 ARREST AND INVESTIGATION

514.6.1 WARRANTLESS ARREST

An officer having probable cause to believe that a person is DUI may make a warrantless arrest of the person whether or not the officer observed the violation first hand (RCW 10.31.100).

Kelso Police Department

Kelso PD Policy Manual

Impaired Driving

Arrests supported by probable cause for DUI are mandatory if the person has been convicted of DUI in the past 10 years or if the officer has knowledge based on the information available to him/her that the person is charged with, or is waiting arraignment for, an offense that would qualify as a prior offense as defined by RCW 46.61.5055 if it were a conviction (RCW 10.31.100).

514.6.2 OFFICER RESPONSIBILITIES

If a person refuses to submit to a chemical test, or the results from the test render a prohibited alcohol or THC concentration in the person's breath or blood, the officer shall (RCW 46.20.308(5)):

- (a) Serve the notice of intention to suspend, revoke, or deny the person's license or permit to drive.
- (b) Provide the person with a written notice of his/her right to a hearing before the Department of Licensing (DOL).
- (c) Advise the person that his/her license or permit is a temporary license.
- (d) Immediately notify the DOL of the arrest and within 72 hours transmit to the DOL a sworn report that states:
 1. The officer had reasonable grounds to believe the person was DUI.
 2. After having received the required statutory warnings, the person either refused to submit to a test of his/her blood or breath or submitted to a test that rendered a prohibited alcohol or THC concentration of the person's breath or blood.
- (e) Submit a sworn report to the DOL when the person has a CDL and either refused or had a test administered that disclosed a prohibited amount of alcohol or any amount of THC concentration (RCW 46.25.120(5)).

When a person is arrested for a violation of RCW 46.61.502 (DUI) or RCW 46.61.504 (Physical control of vehicle while DUI), the officer shall make a clear notation on the report if there is a child under the age of 16 present in the vehicle and promptly notify child protective services as required in the Child Abuse Policy (RCW 46.61.507).

514.6.3 ADDITIONAL TESTING

A person submitting to a chemical test pursuant to this policy may have a qualified person of his/her own choosing administer one or more tests in addition to any administered at the direction of an officer (RCW 46.20.308(2); RCW 46.61.506).

514.7 RECORDS DIVISION RESPONSIBILITIES

The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

514.8 ADMINISTRATIVE HEARINGS

The Records Supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the DOL.

Kelso Police Department

Kelso PD Policy Manual

Impaired Driving

Any officer who receive notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and the DOL file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

514.9 TRAINING

The Patrol Captain 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.

Traffic Citations

516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations/infractions, the procedure for dismissal, correction, and voiding of traffic citations/infractions.

516.2 RESPONSIBILITIES

The Patrol Commander shall be responsible for the development and design of all Department traffic citations/infractions in compliance with state law and the Judicial Council.

The Records Section shall be responsible for the supply and accounting of all traffic citations/infractions issued to employees of this department.

516.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation/infraction once it has been issued. Only the court has the authority to dismiss a citation/infraction that has been issued. Any request from a recipient to dismiss a citation/infraction shall be referred to the Patrol Commander. Upon a review of the circumstances involving the issuance of the traffic citation/infraction, the Patrol Commander may recommend dismissal of the traffic citation/infraction. The citation/infraction will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations/infractions whose request for the dismissal of a traffic citation/infraction has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation/infraction should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation/infraction. Upon dismissal of the traffic citation/infraction by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation/infraction dismissal shall then be forwarded to the Patrol Commander for review.

516.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation/infraction may occur when a traffic citation/infraction has not been completed or where it is completed, but not issued. All copies of the citation/infraction shall be presented to a supervisor to approve the voiding of the citation/infraction. The citation/infraction and copies shall then be forwarded to Records.

The reason for voiding the citation/infraction will be documented on the back of the ticket.

516.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation/infraction is issued and in need of correction, the officer issuing the citation/infraction shall submit the citation/infraction and a letter requesting a specific correction to his/her immediate supervisor. The citation/infraction and letter shall then be forwarded to the Patrol Commander who shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation/infraction.

Kelso Police Department

Kelso PD Policy Manual

Traffic Citations

516.6 DISPOSITION OF TRAFFIC CITATIONS

Upon separation from employment with this department, all employees issued traffic citations/infraction books shall return any unused citations/infractions to the Records Section.

516.7 JUVENILE CITATIONS

Completion of traffic citation/infraction 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/infraction.

Disabled Vehicles

519.1 PURPOSE AND SCOPE

This department has adopted the following policy on assisting motorists in disabled vehicles within this jurisdiction.

519.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

519.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

519.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair. The officer is also allowed to assist in changing a tire if it can be done safely.

519.3.2 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.

519.3.3 RELOCATION OF MOTORIST

The relocation of a motorist with a disabled vehicle should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

519.4 POLICY

It is the policy of the Kelso 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.

Unauthorized 24 Hour Vehicle Violations

523.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of unauthorized vehicles parked in violation of 24 hour time limitations.

523.2 MARKING VEHICLES

Vehicles suspected of being subject to removal from a highway after being left unattended for 24 hours shall be marked and noted on the Kelso Police Department Marked Vehicle Card. No case number is required at this time (RCW 46.55.010(14)).

A notification sticker shall be applied in a visible location and a visible chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. 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 and a Marked Vehicle Card completed and forwarded to the nuisance abatement officer.

523.2.1 MARKED VEHICLE FILE

If not referred to the nuisance abatement officer, officers shall be responsible for the follow up investigation of all 24-hour unauthorized vehicle violations noted on the Marked Vehicle Cards. If a marked vehicle has current Washington registration plates, the officer shall check the records to learn the identity of the last owner of record. The officer shall make a reasonable effort to contact the owner by telephone and provide notice that if the vehicle is not removed within twenty-four hours from the time the sticker was attached, the vehicle may be taken into custody and stored at the owner's expense (RCW 46.55.085(2)).

523.2.2 VEHICLE STORAGE

An officer may store any vehicle not removed 24 hours after marking (RCW 46.55.085(3)).

The officer authorizing the storage of the vehicle shall complete a uniform impound authorization and inventory form. The completed form shall be submitted to the Records Division immediately following the storage of the vehicle (RCW 46.55.075(2)).

Vehicle Seizure and Forfeiture

525.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure and forfeiture of vehicles associated with the arrest of subjects for driving under the influence (RCW 46.61.502) or physical control of a vehicle while under the influence (RCW 46.61.504).

525.2 SUSPENSION OF WASHINGTON DRIVER LICENSES

RCW 46.61.5058 provides for the forfeiture of any vehicle when the driver of such vehicle has been arrested for driving under the influence or physical control of a vehicle while under the influence, if such person has a prior offense within seven years as defined in RCW 46.61.5055.

525.2.1 ADMINISTRATIVE RESPONSIBILITIES

All procedures and administrative responsibilities associated with Policy Manual § 526 and its subsections are handled by the Admin Sergeant.

525.3 VEHICLE SEIZURE PROCEDURES

When an officer arrests a subject for driving under the influence (RCW 46.61.502) or physical control of a vehicle while under the influence (RCW 46.61.504), the officer may initiate steps to seize the arrestee's vehicle under the following circumstances:

- (a) The arrestee has a prior offense within seven years as defined in RCW 46.61.5055
- (b) The arrestee must be provided with a department form to notify the arrestee, in writing, that it is unlawful to transfer, sell, or encumber in any way the subject's interest in the vehicle in which they were driving or had physical control when the violation occurred, and
- (c) The vehicle is not a rental (RCW 46.61.5058(1)(b)).

The vehicle may be seized as provided under the authority of RCW 46.61.5058.

525.3.1 PHYSICAL SEIZURE OF VEHICLE

Physical seizure of the vehicle shall occur only upon the following circumstances:

- (a) Upon conviction of either driving under the influence or physical control of a vehicle while driving under the influence where the person convicted has a prior offense within seven years as defined in RCW 46.61.5055 and the person driving has a financial interest in the vehicle.
- (b) Upon a court order.
- (c) If there is reasonable cause to believe that the vehicle subject to seizure has been the subject of a prior judgment in favor of the state in a forfeiture proceeding, the officer may seize the vehicle immediately.

Any vehicle that is seized pursuant to any of the above subsections should immediately be impounded and held pending further court action (RCW 46.61.5058(3)).

Kelso Police Department

Kelso PD Policy Manual

Vehicle Seizure and Forfeiture

525.4 VEHICLE FORFEITURE

It is the policy of the Kelso Police Department to initiate forfeiture proceedings on all vehicles seized pursuant to RCW 46.61.5058.

Within fifteen days after vehicle seizure, the legal owner of the seized vehicle shall be notified of the seizure and intended forfeiture. Such notification shall be accomplished in writing to the last known address of the legal owner by certified mail with a return of service requested, or any other form of notification required by court order (RCW 46.61.5058(4)).

525.4.1 FORFEITURE HEARING

Persons notified of seizure have forty-five days to respond. Upon written response, such persons shall have the opportunity to be heard as to the claim or right (RCW 46.61.5058(6)).

- (a) The following procedure shall apply in such cases:
 - 1. Persons requesting a forfeiture hearing must complete and sign an Kelso Police Department Forfeiture Request Form;
 - 2. All hearings shall be scheduled and conducted in a timely fashion.
 - 3. The hearing officer(s) shall be designated by the Chief of Police.
 - 4. The decision of the hearing officer shall be considered final.
- (b) The owner of the seized vehicle may, through his/her initiation and legal process, choose to remove the hearing to court.
- (c) The vehicle shall be considered forfeited under the following circumstances:
 - 1. If, forty-five days after the seizure, no person has notified the Kelso Police Department of a claim of ownership or right to the vehicle.
 - 2. After a hearing officer has determined that the vehicle was lawfully seized and is subject to forfeit.
 - 3. A court of local jurisdiction has determined that the vehicle was lawfully seized and is subject to forfeit.
- (d) In any case where it is determined that the vehicle is not subject to forfeit, it shall be immediately returned to the legal owner.

525.5 PROCEDURES FOLLOWING FORFEITURE

Vehicles that have been lawfully seized and through forfeit the ownership is transferred to the Kelso Police Department may be sold or retained for official use provided that all bona fide security interests to the vehicle are first satisfied (RCW 46.61.5058(7)). The following procedure shall apply after vehicles are legally forfeited to the Kelso Police Department:

- (a) The Patrol Commander or his/her designee shall determine the disposition of all vehicles legally forfeited to the Kelso Police Department. Such disposition shall be

Kelso Police Department

Kelso PD Policy Manual

Vehicle Seizure and Forfeiture

determined based on vehicle value, existing security interest, and the needs of the Department.

- (b) The value of the vehicle is the sale price, or if retained, the fair market value of the vehicle at the time of the seizure (RCW 46.61.5058(14)).
- (c) A record of the forfeited vehicle shall be maintained. The record shall indicate the prior owner's information, if known, a description of the vehicle, the disposition of the vehicle, its value at time of seizure and the amount of proceeds realized from disposition of the vehicle (RCW 46.61.5058(8)).
 - 1. Such records shall be maintained for at least seven years (RCW 46.61.5058(9)).
- (d) A copy of the records of all forfeited vehicles shall be filed with the state treasurer each calendar quarter (RCW 46.61.5058(10)).
- (e) By January 31st of each year, ten percent of the net proceeds of vehicles forfeited during the preceding calendar year shall be remitted to the state treasurer (RCW 46.61.5058(12)(13)).

Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 INITIAL INVESTIGATION

600.2.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 1. An initial statement from any witnesses or complainants.
 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Shift Sergeant.
 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 5. Collect any evidence.
 6. Take any appropriate law enforcement action.
 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.2.2 NON-SWORN MEMBER RESPONSIBILITIES

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.2.3 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

Kelso Police Department

Kelso PD Policy Manual

Investigation and Prosecution

officer presented with a private person wishing to make an arrest must determine whether there is probable cause to believe that such an arrest would be lawful.

- (a) Should any officer determine that there is no probable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
 - 1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.
 - 2. Absent probable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.
- (b) Whenever an officer determines that there is probable cause to believe that a private person's arrest is lawful, the officer shall take a written statement from the person who has made the arrest. In addition, the officer may exercise one of the following options:
 - 1. Take the individual into physical custody for booking.
 - 2. Release the individual subsequent to the issuance of a citation for the individual to appear in the appropriate court.

600.3 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.

Kelso Police Department

Kelso PD Policy Manual

Investigation and Prosecution

- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.4 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.

600.5 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.

Information obtained via the internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

600.5.1 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.

Kelso Police Department

Kelso PD Policy Manual

Investigation and Prosecution

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.5.2 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.

600.6 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.

Asset Forfeiture

606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Kelso Police Department seizes property for forfeiture or when the Kelso Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Property subject to forfeiture - Generally includes, but is not limited to:

- (a) Firearms that were carried, possessed or sold illegally (RCW 9.41.098).
- (b) Devices, profits, proceeds, associated equipment and conveyances related to illegal gambling (RCW 9.46.231).
- (c) Interests, proceeds, etc. related to organized crime (RCW 9A.82.060), criminal profiteering (RCW 9A.82.080), human trafficking (RCW 9A.40.100), commercial sexual abuse of a minor (RCW 9.68A.100) or promoting prostitution (RCW 9A.88.070) (RCW 9A.82.100).
- (d) Proceeds traceable to or derived from money laundering (RCW 9A.83.020; RCW 9A.83.030).
- (e) Property acquired or maintained in relation to commercial sexual abuse of a minor (RCW 9.68A.100), promoting commercial sexual abuse of a minor (RCW 9.68A.101) or promoting prostitution in the first degree (RCW 9A.88.070), and conveyances used to facilitate these offenses (RCW 9A.88.150).
- (f) Personal property, money, a vehicle, etc. that was used to commit a felony or was acquired through the commission of a felony not covered under another forfeiture statute (RCW 10.105.010).
- (g) Personal property, money, a vehicle, etc. that was acquired through the commission of a crime involving theft, trafficking or unlawful possession of commercial metal property, or facilitating such crimes (RCW 19.290.230).

Kelso Police Department

Kelso PD Policy Manual

Asset Forfeiture

- (h) Conveyances, including aircraft, vehicles or vessels, used for the violation of the Uniform Controlled Substances Act and proceeds from these violations (money, real property, etc.) (RCW 69.50.505).
- (i) Boats, vehicles, gear, etc. used for poaching/wildlife crimes (RCW 77.15.070).

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

606.2 POLICY

The Kelso 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 Kelso Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

606.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

606.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

- (a) Real or personal property subject to forfeiture identified in a court order authorizing seizure.
- (b) Property subject to forfeiture without a court order when the property is lawfully seized incident to an arrest, the service of a search warrant, or the service of an administrative inspection warrant.
- (c) Property subject to forfeiture can also be seized without a court order when:
 1. There is probable cause to believe that the property was used or is intended to be used for illegal gambling (RCW 9.46.231).
 2. There is probable cause to believe that the property was used or is intended to be used for the commercial sexual abuse of a minor (RCW 9.68A.100; RCW 9.68A.101) or promoting prostitution in the first degree (RCW 9A.88.070; RCW 9A.88.150).
 3. There is probable cause to believe that the property was used or is intended to be used in the commission of any felony (RCW 10.105.010). See also separate statutes regarding seizures for felonies involving commercial metal, "bootlegging," criminal profiteering, or money laundering (RCW 19.290.230; RCW 66.32.020; RCW 9A.82.100; RCW 9A.83.030).
 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).

Kelso Police Department

Kelso PD Policy Manual

Asset Forfeiture

5. There is probable cause to believe that the property was used or is intended to be used for poaching/wildlife crimes (RCW 77.15.070).

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

Whenever practicable, a court order for seizure prior to making a seizure is the preferred method.

606.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.
- (b) Property from an "innocent owner," or a person who had no knowledge of the offense or who did not consent to the property's use.
- (c) No vehicle or other conveyance based on a misdemeanor involving 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).

606.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

- (a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." 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.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

Kelso Police Department

Kelso PD Policy Manual

Asset Forfeiture

606.5 MAINTAINING SEIZED PROPERTY

The Admin Sergeant is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

606.6 FORFEITURE REVIEWER

The Chief of Police will appoint a forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly those cited in this policy and the forfeiture policies of the forfeiture counsel.
- (b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
- (d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:
 - 1. Names and contact information for all relevant persons and law enforcement officers involved.
 - 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).

Kelso Police Department

Kelso PD Policy Manual

Asset Forfeiture

3. A space for the signature of the person from whom cash or property is being seized.
 4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
- (g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Departmental Directives. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
1. Written documentation of the seizure and the items seized is in the case file.
 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
 3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property.
 - (a) Generally, 15 days' notice. (Gambling RCW 9.46.231; Money laundering RCW 9A.83.030; Child prostitution RCW 9A.88.150; Felonies RCW 10.105.010; Commercial metal RCW 19.290.230; Controlled substances RCW 69.50.505; Fish and wildlife enforcement RCW 77.15.070).
 - (b) Generally, 10 days' notice for conveyances. (Gambling RCW 9.46.231; Child prostitution RCW 9A.88.150; Controlled substances RCW 69.50.505).
 4. Property is promptly released to those entitled to its return.
 5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
 6. Any cash received is deposited with the fiscal agent.
 7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
 8. Current minimum forfeiture thresholds are communicated appropriately to officers.
 9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

Kelso Police Department

Kelso PD Policy Manual

Asset Forfeiture

- (i) Ensuring that a written plan is available that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
- (j) Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.
- (k) Upon completion of any forfeiture process, ensuring that no property is retained by the Kelso Police Department unless the Chief of Police authorizes in writing the retention of the property for official use.
- (l) Addressing any landlord claims for reimbursement through forfeited assets or damage to property (RCW 9.46.231; RCW 69.50.505).
- (m) Compensating victims of commercial metal crimes within 120 days (RCW 19.290.230).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives.

606.7 DISPOSITION OF PROPERTY

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Chief of Police has given written authorization to retain the property for official use. No department member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

Informants

608.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

608.1.1 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 Kelso Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Kelso Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

608.2 POLICY

The Kelso 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.

608.3 USE OF INFORMANTS

608.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her 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.

608.3.2 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

608.3.3 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.

Kelso Police Department

Kelso PD Policy Manual

Informants

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

608.4 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, N/A 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 Kelso 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 N/A 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 N/A supervisor.
 - 1. Officers may meet 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.

608.4.1 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.

Kelso Police Department

Kelso PD Policy Manual

Informants

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.

608.5 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 N/A. The N/A supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Division Commander, N/A supervisor or their authorized designees.

The Services 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 N/A supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit 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.

608.5.1 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

Kelso Police Department

Kelso PD Policy Manual

Informants

- (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

608.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any 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

The N/A supervisor will discuss the above factors with the Patrol Division Commander and recommend the type and level of payment subject to approval by the Chief of Police.

608.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

- (a) Payments of \$500 and under may be paid in cash from a N/A buy/expense fund.
 1. The N/A supervisor shall sign the voucher for cash payouts from the buy/expense fund.
- (b) Payments exceeding \$500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.
 1. The check shall list the case numbers related to and supporting the payment.

Kelso Police Department

Kelso PD Policy Manual

Informants

2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
 3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
 4. Authorization signatures from the Chief of Police and the City Manager are required for disbursement of the funds.
- (c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.
1. The cash transfer form shall include the following:
 - (a) Date
 - (b) Payment amount
 - (c) Kelso Police Department case number
 - (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
 2. The cash transfer form shall be signed by the informant.
 3. The cash transfer form will be kept in the informant's file.

608.6.2 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. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

608.6.3 AUDIT OF PAYMENTS

The N/A supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, 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.

Eyewitness Identification

610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

610.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

610.2 POLICY

The Kelso Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

610.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

610.4 EYEWITNESS IDENTIFICATION FORM

The Detective Unit supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process and any related forms or reports should provide:

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.

Kelso Police Department

Kelso PD Policy Manual

Eyewitness Identification

- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An admonishment that the suspect may or may not be among those presented and that the witness is not obligated to make an identification.
- (f) An admonishment to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (g) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

610.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

610.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

610.7 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect.

In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably

Kelso Police Department

Kelso PD Policy Manual

Eyewitness Identification

stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup to a witness should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

610.8 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
 - 1. The length of time the witness observed the suspect.
 - 2. The distance between the witness and the suspect.
 - 3. Whether the witness could view the suspect's face.
 - 4. The quality of the lighting when the suspect was observed by the witness.
 - 5. Whether there were distracting noises or activity during the observation.
 - 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
 - 7. The length of time that has elapsed since the witness observed the suspect.
- (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.

Kelso Police Department

Kelso PD Policy Manual

Eyewitness Identification

- (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.

Brady Material Disclosure

612.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

612.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the Kelso Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

612.2 POLICY

The Kelso 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 Kelso Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

612.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., 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.

612.4 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

Kelso Police Department

Kelso PD Policy Manual

Brady Material Disclosure

officer to determine whether they contain *Brady* information. If *Brady* information is located, the following procedure shall apply:

- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member shall be notified of the potential presence of *Brady* material in the member's personnel file.
- (b) The prosecuting attorney or department counsel should be requested to file a motion in order to initiate an in-camera review by the court.
 1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The Custodian of Records shall accompany all relevant personnel files during any in-camera inspection to address any issues or questions raised by the court.
- (d) If the court determines that there is relevant *Brady* material contained in the files, only that material ordered released will be copied and released to the parties filing the motion.
 1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.
- (e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

The person or persons designated by the Chief of Police should periodically examine the personnel files and/or internal affairs files of all officers who may be material witnesses in criminal cases to determine whether they contain *Brady* information. The obligation to provide *Brady* information is ongoing. If any new *Brady* information is identified, the prosecuting attorney should be notified.

612.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty, or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy (RCW 10.93.150).

612.6 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

612.7 BRADY PROCESS

The Chief of Police shall select a member of the Department to coordinate requests for *Brady* information.

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

Kelso Police Department

Kelso PD Policy Manual

Brady Material Disclosure

- (a) Working with the appropriate prosecutors' offices and the City Attorney's office to establish systems and processes to determine what constitutes *Brady* information and the method for notification and disclosure (Chapter 322 §1, 2021 Laws).
- (b) Reporting to the appropriate prosecutor of any jurisdiction where an officer may testify (Chapter 322 §1, 2021 Laws):
 - 1. Any act by An officer that may be 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.

612.8 SUBPOENA PROCESSING

The individual processing subpoenas, or their respective supervisor, 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.

Unmanned Aerial System

613.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

613.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned aerial system (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means.

613.2 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.

613.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

613.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

- Coordinating 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.

Kelso Police Department

Kelso PD Policy Manual

Unmanned Aerial System

- Coordinating the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life).
- Developing protocols for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing operational protocols governing the deployment and operation of a UAS including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.

613.5 USE OF UAS

Only authorized operators who have completed the required training (including FAA Part 107 Remote Pilot Certification and who possess a Remote Pilot in Command License) shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

Unless approved by FAA regulations, UAS operations should only be conducted during daylight hours and a UAS should not be flown over populated areas.

The UAS may be operated by authorized members of the Department:

Kelso Police Department

Kelso PD Policy Manual

Unmanned Aerial System

- (a) Pursuant to a valid warrant authorizing its use.
- (b) When there is probable cause to believe a crime has been committed, is being committed or is about to be committed and exigent circumstances exist that make it unreasonable to obtain a warrant authorizing its use.
- (c) With written consent of an individual for the purpose of acquiring information about the individual or the individual's property.
- (d) As part of a search and rescue mission.
- (e) For the purpose of reconstructing a crime scene or collision scene, or a similar physical assessment that is related to a specific investigation.
- (f) For the purpose of training.
- (g) To provide a visual perspective and situational awareness of the nature, scale and scope of an incident or event.
- (h) Any other operation approved by the Chief of Police, or designee.

613.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.
- To harass, intimidate or discriminate against any individual or group.
- To conduct personal business of any type.

613.7 RETENTION OF UAS DATA

UAS operators are responsible for maintaining a flight log on all flights. Flight logs will document both the date and time of flight as well as circumstance and/or appropriate case information for each flight. The UAS coordinator will review flight logs annually and provide a summary report of UAS activity to the Chief of Police.

Data collected by the UAS shall be retained as provided in the established records retention schedule.

Data collected by the UAS shall not be edited, erased, duplicated, copied, shared or otherwise distributed in any manner without written authorization of the Chief of Police, or designee.

Chapter 7 - Equipment

Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, proper care, and use of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline up to and including termination.

- (a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made in writing. This shall be 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.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Finance Department.

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.

Kelso Police Department

Kelso PD Policy Manual

Department Owned and Personal Property

700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports shall promptly be forwarded to the Division Commander.

Vehicle Maintenance

704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

704.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

704.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

704.2.2 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

704.2.3 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

704.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- Emergency road flares
- Sticks yellow crayon or chalk
- Barricade tape
- 1 First aid kit
- 1 Fingerprint kit
- 1 Fire extinguisher

Kelso Police Department

Kelso PD Policy Manual

Vehicle Maintenance

- Personal Protective Equipment per § 10.16 and § 10.24
- Digital camera

704.3.2 UNMARKED VEHICLES

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- Emergency road flares
- Yellow crayon or chalk
- 1 Roll barricade tape
- 1 First aid kit
- 1 Fingerprint kit
- 1 Fire extinguisher
- Personal Protective Equipment per § 1016 and § 1024

704.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one-quarter tank.

Vehicles shall only be refueled at an authorized location.

704.5 WASHING OF VEHICLES

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

704.6 NON-SWORN EMPLOYEE USE

Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Vehicle Use

706.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Kelso to provide assigned take-home vehicles.

706.2 POLICY

The Kelso Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

706.3 USE OF VEHICLES

Members of this department are entrusted with vehicles to use in the performance of their duty, and therefore, officers are responsible for the security, safekeeping and care of any vehicle under their control. Absent exigent circumstances where there is no opportunity to secure a vehicle before leaving it unattended, no department-owned vehicle shall be left unsecure with the engine running and a key left in the ignition.

706.3.1 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.

The interior of any vehicle that has been used to transport any person other than a member of this department shall be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner, or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

706.3.2 MOBILE DATA TERMINAL

Members assigned to vehicles equipped with a Mobile Data Terminal (MDT) shall log onto the MDT with the required information when going on-duty. If the vehicle is not equipped with a working MDT, the member shall notify the Communications Center. Use of the MDT is governed by the Mobile Data Terminal Use Policy.

Kelso Police Department

Kelso PD Policy Manual

Vehicle Use

706.3.3 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

706.3.4 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.

Employees shall not possess or allow alcoholic beverages inside a department vehicle, except as authorized in the performance of an official assignment.

706.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

706.4.1 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 loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.
- (d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
- (f) All weapons shall be removed from any vehicle left for maintenance.
- (g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

Kelso Police Department

Kelso PD Policy Manual

Vehicle Use

706.4.2 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Kelso Police Department or while off-duty, an officer shall 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 may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

706.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description and essential functions; and the member's employment or appointment status. Residence in the City of Kelso is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Kelso may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Division Commander gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
 1. In circumstances when a member has been placed on call by the Chief of Police or Division Commanders and there is a high probability that the member will be called back to duty.
 2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
 3. When the member has received permission from the Chief of Police or Division Commanders.
 4. When the vehicle is being used by the Chief of Police, Division Commanders or members who are in on-call administrative positions.
 5. When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.

Kelso Police Department

Kelso PD Policy Manual

Vehicle Use

- (e) The two-way communications radio, MDT and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
 - 1. 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).
 - 2. All weapons shall be secured while the vehicle is unattended.
 - 3. All department identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
- (h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.
 - 1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
 - 2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.
- (i) The member is responsible for the care and maintenance of the vehicle.

706.4.4 ON-DUTY USE

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.

706.4.5 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the Department.
- (b) Other reasonable transportation options are not available.
- (c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Kelso City limits.
- (d) Off-street parking will be available at the member's residence.
- (e) Vehicles will be locked when not attended.

Kelso Police Department

Kelso PD Policy Manual

Vehicle Use

- (f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

706.5 DAMAGE, ABUSE, AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format, and forwarded to the Shift Sergeant. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

706.6 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

Personal Communication Devices

707.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs) wireless capable tablets and similar wireless two-way communications and/or portable internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the internet.

707.2 POLICY

The Kelso Police Department allows members to utilize department-issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any department-issued PCD 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.

707.3 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.

707.4 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 on-duty performance. Department-issued PCDs may not be used for personal business either on- or off-duty unless authorized by the Chief of Police or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

707.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

Kelso Police Department

Kelso PD Policy Manual

Personal Communication Devices

- (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.
- (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 Kelso 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.

707.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- (b) 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.

Kelso Police Department

Kelso PD Policy Manual

Personal Communication Devices

- (e) Members will not access social networking sites with department-issued PCD's 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.

707.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and take prompt corrective action if a member is observed or reported to be improperly using a PCD.
 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
 2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

707.8 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.

707.9 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 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.

707.10 PCD DOWNLOADS

[Only apps approved by the Chief of Police or his designee will be authorized to be downloaded to department-issued PCD's. Authorized apps will generally be downloaded by the designated IT staff member.](#)

Chapter 8 - Support Services

Property and Evidence

800.1 PURPOSE AND SCOPE

The Kelso Police Department is charged with the responsibility of maintaining an accurate record of all property that comes into its custody and recording its disposition. This policy provides for the proper collection, packaging, storage, documentation, security and disposal 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.

800.2 DEFINITIONS

Audit - Randomly selected evidentiary items from their physical location and/or location noted in current Records Management System ('RMS') to insure chain of custody, proper documentation and that seals are intact.

Booked - Process of securing property into the evidence system and transferring the responsibility from the collecting/recovering staff member to evidence staff.

Booking Officer - The employee who prepares the property for submission to the Property and Evidence Unit (this employee can be different from the employee who found the property).

Chain of Custody - Record of entry, processing and final removal from the RMS.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case.

Found Property - Property of apparent value that is not evidence in a criminal investigation and the owner is unknown.

Inventory - A complete accounting of all property items held by the agency, as compared to the agency's records.

Media - Includes flash drives, CDs, DVDs, SD cards, audio and video tapes, external hard drives, etc.

Personal Property - Property that has some value where the owner can be identified. Includes the following types of property:

- Property obtained by the Department for safekeeping, such as a firearm.
- Personal property of an arrestee not taken as evidence.
- Property taken for safekeeping.

Property - Includes all items of evidence, personal property and found property.

Property and Evidence Unit - Refers to the Administrative Sergeant and the Property and Evidence Technician.

Property form - A document itemizing new property submitted for booking.

Kelso Police Department

Kelso PD Policy Manual

Property and Evidence

800.3 HANDLING PROPERTY PRIOR TO SUBMISSION

Any employee who first comes into possession of any property shall either; (1) Retain such property in his/her possession until it is properly tagged and placed in a designated property locker along with a completed property form, or (2) Transfer possession of such property to a designated property officer for booking. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership of found property with no apparent evidentiary value is accepted, such property may be released to the owner without the need for booking. The return of the property will be logged in an incident report or on the cad log of the call.

Garbage, or items of no significant value and where ownership cannot be determined, may be destroyed or disposed of at the discretion of a supervisor.

800.4 TEMPORARY EVIDENCE STORAGE

Evidence must be maintained in a locked or protected environment, e.g., locker, refrigerator, locked office, etc.

800.5 PACKAGING SUPPLIES AND EQUIPMENT

Proper packaging and storage of evidence is essential to maintain the evidentiary value of property and protect employees from accidental exposure, injury and/or illness. Always use packaging materials best suited for a property item. Make sure the packaging is size-appropriate, keeping in mind that anything submitted to the lab should have at least 1/3 unused space. This will allow the lab better access for opening packages and give them enough room to effectively reseal it. Contact the Property and Evidence Technician with questions or concerns regarding packaging.

800.5.1 BOXES

There are designated boxes designed for handguns, long guns (recovered without a case) and knives. They can also be used to package other items that may need to be secured in place.

800.5.2 ENVELOPES

There are several sizes of manila envelopes to choose from. If you have hair or minute items, consider placing them in a coin envelope before placing them in a larger envelope.

800.5.3 FARADAY BAGS

These bags are used to shield electronic devices from radio frequency signals. If a device needs to be preserved for DNA, package the item in a separate bag before continuing. Place the electronic device into a Faraday bag then place the Faraday bag into an evidence bag and seal. Faraday bags are reusable. Once the evidence no longer needs to be shielded, the Faraday bags should be removed from the evidence packaging and made available for another use.

800.5.4 PAINT CANS

Paint cans are used to preserve evidence that may contain accelerant or fire debris. These are located in the equipment area.

Kelso Police Department

Kelso PD Policy Manual

Property and Evidence

800.5.5 PAPER BAGS

There are several paper bags available for use in the evidence processing area.

800.5.6 PLASTIC BAGS

There are a variety of sizes available. These bags are designed with a self-sealing tab, therefore once closed, no tape over the seal is necessary.

800.5.7 TUBES

There are 1.5 ml G-tubes which can be used for small amounts of liquid.

800.6 TYPES OF EVIDENCE

Not all items can be packaged the same. Special consideration must be given when packaging DNA/body fluids, drugs, liquid, fragile items, glass and weapons.

When packaging items that have different owners, the items shall be separately packaged according to the owner. Any items that have more than one owner shall be packaged separately.

The following is a list of more common items collected and includes packaging recommendations for each.

800.6.1 ITEMS NOT ACCEPTED

Perishable food, opened food packages, syringes (unless there are extenuating circumstances and approved by a supervisor), explosive devices and wet porous items. Items not properly packaged, tagged or labeled.

800.6.2 ALCOHOL

Whenever possible, new/unopened bottles of alcohol should be photographed and returned to the owner. Alcohol in open containers should be photographed and then destroyed. If an open container must be booked, use a permanent marker to draw a line at the level of the alcohol then place the date and initials next to the mark. The alcohol should be packaged in a manner for safe storage where the container cannot easily be broken or leak.

800.6.3 BACKPACK / LUGGAGE / PURSE / WALLET

All backpacks shall be thoroughly searched prior to submitting for storage into the property and evidence unit. Any currency, including coin, shall be removed from the container and packaged separately.

800.6.4 BICYCLES

When securing a bicycle always check to see if it has been reported stolen. Complete a property tag and attach it appropriately.

800.6.5 BIOLOGICAL EVIDENCE

Biological evidence comes in many forms and on many surfaces and include body fluids, hair, blood, etc. Properly preserving such evidence is crucial to a case and may be sufficient to

Kelso Police Department

Kelso PD Policy Manual

Property and Evidence

conclusively prove the innocence or guilt of a suspect. Improper packaging and storage could result in the dismissal of a case.

- (a) Blood draw kits, typically used for suspected DUI cases, are located in the evidence packaging area. Each box contains two gray-top blood vials and an absorbent material inside a zip-lock plastic bag and labels. Follow the guidelines posted in the evidence packaging area for processing. When blood draws occur when the Property and Evidence Technician is not on duty, secure the evidence in the refrigerator located in the evidence packaging area.
- (b) If the evidence is wet (article of clothing, sheet, etc.), the item must be completely dry prior to packaging. This is especially crucial with blood stains. The evidentiary value can be reduced or destroyed by bacteria if not completely dried, packaged and stored properly. The drying cabinet will be utilized to dry these articles. A short tutorial on how to set-up and run the cabinet is available in the P: drive. Once drying is complete, use paper bags or paper envelopes for packaging that are clearly marked "BIOHAZARD."
- (c) When collecting dried bloodstains or other dried fluids, transfer the stain to clean cotton material dampened with clean, sterile water using a sterile cotton swab. Obtain a control sample adjacent to the stain using the same method and materials used in collecting the evidence being submitted. An evidentiary sample and associated control sample must be appropriately marked and packaged separately to avoid cross contamination.

800.6.6 CITY PROPERTY

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

800.6.7 COMPUTERS, CELLULAR DEVICES AND ELECTRONIC EQUIPMENT

These items are unique and may need special consideration when handling and/or packaging them for storage, e.g., Farady bags.

800.6.8 CURRENCY

All currency, including coin, shall be counted in the presence of another officer and the envelope containing the counted currency shall be initialed by the booking officer and the witnessing officer.

800.6.9 DANGEROUS MATERIALS

The following articles should be handled with extra care:

FIRE DEBRIS - Due to the nature of arson/fire evidence, there is a significant risk of combustible/flammable material being collected as well as off-gassing. Officers should, whenever possible, seal contaminated arson/fire evidence in "paint" cans available for that purpose.

FIREWORKS - Commercially manufactured fireworks, while generally safe to store, are low grade explosives. Fireworks in most cases are unsafe to store. Contact a supervisor for extenuating circumstances. Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe, and road flares or similar signaling devices, may be booked into

Kelso Police Department

Kelso PD Policy Manual

Property and Evidence

property when safely packaged. The Property and Evidence Technician is responsible for following current recommendations from the local waste management company for disposal of any fireworks or signaling devices that are not retained as evidence.

FLAMMABLES - Flammable liquids should only be booked into evidence in extreme cases. Officers should photo-document and properly dispose when possible. If booking is necessary, flammable liquids should be sealed in leak proof containers that are clearly labeled prior to booking.

SYRINGES - The WSP Crime Lab will not accept syringes. Syringes with liquid evidence requiring testing shall be limited to those cases of a serious nature, e.g., Controlled Substance Homicide, where the need to collect, secure and test substances contained within a syringe outweigh the risk of accidental injury or exposure from the collection process. Supervisory approval shall be obtained prior to expressing any liquid substance from a syringe into a G-tube. If evidence collection is necessary, proper personal protective equipment (latex gloves, eye protection, etc.) must be worn and extra care shall be taken while safely expressing syringe contents.

800.6.10 DRUGS / NARCOTICS AND DRUG PARAPHERNALIA

Handling narcotics can present a serious health risk and shall only be handled/tested while in the presence of another member of this Department. Preliminary tests of suspected drugs and/or narcotics shall be limited to only those few cases where the immediate need for a preliminary test result is absolutely necessary.

The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, and placed in a temporary evidence locker.

- (a) Drugs and narcotics will be packaged separately from other evidence or property to include paraphernalia.
- (b) Drugs should be separated and packaged by type.
- (c) The gross weight or volume (e.g., grams, number of units/dosage, residue) of the item should be recorded on the evidence packaging.
- (d) The Property and Evidence Technician shall weigh the evidence package and make note of the gross package weight in the RMS each time the drugs and narcotics are received and/or released.
- (e) Drug equipment and paraphernalia are packaged separately from any drugs. Drug pipes are fragile and can easily break when stored or shipped to the lab. To protect everyone from potential injury, and whenever possible, drug pipes should be packaged in a cardboard evidence box.

800.6.11 EDGED WEAPONS

Items with sharp edges can become a safety hazard when not properly secured for storing. Always secure fixed blade knives in a pre-labeled knife box using cable ties. For added safety, a folding knife may be taped closed or cable-tied to avoid being unintentionally opened.

Kelso Police Department

Kelso PD Policy Manual

Property and Evidence

800.6.12 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Shift Sergeant. An explosive ordnance disposal team will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling, and disposal of all suspected explosives.

800.6.13 FIREARMS / AMMUNITION

All firearms are to be unloaded and secured in cardboard gun boxes before booking.

- Magazines should be unloaded and placed in gun boxes with firearms whenever possible.
- Ammunition removed from magazines should be packaged and booked separately.
- Whenever possible, ammunition collected in factory packaging should remain in the factory packaging when booked.
- All detached firearm accessories (e.g., holsters, gun belts, etc.) should be packaged separately from firearms and ammunition.
- Any noticeable damage to firearms noted at time of seizure should be photo-documented and recorded in appropriate reports.

As appropriate, firearms should be clearly marked if specific testing/analysis is being requested (e.g., DNA, fingerprints, ballistics examination, etc.)

800.6.14 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 the firearm was accepted for storage.
- (d) Prepare a receipt form and provide a copy to the individual who surrendered the firearm.
 - (a) If a firearm was surrendered pursuant to the Extreme Risk Protection Order Act, the original receipt should be forwarded promptly to the Records Supervisor or designee for timely filing with the court (RCW 7.94.090).

The Property and Evidence Technician shall store a firearm accepted pursuant to this policy.

800.6.15 RETURN OF FIREARMS

Prior to the return of any privately-owned firearm, the Property and Evidence Technician shall insure confirmation of the following (RCW 9.41.345):

- (a) It has not been reported stolen by the rightful owner.

Kelso Police Department

Kelso PD Policy Manual

Property and Evidence

- (b) 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 another person identified by a court order.
- (c) The individual is eligible to possess a firearm pursuant to RCW 9.41.080.
- (d) The firearm is not required to be held in custody or prohibited from release.
- (e) 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 response pursuant to RCW 10.99.030.
- (f) Notification is made to those family or household members, or an intimate partner, who has requested notification pursuant to established Department protocol (RCW 9.41.340).
 - 1. Firearms shall be held in custody for 72 hours from the time notification is provided.

If a firearm or dangerous weapon was surrendered or lawfully seized pursuant to a protection order issued under RCW 9.41.800 and is to be returned to a person other than the individual from whom the firearm or dangerous weapon was obtained, the Property and Evidence Technician shall determine that the person is the lawful owner and obtain a written agreement, signed by the lawful owner under penalty of perjury, that the firearm or dangerous weapon will be stored in a manner to prevent the individual from whom the firearm or dangerous weapon was obtained, from accessing, controlling, or possessing the firearm or dangerous weapon (RCW 9.41.801).

Upon confirmation that the individual is eligible to possess a firearm and any applicable notifications are complete, the firearm shall be released to the individual or authorized representative upon request without unnecessary delay.

If a firearm cannot be returned because it is required to be held in custody or is otherwise prohibited from release, written notice shall be provided to the individual within five business days of the date the individual requested return of the firearm. The written notice shall include the reason the firearm must remain in custody.

800.6.16 FOOD ITEMS

Any food items that are not sealed in original packaging or are subject to spoilage cannot be booked into evidence. If necessarily collected as evidence these items should be photo-documented and disposed of. On rare occasions, it may be necessary to temporarily retain items for submission to the state laboratory (e.g., DNA analysis in a major case investigation). If this occurs, items should be safely packaged and refrigerated pending consultation with the Property and Evidence Technician.

800.6.17 FOUND PROPERTY

Whenever property is found and turned into the Department, attempts to locate the owner will commence. The property finder may file a claim to the property as long as it is not illegal to possess or own. Request dispatch check for stolen status. (Refer to RCW 63.21.050 for receiving found property.)

Kelso Police Department

Kelso PD Policy Manual

Property and Evidence

If the finder chooses to file a claim to the property:

- (a) Advise the finder they have (7) days to complete and return a Notice of Intent to Claim Property form, and therefore should contact the Kelso Police Department immediately to obtain the form. The form can be provided by email or in person.
- (b) Officers should note in their case report the finder's intent to claim the property.

800.6.18 LICENSE PLATE

License plates that are not connected with a known crime should be processed as follows:

- (a) Booked in as personal and/or found property to be returned to the owner; or
- (b) Rendered unusable, destroyed and placed in a garbage receptacle.

800.6.19 MEDIA (CD, DVD, USB, OTHER MEDIA)

All digital media should be packaged in a 6" x 9" pre-stamped manila envelope.

800.6.20 MISCELLANEOUS

Any items that do not fit into one of the listed categories will mostly be packaged in a paper bag, envelope or labeled using a property tag. Ask the Property and Evidence Technician if there are any questions about packaging methods.

800.6.21 PERSONAL PROPERTY (ARRESTEE)

Whenever possible, attempt to leave the arrestee's personal property with the jail. If the jail will not accept it, complete a Property for Safekeeping Receipt while at the Jail. Give the arrestee a copy of the receipt. The receipt provides information on how to retrieve their property being held at the Department and how long they have to collect it.

800.6.22 SEXUAL ASSAULT EVIDENCE AND KITS

The Sexual Assault Kit ('SAK') is administered by hospital staff. The SAK is to be booked as it was received. Do not place it in any additional packaging. SAK's have a Track-Kit bar code that must to be visible at all times. Per WSP laboratory, two department-specific evidence seals must be placed on opposing sides of each SAK before being submitted into evidence. If blood and/or urine are collected they need to be packaged separately. Any clothing received should have been packaged and sealed by the hospital.

800.6.23 VEHICLES

While most vehicles are not seized and stored by the Department for extended time periods, periodically it may be necessary. Impounding officers are to utilize the tow service currently under contract by the City. As with all other evidence, the seizing agency is responsible for the safe storage and return of vehicles held in our care. With that in mind, officers should consult with a supervisor to establish a safe storage location for seized vehicles. Once stored, any keys to the vehicle should be booked into evidence and appropriate notification should be made to the Property and Evidence Technician to assist in disposing of the evidence vehicle when it can be returned.

Kelso Police Department

Kelso PD Policy Manual

Property and Evidence

800.6.24 VEHICLE PARTS / ACCESSORIES

Package in appropriate-sized paper envelope, paper bag or attach a property tag to the article. If a box is needed, contact the Property and Evidence Technician for both sterile and used boxes.

800.6.25 WET ARTICLES

The drying cabinet can be used to dry evidence items prior to booking. If you have a small item such as shoes, purse, or wallet that need to be dried, but not “preserved,” there is space on the floor in the drying room and a stand available to place the article on so it is not resting on the floor. Items left on the floor, even with paper beneath them, can develop mold while drying. The evidence drying room door must be secured if evidence items are to be left unattended therein.

800.7 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty. Employees booking property shall observe the following guidelines:

- (a) Complete the property form describing each item of property separately, listing all serial numbers, owner’s name, finder’s name, and other identifying information or markings.
- (b) Mark over the taped seal of each item of evidence with the inventorying employee’s initials and the date sealed using the appropriate method so as not to deface or damage the value of the property. The clear plastic bags are self-sealing and only require the name of the person who sealed it along with the date it was sealed.
- (c) Complete the ink-stamped description of property for each packaged article being booked, or complete an attachable evidence tag if the property being booked cannot be secured within a pre-stamped package or envelope,
- (d) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary evidence storage location.
- (e) If an item is too large to be placed in a temporary evidence locker, the item may be stored in front of the temporary evidence lockers or other designated storage area. In these cases, submit the completed property form directly to the Property and Evidence Technician indicating the location of the property.

800.8 PROPERTY SUBJECT TO FORFEITURE

Whenever property seized by the Department is subject to forfeiture, specific notification procedures must be followed. The seizing officer shall follow the asset forfeiture policy.

800.9 RECORDING OF PROPERTY

The Property and Evidence Technician receiving custody of booked property shall generate a bar code and assign a storage location in the RMS for each item, sign and date the property form, and record the property location.

Any changes in the location of property held by the Department shall be recorded in the RMS.

Kelso Police Department

Kelso PD Policy Manual

Property and Evidence

800.10 PROPERTY CONTROL

Each time the Property and Evidence Technician accepts property or releases property to another person, he/she shall record this information in the RMS. Officers desiring property for court shall contact the Property and Evidence Technician at least one day prior to the court appearance.

800.10.1 RESPONSIBILITY OF OTHER PERSONNEL

The chain of custody is the most critical process of evidence documentation. In order to uphold the standards and requirements of the law, it is necessary that chain of custody is an unbroken trail without gaps or discrepancies.

Any time evidence is removed from the property room, e.g., for court or review, proper documentation will be completed and maintained by the Property and Evidence Technician. For any period of time the property is outside of the responsible officer's custody and transferred over to a third party, chain of custody document(s) shall be completed for evidence tracking. The property and evidence technician shall record each chain of custody change in the RMS.

800.10.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

Washington State Patrol Request for Laboratory Examination/Analysis forms shall be completed and submitted to the Property and Evidence Technician. A copy shall be submitted to records and/or with the case report. For sexual assault kits, the requests for analysis form along with the WSP DNA Case Supplemental Information form shall be completed and submitted no later than 20 days from the date the sexual assault kit was received.

Evidence is usually shipped via FedEx to the Washington State Crime Lab by the Property and Evidence Technician, and if necessary, submissions may be hand-delivered.

When the submission is being transported by a Department employee, the transporting employee will check the evidence out of property, sign and date the proper form and sign and date the request for laboratory analysis.

The lab forms will be transported with the property to the examining laboratory. Upon delivering the item(s) involved, the transporting employee will record the delivery time on the request for laboratory analysis. Once the lab employee has completed the receipt of property section of the lab form, the transporting employee will request a copy of the completed lab form and return it to the Property and Evidence Technician for filing with the property/evidence form. The Property and Evidence Technician shall record the chain of custody changes in the RMS.

800.10.3 STATUS OF PROPERTY

Each person removing property for any reason shall sign the Release of Property/Evidence form documenting the chain of custody. The Property and Evidence Technician shall record this information in the RMS to include the reason for release.

Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

Kelso Police Department

Kelso PD Policy Manual

Property and Evidence

Whenever property is returned to the Property and Evidence Technician by an employee who did not originally check the property out of evidence, the returning employee shall complete the chain of custody document and submit it with the property. The Property and Evidence Technician shall record custody changes in the RMS.

800.10.4 AUTHORITY TO RELEASE PROPERTY

No property or evidence is to be disposed of or released without first receiving written authorization from the prosecutor, court or a supervisor.

800.10.5 RELEASE OF PROPERTY

The Kelso Police Department shall make every effort to return personal property that is in the possession of this department when such property is not considered evidence of a crime or is no longer needed as evidence. In such cases, the property and evidence technician shall make a reasonable attempt to identify the lawful owner and provide written notice via US Mail within 15 days after the property is authorized to be released.

If the property remains unclaimed beyond sixty days after the initial written notice to the property owner, or, in the case of property held as evidence, sixty days from the date when the case has been finally adjudicated and the property has been released as evidence by order of the court, the Department may (RCW 63.32.010):

- (a) At any time thereafter sell the property at public auction to the highest and best bidder for cash. The disposition of all proceeds from such auctions shall be accounted for and recorded according to law (RCW 63.32.030).
- (b) Retain the property for the use of the Department subject to giving notice in the manner prescribed in RCW 63.32.020 and the right of the owner, or the owner's legal representative, to reclaim the property within one year after receipt of notice, without compensation for ordinary wear and tear if, in the opinion of the Chief of Police, the property consists of firearms or other items specifically usable in law enforcement work, provided that at the end of each calendar year during which there has been such a retention, the Department shall provide the City's elected body and retain for public inspection a list of such retained items and an estimation of each item's replacement value. At the end of the one-year period any unclaimed firearm shall be disposed of pursuant to RCW 9.41.098(2).
- (c) Destroy an item of personal property at the discretion of the Chief of Police if the Chief of Police determines that all of the following circumstances have occurred:
 1. The property has no substantial commercial value, or the probable cost of sale exceeds the value of the property
 2. The item has been unclaimed by any person after notice procedures have been met, as prescribed in this section
 3. The Chief of Police has determined that the item is unsafe and unable to be made safe for use by any member of the general public.

Kelso Police Department

Kelso PD Policy Manual

Property and Evidence

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 the purpose of annual listing requirements of the RCW. Such items may be destroyed at the discretion of the Chief of Police if the Chief of Police believes that it has been, or may be used in a manner that is illegal (RCW 63.32.010).

The property and evidence technician shall release the property upon proper identification being presented by the owner or the owner's designee for which an authorized release has been received. A signature of the person receiving the property shall be recorded on either the original Evidence/Property form, property tag and/or envelope, or Release of Evidence Property form. The Property and Evidence Technician shall update the RMS accordingly. After all property has been properly disbursed, the completed property/evidence forms along with all documents retained therein shall be electronically attached to the RMS. The paper copies shall be retained pursuant to the Washington State Archives Law Enforcement Records Retention Schedule under section 8.1 Case Management.

800.10.6 DISPUTED CLAIMS TO PROPERTY

Occasionally, more than one party may claim interest in property being held by the Department where 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 property.

All parties should be advised their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim.

800.10.7 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, duplicated or uploaded to RMS. 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.

800.11 DISPOSITION OF PROPERTY

All personal property, other than vehicles governed by Chapter 46.52 RCW not held for evidence in a pending criminal investigation or proceeding and held for 60 days or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Property and Evidence Technician should request a disposition or status on all property which has been held in excess of 60 days and for which no disposition has been received from a supervisor or detective (RCW 63.32.010).

Kelso Police Department

Kelso PD Policy Manual

Property and Evidence

800.11.1 BIOLOGICAL EVIDENCE

The Property and Evidence Technician shall insure 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 legal representation.
- (c) The appropriate prosecutor and Attorney General.
- (d) Any sexual assault victim.

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 Property and Evidence Technician Supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

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, Command Staff should be consulted prior to disposal.

800.11.2 SEXUAL ASSAULT KITS

Unreported sexual assault kits shall be stored and preserved for 20 years from the date of collection (RCW 5.70.030).

800.11.3 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).

Kelso Police Department

Kelso PD Policy Manual

Property and Evidence

800.12 INSPECTIONS OF THE EVIDENCE ROOM

- (a) On a quarterly basis, the evidence technician shall conduct a spot-audit of the evidence storage facilities and practices to insure adherence to appropriate policies and procedures. This audit shall include, (1) Random selection of (3) items currently held in storage and verifying their entries in RMS, (2) Random selection of (3) additional items from RMS then verifying their physical existence in storage, and (3) Identifying (3) items in RMS that have been disposed/destroyed, auctioned or returned to owner and verified to no longer exist in storage. All audits shall be witnessed by a member who does not have access to the evidence system, including his/her signature thereof, upon completion.
- (b) Unannounced audits of evidence storage areas may be conducted as directed by the Chief of Police.
- (c) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual not associated to the property room or function to insure that records are correct and all evidence property is accounted for.

800.12.1 PROPERTY AND EVIDENCE SECTION SECURITY

Access to the Department's Property and Evidence Section is restricted to authorized department personnel only. It shall be the responsibility of the Property and Evidence Technician to control all access to the Property and Evidence Section. The keys to access the evidence storage area are kept in a locked key box within the secure police department.

The Property and Evidence Technician shall maintain a log of all persons entering the secure area of the Property and Evidence Section. Personnel, other than those assigned to the Property and Evidence Section, who have legitimate business in the secure area will be required to record their name, date, time and purpose for entry.

The Administrative Sergeant shall maintain possession of a sealed envelope, provided by the Property and Evidence Technician, that contains the access code to the key box. The envelope shall remain sealed and only opened when access is necessary in the absence of the Property and Evidence Technician. Once the Property and Evidence Technician resumes primary control of the evidence storage area, a new key box access code shall be generated and the new code shall be sealed within a new envelope then provided to the Administrative Sergeant for safekeeping.

One spare key will be sealed inside an envelope and locked in a secure lockbox near the entrance to the property room. This key shall only be accessed during emergencies where immediate entry to the evidence storage area is necessary, e.g., an employee behind the locked door is suffering a medical emergency or there is evidence of a fire or other emergency therein. If this spare key is ever unsealed and used to gain entry to the Property and Evidence Section, its use shall be documented in memorandum form addressed to the Chief of Police. The key shall be resealed and returned to the lock box as soon as practical after its use.

Records

802.1 PURPOSE AND SCOPE

The Records Supervisor shall maintain the Department Records Division Procedures Manual on a current basis to reflect the procedures being followed within the Records Division. Policies and procedures that apply to all employees of this department are contained in this chapter.

802.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records Section by Records Section personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number which is issued by Dispatch when a "call to service" is generated.

802.1.2 UNIFORM CRIME REPORTING

The Kelso Police Department participates in the Uniform Crime Reporting Program (UCR) and/or the National Incident Based Reporting System (NIBRS). The Records Supervisor is responsible for ensuring that UCR/NIBRS reports are provided to the Washington Association of Sheriffs and Police Chiefs (WASPC) on a regular basis.

802.2 FILE ACCESS AND SECURITY

All reports including, but not limited to, initial, supplemental, follow-up, evidence, and all reports critical to a case shall be maintained in a secure area within the Records Division accessible only to authorized Records Division personnel. Access to report files after hours or when records personnel are otherwise not available may be obtained through the Shift Sergeant.

Kelso Police Department employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

802.2.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from the Records Division. Should an original report be needed for any reason, the requesting employee shall first obtain authorization from the Records Supervisor. All original reports removed from the Records Division shall be recorded on the Report Check-Out Log, which shall constitute the only authorized manner by which an original report may be removed from the Records Division.

802.2.2 RECORDS CONCERNING JUVENILES

The Records Supervisor shall be responsible for the destruction of juvenile records in accordance with RCW 13.50.270, including the following circumstances:

- Upon receiving notification from the juvenile court that specific records should be destroyed.

Kelso Police Department

Kelso PD Policy Manual

Records

- Upon receiving notification from the Office of the Governor that a specific juvenile has received a full and unconditional pardon, the Records Supervisor shall ensure that all records pertaining to that juvenile are destroyed within 30 days.

802.3 USE OF A CENTRAL COMPUTERIZED ENFORCEMENT SERVICE SYSTEM (ACCESS)

ACCESS is a computer-controlled communications system located at the WSP Information Technology Division. ACCESS provides service to all the state and national information systems. The Chief of the WSP is vested with the authority to administer all operating phases of ACCESS and the Washington Crime Information Center (WACIC). There are specific requirements for agencies accessing the information in the group of computer systems in ACCESS.

802.3.1 ACCESS USE REQUIREMENTS

No member of the Kelso Police Department shall operate any of the ACCESS systems without first complying with the training requirements as listed in the ACCESS manual.

802.3.2 ACCESS REQUIREMENTS

As an authorized ACCESS user, the Kelso Police Department complies with all of the following ACCESS requirements:

- Warrant entry
- Receiving information from outside agencies
- Recording information
- Verifying information
- Canceling information
- Providing 24-hour access to agency warrants

It is the responsibility of the Records Supervisor to ensure that all ACCESS computer and network security requirements are in place and operational.

802.4 OFFICER SAFETY ADVISORIES

A Violent Person File (VPF) database is maintained by the NCIC and is intended to provide protection to police, corrections, or other criminal justice officers. Individuals who represent a potential threat to officers may be entered into ACCESS when they have previously exhibited assaultive or threatening behavior during contacts by law enforcement.

To qualify for entry, one or more of the following conditions must be met (ACCESS Operations Manual Chapter 33-3 II, C):

- (a) The offender has been convicted for assault or murder/homicide of a law enforcement officer, fleeing, resisting arrest, or any such statute that involves violence against law enforcement.
- (b) The offender has been convicted of a violent offense against a person to include homicide and attempted homicide.

Kelso Police Department

Kelso PD Policy Manual

Records

- (c) The offender has been convicted of a violent offense against a person where a firearm or weapon was used.
- (d) A law enforcement agency, based on its official investigatory duties, reasonably believes that the individual has seriously expressed the intent to commit an act of unlawful violence against a member of the law enforcement or criminal justice community.

Officers who encounter a person who they believe is a threat to officer safety should submit a report detailing the circumstances of the contact and nature of the threat for entry as an Officer Safety Advisory.

All Officer Safety Advisories are subject to approval by the Chief of Police or the authorized designee.

Once approved, the Records Division is responsible for making the appropriate entry into ACCESS.

Whenever an Officer Safety Advisory is initiated by the Kelso Police Department, it is the responsibility of the Records Supervisor to ensure that a copy of the supporting documentation and the authorized statement signed by the Chief of Police are maintained in a separate file. Supporting documentation may include the crime report, officer's supplemental report, mental health report, or other similar documentation.

802.5 COURT ORDERS

The Records Supervisor shall see that no-contact orders received from the court are entered into the WACIC or other applicable criminal intelligence information system for one year or until the expiration date specified on the order. Upon receipt of notice that an order has been terminated, the Records Supervisor shall see that the order is removed from the applicable system (RCW 9A.40.102; RCW 9A.40.104; RCW 9A.40.106).

Records Maintenance and Release

805.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

805.2 POLICY

The Kelso 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.).

805.3 PUBLIC RECORDS OFFICER

The Chief of Police shall designate a Public Records Officer (RCW 42.56.580). The responsibilities of the Public Records Officer include but are not limited to:

- (a) Managing the records management system for the Department, including the retention, archiving, release and destruction of department public records.
- (b) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.
 1. Rules and procedures for public inspection and copying shall be prominently displayed and made available to the public for inspection and copying (RCW 42.56.040).
- (c) Maintaining and making available for public inspection and copying an index of documents that provides identifying information of certain documents identified in RCW 42.56.070 that are maintained by the Department.
- (d) Maintaining and updating the department records retention schedule including:
 1. Identifying the minimum length of time the Department must keep records.
 2. Identifying the department division responsible for the original record.
- (e) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (f) Ensuring a current list containing every law that exempts or prohibits disclosure of specific information or records of the Department is available to the public (RCW 42.56.070).
- (g) Establishing rules regarding the processing of subpoenas for the production of records.
- (h) Ensuring the availability of a current schedule of fees for public records as allowed by law (RCW 42.56.070; RCW 42.56.120; RCW 42.56.130).
- (i) Ensuring that the business hours for record inspection or copying are posted on the department's website and made known by other means designed to provide the public with notice (RCW 42.56.090).

Kelso Police Department

Kelso PD Policy Manual

Records Maintenance and Release

- (j) Ensuring that the name and contact information of the Public Records Officer is visible to the public, including the department website and appropriate department publications (RCW 42.56.580).

805.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Public Records Officer or the authorized designee.

805.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following:

- (a) The Department is not required to create records that do not exist.
- (b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (c) Requests to inspect or copy records shall be responded to promptly. Within five business days of receiving the request, one of the following responses shall be made (RCW 42.56.520):
 1. Providing the record.
 2. Acknowledging the receipt of the request and providing a reasonable estimate of time the Department will require to respond to the request. Additional time may be required to respond based upon:
 - (a) The need to clarify the intent of the request.
 - (b) The need to locate and assemble the information requested.
 - (c) Notification to third persons or agencies affected by the request.
 - (d) Determination whether any of the information requested is exempt.
 3. Acknowledging the receipt of the request and asking the requester for clarification if the request is not clear and providing the requester a reasonable estimate of the time that will be needed to respond if the request is not clarified. If the requester does not respond, and the entire request is unclear, the Department need not respond. If only part of the request is unclear, the Department shall respond to those portions of the request that are clear.

805.4.2 DENIALS

- (a) The denial shall be accompanied by a written statement that includes the specific exemption and a brief explanation of how the exemption applies to the withheld record (RCW 42.56.210).

Kelso Police Department

Kelso PD Policy Manual

Records Maintenance and Release

- (b) Requests that are denied are subject to judicial review and the burden of proof is on the Department to show that the records requested are exempt or prohibited in whole or part by statute (RCW 42.56.550).

805.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Personnel records that contain personal information to the extent that disclosure would violate privacy rights (RCW 42.56.230; RCW 42.56.250).
- (c) Specific intelligence and specific investigative records regarding the discipline of a member of any profession where nondisclosure is essential for effective law enforcement or for the protection of any person's right to privacy (RCW 42.56.240).
- (d) Victim and witness information revealing the identity of persons who file complaints if disclosure would endanger the person's life, physical safety, or property (RCW 42.56.240).
- (e) Child victim and witness identity information including name, address, recordings, and photographs (RCW 7.69A.030; RCW 42.56.240).
- (f) Concealed pistol license applications or information on the applications unless release is to law enforcement or corrections agencies under RCW 9.41.070.
- (g) Information revealing the specific details of the alleged assault, identity, or contact information of a child victim of sexual assault who is under age 18. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative, stepchild, or stepsibling of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Contact information includes phone numbers, email addresses, social media profiles, and usernames and passwords (RCW 10.97.130; RCW 42.56.240).
- (h) Personal identifying information collected relating to local security alarm system programs and vacation crime watch programs (RCW 42.56.240).
- (i) Certain criminal history record information as restricted by the Criminal Records Privacy Act (RCW 10.97.040 et seq.).
- (j) Traffic collision reports except for what is authorized by RCW 46.52.080 and RCW 46.52.083.
- (k) Preliminary drafts, notes, recommendations, or intra-agency memorandums in which opinions are expressed, or policies formulated, or recommended (RCW 42.56.280).
- (l) Records that are relevant to a controversy (threatened, actual, or completed litigation) to which the Department is a party but which records would not be available to another

Kelso Police Department

Kelso PD Policy Manual

Records Maintenance and Release

party under the rules of pretrial discovery for causes pending in the superior courts (RCW 42.56.290).

- (m) Security records including but not limited to records relating to preparing and responding to criminal terrorist acts; vulnerability assessments and emergency and escape plans of secured facilities; information regarding infrastructure and security of computer and telecommunications networks; system security and emergency preparedness plans; and as further defined in RCW 42.56.420.
- (n) Global positioning system data that indicates the location of a member's residence or of a public employee or volunteer (RCW 42.56.240; RCW 42.56.250).
- (o) Information contained in a local, regional, or statewide gang database (RCW 42.56.240).
- (p) Body worn camera recordings that violate a person's right to privacy (RCW 42.56.240)
- (q) Personal identifying information, or information regarding citizenship or immigration status, of any victim of criminal activity or trafficking who is requesting certification for a U or T visa, except where allowed by law (RCW 7.98.020).
- (r) Personal identifying information about an individual's religious beliefs, practices, or affiliation (RCW 42.56.235).
- (s) Investigative records compiled by the Department regarding possible unfair practices of discrimination under RCW 49.60.010 et seq. or possible violation of other federal, state, or local laws or Kelso Police Department internal policies during an active and ongoing investigation (RCW 42.56.250).
 - 1. Records may be released upon completion of the investigation as allowed under RCW 42.56.250.
- (t) Any other information that may be appropriately denied by Washington law.

805.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Public Records Officer for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the Prosecuting Attorney, City Attorney or the courts.

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.

805.7 EXPUNGEMENT

Expungement orders received by the Department shall be reviewed for appropriate action by the Public Records Officer. The Public Records Officer shall expunge such records as ordered by the court. Records may include, but are not limited to, a record of arrest, investigation, detention

Kelso Police Department

Kelso PD Policy Manual

Records Maintenance and Release

or conviction. Once a record is expunged, members shall respond to any inquiry as though the record did not exist.

805.8 SECURITY BREACHES

Members who become aware that any Kelso Police Department system containing personal information may have been breached should notify the Public Records Officer as soon as practicable.

The Public Records Officer shall ensure the required notice is given to any resident of this state whose unsecured personal information is reasonably believed to have been acquired by an unauthorized person (RCW 42.56.590).

Notice shall be given as soon as reasonably practicable but may be delayed if notification will impede a criminal investigation.

For the purposes of the notice requirement, personal information includes:

- (a) An individual's first name or first initial and last name in combination with any one or more of the following:
 1. Social Security number or the last four digits of the Social Security number
 2. Driver license number or Washington identification card number
 3. Full account number, credit or debit card number, or any required security code, access code, or password that would permit access to an individual's financial account
 4. Any data elements listed in RCW 42.56.590 (e.g., date of birth, health insurance policy number, biometric data, email address, password)
- (b) Any of the data elements listed above without the individual's first and last name if the data elements would enable a person to commit identity theft or if encryption, redaction, or other methods have not safeguarded the data element (RCW 42.56.590).

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Public Records Officer should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

805.9 TRAINING

The Public Records Officer shall complete a training program consistent with the Attorney General's model rules within 90 days of assuming responsibilities for public records and complete refresher training as required (RCW 42.56.152).

Protected Information

807.1 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 Kelso Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

807.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Kelso 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.

807.2 POLICY

Members of the Kelso 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.

807.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Licensing (DOL) records and the Washington Crime Information Center (WACIC).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.

Kelso Police Department

Kelso PD Policy Manual

Protected Information

- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

807.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Kelso Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

807.4.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive or possess criminal history record information without authorization by Washington law (RCW 10.97.120).

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of 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 policy.

807.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know (RCW 10.97.050).

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Division to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

Kelso Police Department

Kelso PD Policy Manual

Protected Information

807.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

An individual may review his/her criminal history record information held by this department after complying with established department requirements as authorized by RCW 10.97.080.

807.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include but are not limited to:

- (a) Developing and maintaining security practices, procedures, and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents, including computer attacks.
- (d) Tracking, documenting, and reporting all breach of security incidents to the Chief of Police and appropriate authorities (RCW 19.255.010; RCW 42.56.590).

807.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk, in or on an unattended vehicle, in an unlocked desk drawer or file cabinet, on an unattended computer terminal).

807.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

807.8 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).

Animal Control

808.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

808.2 POLICY

It is the policy of the Kelso Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

808.3 DEFINITIONS

Physical infirmity - Starvation, dehydration, hypothermia, hyperthermia, muscle atrophy, restriction of blood flow to a limb or organ, mange or other skin disease, or parasitic infestation.

Physical injury - Substantial physical pain, fractures, cuts, burns, punctures, bruises, or other wounds or illnesses produced by violence or by a thermal or chemical agent.

Serious physical injury or infirmity - Physical injury or physical infirmity that creates a substantial risk of death or that causes protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of a limb or bodily organ.

808.4 ANIMAL CONTROL RESPONSIBILITIES

Animal control services are generally the primary responsibility of the Animal Control Officer and include the following:

- (a) Animal-related matters during periods when available or when summoned after hours.
- (b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods when available for investigation and resolution.
- (c) Follow-up on animal-related calls, including locating owners of injured animals.
- (d) Sign the City-authorized Humane Society intake form which authorizes another party to transport and surrender an animal to Humane Society.

808.5 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

- (a) There is a threat to public safety.

Kelso Police Department

Kelso PD Policy Manual

Animal Control

- (b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.
- (c) An animal is creating a traffic hazard.
- (d) An animal is seriously injured.
- (e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal in coordination with the Animal Control Officer.
 - (a) This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
 - (b) With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
 - (c) If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility in coordination with the Animal Control Officer.

808.6 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced in coordination with and by the Animal Control Officer, including but not limited to RCW 9.08.070 (cruelty to pets), RCW 16.52.117 (animal fighting), RCW 16.52.205 (animal cruelty) and RCW 16.52.320 (cruelty to livestock).

- (a) An investigation should be conducted on all reports of animal cruelty.
- (b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

808.6.1 REMOVAL OF ANIMALS

An officer who has probable cause to believe that an animal is subject to cruelty may obtain a warrant for removal of the animal when there is no responsible person to assume care of the animal and a good faith effort to contact the animal's owner has first been attempted.

If an animal is in imminent danger, needs immediate medical attention or is suffering serious physical injury or infirmity and is in an accessible area other than a building or dwelling, a warrant is not required to enter upon the property to seize the animal. (RCW 16.52.085)

Animals seized shall be released to the Animal Control Officer.

When an animal is removed, the Animal Control Officer shall provide written notice to the owner within 72 hours of removal and shall include (RCW 16.52.085):

- (a) The contact information of the Animal Control Officer.
- (b) A description of the animal seized.
- (c) The authority and purpose for the seizure.
- (d) The time, place, and circumstances of the seizure.

Kelso Police Department

Kelso PD Policy Manual

Animal Control

- (e) A statement that the owner is responsible for the cost of care and will be required to post a bond with the county district court clerk within 14 days of seizure or the animal will be deemed abandoned and forfeited.
- (f) The legal remedies available to the owner.

The notice shall be given by posting at the place of the seizure, by personal delivery to the last known or suspected owner or a person residing at the place of seizure, or by registered mail if the owner is known (RCW 16.52.085).

808.6.2 ANIMALS EXPOSED TO EXCESSIVE HEAT OR COLD, LACK OF VENTILATION OR LACK OF NECESSARY WATER

Officers may, in exigent circumstances, enter a vehicle or enclosed space other than a residence to save the life of an animal suffering harm from exposure to excessive heat or cold or lack of necessary ventilation or water when there is no person present in the immediate area who has access to the vehicle or enclosed space and is willing to immediately remove the animal (RCW 16.52.340).

In all other cases, a court order should be obtained when necessary to enter a vehicle or structure to protect the life of an animal.

808.7 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

808.8 STRAY ANIMALS

Stray animal complaints should be referred to the Animal Control Officer. The Animal Control Officer should attempt to identify and contact the owner, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate.

If an animal is to be taken into custody, the Animal Control Officer should be summoned to take custody and transport it to the appropriate temporary shelter/holding pen and provide food, water and shelter.

808.9 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Shift Sergeant will be contacted to determine available resources, including requesting the assistance of after hours animal control services.

808.10 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), as such calls may involve significant quality-of-life issues.

Kelso Police Department

Kelso PD Policy Manual

Animal Control

808.11 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity. Where no criminal investigation requires further examination or evidence collection, Waste Control should be notified of its location for collection and disposal.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

808.12 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility in coordination with the Animal Control Officer.

808.13 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. If possible, prior authorization from a supervisor should precede euthanasia of a badly injured animal.

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 the Kelso Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

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.

900.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest and when receiving an individual from the custody of another. An officer shall conduct a custody search of an individual before transporting the person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

900.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Kelso Police Department facilities. Except in exigent circumstances, the search should be conducted by a

Kelso Police Department

Kelso PD Policy Manual

Custodial Searches

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 Kelso 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 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 Kelso 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):

Kelso Police Department

Kelso PD Policy Manual

Custodial Searches

- (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).

900.5.1 STRIP SEARCH PROCEDURES

Strip searches at Kelso Police Department facilities shall be conducted as follows (28 CFR 115.115):

- (a) Written authorization from the Shift Sergeant shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner (RCW 10.79.100).
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include (RCW 10.79.150):
 - 1. The facts that led to the decision to perform a strip search.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.

Kelso Police Department

Kelso PD Policy Manual

Custodial Searches

3. The written authorization for the search, obtained from the Shift Sergeant.
 4. The name of the individual who was searched.
 5. The name, serial number of the officer and sex of the members who conducted the search.
 6. The name, sex and role of any person present during the search.
 7. The time and date of the search.
 8. The place at which the search was conducted.
 9. A list of the items, if any, that were recovered.
 10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.
 11. Any health condition discovered.
- (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.
- (h) Except at the request of the individual, no person, other than those who are participating in the search, shall be present or able to observe the search (RCW 10.79.150).
- (i) A copy of the written authorization shall be maintained in the file of the individual who was searched (RCW 10.79.150).

900.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Shift Sergeant authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Shift Sergeant authorization does not need to be in writing.

Kelso Police Department

Kelso PD Policy Manual

Custodial Searches

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).

900.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Shift Sergeant and only upon a search warrant. Authorization may be obtained electronically (RCW 10.79.080). A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a qualified physician, registered nurse or physician's assistant may conduct a physical body cavity search (RCW 10.79.100).
- (c) Except for the qualified physician, registered nurse or physician's assistant conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including (RCW 10.79.080):
 - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The Shift Sergeant's approval.
 - 4. A copy of the search warrant.
 - 5. The time, date, location, and description of the search.
 - 6. The medical personnel present.
 - 7. The names, sex, and roles of any department members present.
 - 8. A statement of the results of the search and a list of any contraband or weapons discovered by the search.
- (f) A copy of the written authorization shall be retained and made available to the individual who was searched or other authorized representative upon request.
- (g) Before any physical body cavity search is authorized or conducted, a thorough pat-down search, a thorough electronic metal-detector search, and a thorough clothing search, as appropriate, must be used. No physical body cavity search shall be authorized or conducted unless these other methods do not satisfy the safety, security, or evidentiary concerns of the Department (RCW 10.79.080).

Kelso Police Department

Kelso PD Policy Manual

Custodial Searches

- (h) The Shift Sergeant may allow the individual to have a readily available witness, of the individual's choosing, present at the time the search is conducted. The person chosen shall not be currently in custody or present an unreasonable security risk (RCW 10.79.100).

900.7 TRAINING

The Patrol Captain 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.

Biological Samples

902.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from an individual in conjunction with a criminal investigation. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

902.2 POLICY

The Kelso Police Department will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

902.3 OFFENDERS SUBJECT TO BIOLOGICAL SAMPLE COLLECTION

The following offenders must submit a biological sample (RCW 43.43.754):

- (a) An offender convicted of any felony offense.
- (b) An offender convicted of assault in the fourth degree where domestic violence as defined in RCW 9.94A.030 was pleaded and proven (RCW 9A.36.041).
- (c) An offender convicted of assault in the fourth degree with sexual motivation (RCW 9A.36.041; RCW 9.94A.835).
- (d) An offender convicted of communication with a minor for immoral purposes (RCW 9.68A.090).
- (e) An offender convicted of custodial sexual misconduct in the second degree (RCW 9A.44.170).
- (f) An offender convicted of failure to register as a sex or kidnap offender (RCW 9A.44.040 et seq.).
- (g) An offender convicted of harassment (RCW 9A.46.020).
- (h) An offender convicted of patronizing a prostitute (RCW 9A.88.110).
- (i) An offender convicted of sexual misconduct with a minor in the second degree (RCW 9A.44.096).
- (j) An offender convicted of stalking (RCW 9A.46.110).
- (k) An offender who violates a sexual assault protection order granted under RCW 7.105.050 et seq. (Civil Protection Orders).
- (l) An offender convicted of indecent exposure (RCW 9A.88.010).
- (m) An offender convicted of a sex or kidnapping offense and required to register under RCW 9A.44.130.

Kelso Police Department

Kelso PD Policy Manual

Biological Samples

902.3.1 OPTIONAL SUBMISSION OF BIOLOGICAL SAMPLES

The Department may submit biological samples to the forensic laboratory services of the Washington State Patrol of an offender who is deceased and who was previously convicted of a qualifying offense regardless of the date of conviction (RCW 43.43.754).

902.4 PROCEDURE

When an offender is required to provide a biological sample, a trained member shall attempt to obtain the sample in accordance with this policy.

902.4.1 COLLECTION

The following steps should be taken to collect a sample:

- (a) Verify that the offender is required to provide a sample pursuant to RCW 43.43.754.
- (b) Verify that a biological sample has not been previously collected from the offender by querying the person's Washington State criminal history records. There is no need to obtain a biological sample if one has been previously obtained (RCW 43.43.754).
- (c) Use the designated collection kit provided by the Washington State Patrol to perform the collection and take steps to avoid cross contamination.

902.5 USE OF FORCE TO OBTAIN SAMPLES

If an offender refuses to cooperate with the sample collection process, members should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order or approval of legal counsel, and only with the approval of a supervisor.

Methods to consider when seeking voluntary compliance include contacting:

- (a) The individual's parole or probation officer, when applicable.
- (b) The prosecuting attorney to seek additional charges against the individual for failure to comply or to otherwise bring the refusal before a judge (RCW 43.43.754(11)).
- (c) The judge at the individual's next court appearance.
- (d) The individual's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where the individual can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available. The supervisor shall review and approve any plan to use force and be present to document the process.

The supervisor shall review and approve any plan to use force and be present to document the process.

Kelso Police Department

Kelso PD Policy Manual

Biological Samples

902.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all persons participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the established records retention schedule.

902.6 LEGAL MANDATES AND RELEVANT LAWS

Washington law provides for the following:

902.6.1 AVAILABLE INFORMATION AND TRAINING

The Patrol Commander should maintain relevant informational material from the Washington State Patrol in the booking area of the Kelso Police Department for training and guidance purposes. This should include the "Protocol for the Collection of Biological Sample for the Convicted Felon DNA Program," prepared by the Washington State Patrol Crime Laboratory Division (WAC 446-75-060).

Temporary Custody of Adults

903.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Kelso Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

903.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the Kelso Police Department prior to being released or transported to a housing or other type of facility.

903.2 POLICY

The Kelso Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

903.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

903.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Kelso Police Department, but should be transported to a jail facility, a medical facility, or other type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition, including pregnancy, or who may require medical attention, supervision, or medication while in temporary custody.
- (c) Any individual who is seriously injured.
- (d) Individuals who are a suspected suicide risk (see the Emergency Detentions Policy).

Kelso Police Department

Kelso PD Policy Manual

Temporary Custody of Adults

1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release, or a transfer to an appropriate facility is completed.
 - (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
 - (f) Individuals who are under the influence of alcohol, a controlled substance, or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
 - (g) Any individual who has exhibited extremely violent or continuously violent behavior.
 - (h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.
 - (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

903.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

903.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the Shift Sergeant.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

903.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically

Kelso Police Department

Kelso PD Policy Manual

Temporary Custody of Adults

ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the Cowlitz Countyjail or the appropriate mental health facility.

The officer should promptly notify the Shift Sergeant of any conditions that may warrant immediate medical attention or other appropriate action. The Shift Sergeant shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

903.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall:

- (a) Advise the Shift Sergeant of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:
 1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
 2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
 - (a) Continuous, direct sight and sound supervision.
 - (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
 3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
 4. Ensure males and females are separated by sight and sound when in cells.
 5. Ensure restrained individuals are not placed in cells with unrestrained individuals.
- (c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.
- (d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

903.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Patrol Division Commander will ensure that the U.S. Department of State's list of countries and

Kelso Police Department

Kelso PD Policy Manual

Temporary Custody of Adults

jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
 - 1. This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
 - 1. If the country is on the mandatory notification list, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
 - (c) Forward any communication from the individual to his/her consular officers without delay.
 - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
 - 2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Forward any communication from the individual to his/her consular officers without delay.

903.5 SAFETY, HEALTH, AND OTHER PROVISIONS

903.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Kelso Police Department, the custody shall be promptly and properly documented in a custody log, including:

- (a) Identifying information about the individual, including his/her name.
- (b) Date and time of arrival at the Department.
- (c) Any charges for which the individual is in temporary custody and any case number.
- (d) Time of all safety checks.
- (e) Any medical and other screening requested and completed.
- (f) Any emergency situations or unusual incidents.

Kelso Police Department

Kelso PD Policy Manual

Temporary Custody of Adults

- (g) Any other information that may be required by other authorities, such as compliance inspectors.
- (h) Date and time of release from the Kelso Police Department.

The Shift Sergeant or his designee should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Shift Sergeant should make periodic checks to ensure all log entries and safety and security checks are made on time.

903.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted on the log.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins.
- (d) There is reasonable access to a drinking fountain or water.
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) There is privacy during attorney visits.
- (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (h) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (i) Adequate furnishings are available, including suitable chairs or benches.

903.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Kelso Police Department

Kelso PD Policy Manual

Temporary Custody of Adults

Those who require medication while in temporary custody should not be at the Kelso Police Department. They should be released or transferred to another facility as appropriate.

903.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Shift Sergeant shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

903.5.5 TELEPHONE CALLS

Every individual in temporary custody should be allowed to make a reasonable number of completed telephone calls as soon as possible after arrival. Phone access may be temporarily delayed for articulable safety or investigative reasons with the approval of the shift supervisor.

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.
 - 1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
- (b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
 - 1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.
- (c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

903.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments

Kelso Police Department

Kelso PD Policy Manual

Temporary Custody of Adults

that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

903.5.7 NONDISCRIMINATION

The Kelso Police Department shall not deny services, benefits, privileges, or opportunities to individuals in custody on the basis of national origin, citizenship, or immigration status, or on the basis of the existence of an immigration detainer, hold, notification request, or civil immigration warrant, except as required by law (RCW 49.60.030; RCW 10.93.160).

903.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Kelso Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

903.6.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

903.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (e.g., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be documented in a report.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Shift Sergeant shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Shift Sergeant shall attempt to prove or disprove the claim.

903.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection

Kelso Police Department

Kelso PD Policy Manual

Temporary Custody of Adults

also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

- (a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.
- (b) The individual may be monitored by an audio/video system during the entire custody.
- (c) The individual shall have constant auditory access to department members.
- (d) The individual's initial placement into and removal from a locked enclosure shall be logged.
- (e) Safety checks by department members shall occur no less than every 15 minutes.
 - (a) Safety checks should be at varying times.
 - (b) The safety check should involve questioning the individual as to his/her well-being.
 - (c) Individuals who are sleeping or apparently sleeping should be awakened.
 - (d) Requests or concerns of the individual should be logged.

903.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Patrol Division Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Kelso Police Department. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification of the Shift Sergeant, Chief of Police and Services Division Commander.
- (c) Notification of the spouse, next of kin or other appropriate person.
- (d) Notification of the appropriate prosecutor.
- (e) Notification of the City Attorney.
- (f) Notification of the Coroner.
- (g) Evidence preservation.

903.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms and logs have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.

Kelso Police Department

Kelso PD Policy Manual

Temporary Custody of Adults

- (d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the Kelso Police Department unless escorted by a member of the Department.
- (g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.
 - 1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.
- (i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

903.10.1 TRANSFER TO HOSPITAL

When an individual in custody for a violent or sex offense is taken to a hospital, the transporting officer shall remain with, or secure, the individual while the individual is receiving care, unless (RCW 10.110.020; RCW 10.110.030):

- (a) The medical care provider determines the individual does not need to be accompanied or secured.
- (b) The officer notifies the medical care provider that the officer is leaving after reasonably determining:
 - 1. The individual does not present an imminent and significant risk of causing physical harm to themselves or another person.
 - 2. There is no longer sufficient evidentiary basis to maintain the individual in custody.
 - 3. In the interest of public safety, his/her presence is urgently required at another location and supervisor approval is obtained.
 - (a) The officer shall make a reasonable effort to ensure a replacement officer is provided or other means of securing the individual is provided as soon as possible.

903.11 ASSIGNED ADMINISTRATOR

The Patrol Division Commander will ensure any reasonably necessary supplemental procedures are in place to address the following issues:

Kelso Police Department

Kelso PD Policy Manual

Temporary Custody of Adults

- (a) General security
- (b) Key control
- (c) Sanitation and maintenance
- (d) Emergency medical treatment
- (e) Escapes
- (f) Evacuation plans
- (g) Fire and life-safety
- (h) Disaster plans
- (i) Building and safety code compliance

903.12 TRAINING

Department members should be trained and familiar with this policy and any supplemental procedures.

Chapter 10 - Personnel

Recruitment and Selection

1000.1 POLICY

In accordance with applicable federal, state, and local law, the Kelso Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.2 RECRUITMENT

The Department 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 Department shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

1000.3 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department shall 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

Kelso Police Department

Kelso PD Policy Manual

Recruitment and Selection

- (c) Personal and professional reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
 1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Polygraph or voice stress analyzer 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)
 1. The medical examination shall include a drug screening and be conducted by a licensed physician.
- (j) Review board or selection committee assessment
- (k) Relevant national and state decertification records, if available, including the National Decertification Index
- (l) Any relevant information in the National Law Enforcement Accountability Database

1000.3.1 VETERAN PREFERENCE

The Department will provide veteran preference percentages as required (RCW 41.04.010).

1000.4 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Kelso Police Department and that are promulgated and maintained by the Personnel Department.

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Kelso Police Department (RCW 43.101.095).

Kelso Police Department

Kelso PD Policy Manual

Recruitment and Selection

1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

1000.5.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Services Division Commander shall not require candidates to provide passwords, account information or access to password-protected social media accounts (RCW 49.44.200).

The Services Division Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Services Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file. These files shall be stored in a secured manner and made available only to those who are authorized to participate in the selection process.

1000.5.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.5.5 BACKGROUND CERTIFICATION

Upon completion of the background investigation of a candidate who has received a conditional offer of employment with the Kelso Police Department, the background investigator shall certify to the Criminal Justice Training Commission (CJTC) that the background check has been completed and there was no information found that would disqualify the candidate from certification, and that the candidate is suitable for employment as an officer (RCW 43.101.095).

1000.6 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:

Kelso Police Department

Kelso PD Policy Manual

Recruitment and Selection

- 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

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (RCW 43.101.095; RCW 43.101.200). Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Personnel Department should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the following minimum standards established by the CJTC (RCW 43.101.095):

- (a) Be eligible for CJTC certification
- (b) Submit to a psychological evaluation conducted by a licensed psychologist or psychiatrist
- (c) Submit to a polygraph examination conducted by a qualified technician
- (d) Submit to a criminal history check
- (e) Not been convicted of a felony offense
- (f) Be eligible to work under federal law as a U.S. citizen, lawful permanent resident, or Deferred Action for Childhood Arrivals (DACA) recipient

Kelso Police Department

Kelso PD Policy Manual

Recruitment and Selection

1000.8 PROBATIONARY PERIODS

The Patrol Commander should coordinate with the Kelso Personnel Department 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.

Evaluation of Employees

1001.1 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.

1001.2 POLICY

The Kelso 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.

1001.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and non-sworn supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

Kelso Police Department

Kelso PD Policy Manual

Evaluation of Employees

1001.4 FULL TIME PROBATIONARY PERSONNEL

Non-sworn personnel are on probation for six months before being eligible for certification as permanent employees. An evaluation is completed monthly for all full-time non-sworn personnel during the probationary period.

Sworn personnel are on probation for six months after their field training period has been completed before being eligible for certification as permanent employees.

1001.5 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to two types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate 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.

1001.5.1 RATINGS CRITERIA

When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

Exceeds Standards - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected, but is not of such rare nature to warrant outstanding.

Meets Standards - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

Below Standard- Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A needs improvement rating must be thoroughly discussed with the employee.

N/A - rating not required.

Training - Expected performance requires further training and is inferior to the standards required of the position.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked below standards or exceeds standards shall be substantiated in the rater comments section.

1001.6 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

Kelso Police Department

Kelso PD Policy Manual

Evaluation of Employees

the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

1001.7 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.

1001.8 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to City Personnel Department.

1001.9 REMEDIAL TRAINING

When an employee fails to perform a job function at the level prescribed in this policy manual, remedial training may be necessary to ensure that employee has the knowledge and skills necessary to perform at an acceptable level.

Whenever an employee receives an evaluation rating of needs improvement or unacceptable, or a supervisor recognizes performance deficiencies 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 by the supervising division commander, 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.

Kelso Police Department

Kelso PD Policy Manual

Evaluation of Employees

- (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.

Grievance Procedure

1005.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department's philosophy is to promote a free verbal communication between employees and supervisors.

The grievance procedure is regulated by the Collective Bargaining Agreement between the City of Kelso and the Kelso Police Association in Article 20.

Anti-Retaliation

1007.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance, or collective bargaining agreement or memorandum of understanding.

1007.2 POLICY

The Kelso Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1007.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

Kelso Police Department

Kelso PD Policy Manual

Anti-Retaliation

1007.3.1 RETALIATION PROHIBITED FOR INTERVENING OR REPORTING

An officer shall not be retaliated against in any way for intervening or reporting in good faith any wrongdoing by another law enforcement officer. Wrongdoing means conduct that is contrary to law or policies of this department (RCW 10.93.190).

1007.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member or Chief of Police.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1007.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.

Kelso Police Department

Kelso PD Policy Manual

Anti-Retaliation

- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

1007.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

1007.7 WHISTLE-BLOWING

Washington law protects members who make good faith reports of improper government actions. Improper government actions include violations of Washington law, abuse of authority, gross waste of funds, and substantial and specific danger to the public health or safety (RCW 42.40.010 et seq.; RCW 49.60.210; RCW 42.41.010 et seq.).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor.

1007.7.1 DISPLAY OF REPORTING PROCEDURES

The Department shall display the City policy to employees regarding their rights and the procedures for reporting information of an alleged improper government action. A copy of the policy shall be made available to employees upon request (RCW 42.41.030).

1007.8 RECORDS RETENTION AND RELEASE

The Records Supervisor shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1007.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

Reporting of Arrests, Convictions, and Court Orders

1009.1 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 Kelso 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).

1009.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Washington and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; RCW 9.41.040; RCW 9.41.801).

All members and retired officers with identification cards issued by the Department are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1009.3 REPORTING

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any new criminal arrest, charge, plea, or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending or is on appeal, and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Shift Sergeant or the Chief of Police) in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired officer from possessing a firearm or requires suspension or revocation of applicable Criminal Justice Training Commission (CJTC) certification.

Any member whose criminal arrest, conviction, or court order restricts or prohibits that member from fully and properly performing his/her duties, including carrying a firearm, may be disciplined. This includes but is not limited to being placed on administrative leave, reassignment, and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on his/her own time and at his/her own expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Kelso Police Department

Kelso PD Policy Manual

Reporting of Arrests, Convictions, and Court Orders

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

1009.3.1 NOTIFICATION TO CRIMINAL JUSTICE TRAINING COMMISSION

The Patrol Captain shall insure notification has been made to CJTC within 15 days of learning an officer has been charged with a crime (RCW 43.101.135).

1009.4 POLICY

The Kelso 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.

1009.5 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Washington law prohibits the possession of a firearm under the provisions of RCW 9.41.040 (unlawful possession of firearms).

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

Alcohol and Drug Use

1011.1 PURPOSE AND SCOPE

The intent of this policy is to deter the misuse or abuse of legal or illegal substances that create a threat to the safety and health of any employee or member of the public. The Kelso Police Department discourages alcohol and drug abuse and strives to achieve a work force free from the influence of drugs and alcohol.

This policy establishes City programs and practices that promote and support a drug-free work environment and brings the City into compliance with the Drug-free Workplace Act of 1988.

1011.1 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift Sergeant or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

1011.1.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action (RCW 69.51A.060).

1011.2 EMPLOYEE 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.

Kelso Police Department

Kelso PD Policy Manual

Alcohol and Drug Use

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).

1011.4 EMPLOYEE ASSISTANCE PROGRAM

The employer provides a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Personnel Department, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1011.5 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.

Sick Leave

1013.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable labor agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) or the Washington Paid Family and Medical Leave program (PFML) (29 USC § 2601 et seq.; RCW 50A.05.005 et seq.).

1013.2 POLICY

It is the policy of the Kelso Police Department to provide eligible employees with a sick leave benefit.

1013.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences (RCW 49.46.210). Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both (WAC 296-128-750).

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity, or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

1013.3.1 NOTIFICATION

All members should notify the Shift Sergeant or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (WAC 296-128-650).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 10 days' notice of the impending absence (WAC 296-128-650).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

1013.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish verification supporting the need to be absent and/or the ability to return to work (RCW 49.46.210;

Kelso Police Department

Kelso PD Policy Manual

Sick Leave

WAC 296-128-660). Members on an extended absence shall, if possible, contact their supervisors at specified intervals to provide an update on their absence and expected date of return.

1013.5 SICK LEAVE MONITORING

Should it be determined that an individual is abusing sick leave, mandatory sick leave monitoring may be prescribed. Sick leave abuse shall be ascertained after analysis of one year's experience of the employee's sick leave. Should it be determined that an unsatisfactory pattern exists, (i.e. through repeated Monday-Friday or pay-day absences), the Chief of Police may require that for a period of 6 months and on the occasion of when one hour of sick leave or more is taken, the individual may return to work only when a physician's certification attests to the injury or illness.

1013.6 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Insure appropriate documentation of use of leave is completed in a timely manner.
- (b) 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.
- (c) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with the Personnel Department as appropriate.
- (d) When appropriate, counseling members regarding inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

In the absence of the regular supervisor, the officer-in-charge is responsible to notify the regular supervisor in writing, via email, of an employee's use of sick leave. The notification must include the requesting employee's name, date and time of notification and stated reason for use of leave.

1013.7 PERSONNEL AGENCY

The Captain shall ensure:

- (a) Written or electronic notice is provided to each employee regarding applicable paid sick leave provisions as required by WAC 296-128-755.
- (b) This Sick Leave Policy is readily available to all employees.
- (c) Employee records are retained and preserved regarding paid sick leave information and data as required by WAC 296-128-010.

1013.8 RETALIATION

No employee shall be retaliated against for using qualifying sick leave (WAC 296-128-770).

Communicable Diseases

1015.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1015.1.1 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 Kelso Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1015.2 PROCEDURES FOR CONTACT WITH BLOOD OR BODILY FLUIDS

All department personnel who may be involved in providing emergency medical care or who come in contact with another person's blood or bodily fluids (e.g., during an altercation or while attending to any injured person), shall follow these procedures and guidelines (WAC 296-823-140 et seq.).

1015.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall 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 will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, 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.):
 - (a) The identification of positions with the potential for exposure.

Kelso Police Department

Kelso PD Policy Manual

Communicable Diseases

- (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).

The ECO should also act as the liaison with the Washington Division of Occupational Safety and Health (DOSH) and may request voluntary compliance inspections. The ECO should annually review and update the exposure control plan and review implementation of the plan (WAC 296-823-11010).

1015.4 EXPOSURE PREVENTION AND MITIGATION

1015.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to:

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.
- (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

Kelso Police Department

Kelso PD Policy Manual

Communicable Diseases

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1015.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (WAC 296-823-130).

1015.5 POST EXPOSURE

1015.5.1 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.

1015.5.2 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.

Kelso Police Department

Kelso PD Policy Manual

Communicable Diseases

The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

1015.5.3 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.

1015.5.4 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).

1015.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO (WAC 296-823-16010). If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) In the event that consent cannot be obtained, by contacting the local health authority who may pursue testing of the source individual for HIV or other communicable diseases (RCW 70.24.340; WAC 246-100-205).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

Kelso Police Department

Kelso PD Policy Manual

Communicable Diseases

1015.6 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.

1015.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training shall include the mandates provided in WAC 296-823-12005 et seq. and:

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Shall provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

Smoking and Tobacco Use

1017.1 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 Kelso 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.

1017.2 POLICY

The Kelso Police Department recognizes that tobacco use is a health risk and can be offensive to other employees and to the public.

1017.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view whether in facilities or vehicles representing the Kelso Police Department.

Personnel Complaints

1018.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Kelso 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. This policy shall apply to all members, unless specific guidelines contained within this policy compete with language defined in the Collective Bargaining Agreement between the Employer and members of this Department. In these such cases, the Collective Bargaining Agreement language shall prevail. Any section of this policy where "See CBA" is referenced, competing language between this policy and the Collective Bargaining Agreement may apply and should be reviewed.

1018.2 POLICY

The Kelso 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, municipal and county 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.

1018.3 PERSONNEL COMPLAINTS - SEE CBA

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1018.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Shift Sergeant is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Patrol Commander, depending on the seriousness and complexity of the investigation.

Kelso Police Department

Kelso PD Policy Manual

Personnel Complaints

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or Command Staff, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1018.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1018.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS - SEE CBA

1018.4.1 COMPLAINT FORMS

Personnel complaint forms will be available from any police member and accessible through the department website. Forms may also be available at other City facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1018.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

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.

1018.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

The Patrol Commander will document all complaints and inquiries in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the

Kelso Police Department

Kelso PD Policy Manual

Personnel Complaints

complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

1018.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1018.6.1 SUPERVISOR RESPONSIBILITIES - SEE CBA

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 - 1. The original complaint form will be directed to the Shift Sergeant of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Commander or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - (a) Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
 - (b) If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Patrol Commander.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potential violation of federal, state or local law or violation of department policy, the Patrol Commander and Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting Command Staff for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Patrol Commander, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Investigating a complaint as follows:

Kelso Police Department

Kelso PD Policy Manual

Personnel Complaints

1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (h) Ensuring that the procedural rights of the accused member are followed.
- (i) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1018.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES - SEE CBA

Whether conducted by a supervisor or a member of command staff, 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 Kelso 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.
- (g) 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.
 1. An employee 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. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
 2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview.

Kelso Police Department

Kelso PD Policy Manual

Personnel Complaints

- (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).

1018.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1018.6.4 DISPOSITIONS - SEE CBA

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Kelso Police Department

Kelso PD Policy Manual

Personnel Complaints

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

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.

1018.6.5 COMPLETION OF INVESTIGATIONS - SEE CBA

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation.

1018.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1018.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such 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.

1018.8 ADMINISTRATIVE LEAVE - SEE CBA

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.

1018.8.1 CONFIDENTIALITY OF PERSONNEL FILES

All investigations of personnel complaints shall be considered confidential peace officer personnel files (Policy Manual § 1026). The contents of such files shall not be revealed other than as required by law, to the involved employee or authorized personnel, or pursuant to lawful process (RCW 42.56 et seq.; RCW 70.02).

In the event that an accused employee (or the representative of such employee) knowingly makes false representations regarding any internal investigation and such false representations are

Kelso Police Department

Kelso PD Policy Manual

Personnel Complaints

communicated to any media source, the Department may disclose sufficient information from the employee's personnel file to refute such false representations.

All formal personnel complaints shall be maintained in accordance with Washington State Retention Guidelines.

Sustained complaints shall be maintained in the employee's personnel file. Complaints which are unfounded, exonerated or not sustained shall be maintained by the Patrol Commander apart from the employee's personnel file.

1018.9 CRIMINAL INVESTIGATION - SEE CBA

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.

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.

The Kelso Police Department 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.

1018.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to 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.

1018.10.1 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 will 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.

Kelso Police Department

Kelso PD Policy Manual

Personnel Complaints

1018.10.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

Once 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 disciplinary action is recommended, if implemented, would result in the deprivation of a property or liberty interest, the Chief of Police shall provide the employee with written Loudermill notice of the following information:

- (a) Specific charges set forth in separate counts, describing the conduct underlying each account.
- (b) A separate recommendation of proposed discipline for each charge.
- (c) A statement that the employee has been provided with or given access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (d) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the Loudermill notice.
- (e) A statement that the employee is entitled to union representation, if represented by a union.

Upon a showing of good cause by the employee, the Chief of Police may grant a reasonable extension of time for the employee to respond.

If the employee elects to respond orally, the presentation shall be recorded by the Department. Upon request, the employee shall be provided with a copy of the recording.

1018.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT - SEE CBA

The Chief of Police or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

1018.11 PRE-DISCIPLINE EMPLOYEE RESPONSE / LOUDERMILL

In situations in which the imposed discipline amounts to a written reprimand or less, the employee's right to formally respond shall be limited to the Loudermill process and the appeal process detailed within this policy.

In situations resulting in the imposition of a suspension, punitive transfer, demotion, termination of a non-probationary employee, the employee shall have the right to an evidentiary appeal of the Chief of Police's imposition of discipline pursuant to collective bargaining provisions, operative memorandum of understanding (MOU), Policy Manual § 1005 and RCW 41.12.090.

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review

Kelso Police Department

Kelso PD Policy Manual

Personnel Complaints

the supporting materials and prior to imposition of any recommended discipline. The employee shall know the following:

- (a) The Loudermill response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved 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.

Once the employee has completed his/her Loudermill response or, if the employee 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 thereafter render a timely written decision to the employee and specify the grounds and reasons for discipline and the effective date of the discipline.

1018.12 DISCIPLINE

1018.12.1 WRITTEN REPRIMANDS - SEE CBA

Unless otherwise specified in a collective bargaining agreement, an employee wishing to formally appeal a written reprimand must submit a written request to his/her Division Commander within ten days of receipt of the written reprimand. The Division Commander will then assign the appeal to an uninvolved supervisor of at least one rank above the rank of the supervisor issuing the original written reprimand.

1018.12.2 REMOVALS, SUSPENSIONS AND DEMOTIONS - SEE CBA

Unless otherwise specified in a collective bargaining agreement the civil service commission may affirm the removal, or if it shall find that the removal, suspension, or demotion was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement of, or reemployment of, such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge.

The civil service commission upon such investigation, in lieu of affirming the removal, suspension, demotion or discharge may modify the order of removal, suspension, demotion or discharge by directing a suspension, without pay, for a given period, and subsequent restoration to duty, or

Kelso Police Department

Kelso PD Policy Manual

Personnel Complaints

demotion in classification, grade, or pay; the findings of the commission shall be certified, in writing to the appointing power, and shall be forthwith enforced by such officer (RCW 41.12.090).

1018.13 EMPLOYEE RESPONSE - SEE CBA

Unless otherwise specified in a collective bargaining agreement;

- (a) Any person so removed, suspended, demoted or discharged may within ten days from the time of his/her removal, suspension, demotion or discharge, file with the civil service commission a written demand for an investigation, whereupon the commission shall conduct such investigation (RCW 41.12.090).
- (b) The investigation shall be confined to the determination of the question of whether such removal, suspension, demotion or discharge was or was not made for political or religious reasons and was or was not made in good faith for cause.
- (c) After such investigation the civil service commission may affirm the removal, or if it shall find that the removal, suspension, or demotion was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement of, or reemployment of, such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge.
- (d) The civil service commission upon such investigation, in lieu of affirming the removal, suspension, demotion or discharge may modify the order of removal, suspension, demotion or discharge by directing a suspension, without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade, or pay.
- (e) The findings of the civil service commission shall be certified, in writing to the appointing power, and shall be forthwith enforced by such officer.
- (f) All investigations made by the civil service commission pursuant to the provisions of this section shall be had by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity to appear in person and by counsel, and to presenting his/her defense. If such judgment or order be concurred in by the commission or a majority thereof, the accused may:
 - 1. Appeal there from to the court of original and unlimited jurisdiction in civil suits of the county wherein he/she resides. Such appeal shall be taken by serving the commission, within thirty days after the entry of such judgment or order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to such judgment or order, be filed by the commission with such court.
 - 2. The civil service commission shall, within ten days after the filing of such notice, make, certify and file such transcript with such court. The court of original and unlimited jurisdiction in civil suits shall thereupon proceed to hear and determine such appeal in a summary manner: Provided, however, that such hearing shall

Kelso Police Department

Kelso PD Policy Manual

Personnel Complaints

be confined to the determination of whether the judgment or order of removal, discharge, demotion or suspension made by the commission, was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground or grounds.

1018.14 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).

1018.15 POST-DISCIPLINE APPEAL RIGHTS - SEE CBA

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.

1018.16 PROBATIONARY EMPLOYEES AND OTHER MEMBERS - SEE CBA

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.

1018.17 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established Washington State records retention schedule and as described in the Personnel Records Policy.

1018.18 NOTIFICATION TO CRIMINAL JUSTICE TRAINING COMMISSION (CJTC) CERTIFICATION BOARD

Upon separation of a peace officer for any reason, the Department shall, within 15 days of the separation, notify the CJTC 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 CJTC, including the findings from any internal or external investigations into alleged misconduct (RCW 43.101.135).

Kelso Police Department

Kelso PD Policy Manual

Personnel Complaints

The CJTC 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 CJTC 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, upon request of the CJTC, 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).

Seat Belts

1020.1 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.

1020.1.1 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).

1020.2 POLICY

It is the policy of the Kelso Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1020.3 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.

1020.4 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.

1020.5 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is

Kelso Police Department

Kelso PD Policy Manual

Seat Belts

not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints (WAC 204-41-030).

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1020.6 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1020.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1020.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

Body Armor

1022.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1022.2 POLICY

Soft body armor vests are issued to all sworn personnel because they have been shown to be effective in reducing deaths and serious injuries.

1022.3 USE OF SOFT BODY ARMOR

The Department encourages all on-duty officers to wear soft body armor and its use in some assignments is required.

When officers are assigned to a SWAT mission, participating in a stakeout, serving an arrest warrant or serving a search warrant, wearing of body armor is mandatory.

Wearing body armor is also mandatory for uniformed patrol and for any assignment where interaction with criminal suspects is expected.

Body armor must be either department-issued or department-approved prior to its use.

Personnel Records

1024.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1024.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Washington.

1024.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history or similar information.
- (b) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.
- (c) Original performance evaluations. These should be permanently maintained.
- (d) Discipline records, including copies of sustained personnel complaints.
- (e) Commendations and awards.
- (f) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1024.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

1024.5 TRAINING FILE

An individual training file shall be maintained by the Administrative Sergeant for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Administrative Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Administrative Sergeant or supervisor shall ensure that copies of such training records are placed in the member's training file.

Kelso Police Department

Kelso PD Policy Manual

Personnel Records

1024.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Professional Standards Unit in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Professional Standards Unit supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's department file but will be maintained in the internal affairs file:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

1024.7 MEDICAL FILE

A medical file shall not be maintained by the police department. Instead, all medical related information will be forwarded to the City's Human Resources department. This includes all documents relating to the member's medical condition and history, including but not limited to:

- (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.
- (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.

1024.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

1024.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Public Records Officer or other person charged with the maintenance of such records.

Kelso Police Department

Kelso PD Policy Manual

Personnel Records

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1024.8.2 RELEASE OF PERSONNEL INFORMATION

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

1024.9 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member may request access to his/her own personnel records annually during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from his/her personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request 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 files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.
- (d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.

Kelso Police Department

Kelso PD Policy Manual

Personnel Records

- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

1024.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.
- (c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

Commendations and Awards

1028.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Kelso Police Department and individuals from the community.

1028.1.1 AWARD COMMITTEE MEMBERSHIP

The Awards Committee will be appointed by the Chief of Police and may consist of the following members:

- (a) Division commander
- (b) Sergeant
- (c) Officer
- (d) KPA board member
- (e) Administrative assistant

The chairperson will schedule meetings as needed and shall set the date, time and location of each meeting, preside over all meetings and arrange for minutes to be recorded. In the event of the chairperson's absence, another committee member will be selected to chair the meeting. The chairperson will receive all nominations for awards.

Upon approval of an award, arrangements will be made for the presentation. Should the award not be approved by the Chief or the committee, the committee will respond to the person who nominated the employee for consideration.

1028.1.2 SELECTION AND PRESENTATION OF AWARDS

The awards committee will review the award criteria, the supporting documentation and the formal recommendation of each nominee. If deemed necessary, the nominator may be scheduled to appear before the committee to support the recommendation.

The awards committee will forward all approved recommendations to the Chief of Police. The Chief may concur with or deny the recommendation of the awards committee.

Presentation of awards will be made in a timely manner selected by the Chief of Police.

1028.2 POLICY

It is the policy of the Kelso Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards. All awards bestowed upon uniformed members of this department are to be worn on the Class A uniform only.

1028.3 COMMENDATIONS AND AWARDS

Kelso Police Department

Kelso PD Policy Manual

Commendations and Awards

1028.3.1 MEDAL OF VALOR

The Medal of Valor is the highest recognition of outstanding achievement presented by the Kelso Police Department. The Medal of Valor shall be awarded to personnel who distinguished themselves with extraordinary acts of bravery or heroism above and beyond that normally expected in the line of duty.

- (a) Nominees for the Medal of Valor must have:
 - 1. Displayed extreme courage and bravery undertaking a task in the furtherance of the mission of the police service involving a high degree of danger.
 - 2. Consciously jeopardized personal safety in the face of immediate peril where the risk of personal safety is with full and unquestionable knowledge of the danger involved.
 - 3. Clearly acted above and beyond the call of duty; that is, neither the law nor department policy required the nominee to act.
 - 4. Acted in such a manner so as not to unduly jeopardize any mission or individual.
 - 5. Taken the risk because a law enforcement or public safety objective was sufficient to justify the risk.
 - 6. Used sound judgement.
 - 7. Acted within the law and department policy.
 - 8. The recipient accomplishes the objective or is prevented from doing so by suffering a disabling injury or death.
- (b) The recipient of the Medal of Valor shall be entitled to the following:
 - 1. A certificate inside a folder and inscribed with "Medal of Valor Award" that states the act for which the award was bestowed.
 - 2. A Medal of Valor medallion suspended from a ribbon.
 - 3. A Medal of Valor breast bar ribbon which may be worn on the Class A uniform.
- (c) The Medal of Valor may be awarded to a member of another law enforcement agency who, while assisting a member of this department, performs the above described act.

1028.3.2 PURPLE HEART

The Purple Heart is awarded to members of this department who are seriously injured or killed while serving in an official capacity.

- (a) Nominees of the Purple Heart must meet the following criteria:
 - 1. Injured or killed as a result of being assaulted, stabbed, shot, hit by a motor vehicle or suffers any other injury of serious nature capable of causing death or permanent disability; and
 - 2. The wound or injury must have been caused by the deliberate actions of another in an attempt to cause injury to the officer or some other person, thing, or property; and

Kelso Police Department

Kelso PD Policy Manual

Commendations and Awards

3. The injury required time loss from active duty; and
 4. The employee acted within the law and department policy.
- (b) The recipient of the Purple Heart shall be entitled to the following:
1. A certificate inside a folder and inscribed "Purple Heart" and states the act for which the award was bestowed.
 2. A Purple Heart medallion suspended from a ribbon.
 3. A Purple Heart breast bar ribbon which may be worn on the Class A uniform.

1028.3.3 MERITORIOUS SERVICE AWARD

A Meritorious Service Award is awarded to members of this department for exceptional services to the department and/or the community.

- (a) Nominees for the Meritorious Service Award must meet (one) of the following criteria:
1. Endangered themselves to prevent a serious crime or effect the arrest of a dangerous felon; or
 2. Through their diligence and perseverance, solves an unusually difficult criminal investigation or completes an unusually difficult task beyond what which is normally expected; or
 3. The employee performs an act of exemplary service in support of the department's goals and objectives.
- (b) The recipient of the Meritorious Service Award shall be entitled to the following:
1. A certificate inside a folder and inscribed "Meritorious Service Award" that states the act for which the award was bestowed.
 2. A Meritorious Service Award breast bar ribbon which may be worn on the Class A uniform.

1028.3.4 LIFE SAVING AWARD

The Life Saving Award is awarded to members of the department who save the life of another human being.

- (a) Nominees for the Life Saving Award must have:
1. By their direct and immediate action, performed first aid that saved or prolonged another's life. The action taken must be such that had the department member not taken action, the individual would in all probability have died.
 2. Performed an emergency rescue of an incapacitated person who, in all probability, would have died if not rescued.
- (b) The recipient of the Life Saving Award shall be entitled to the following:
1. A certificate inside a folder and inscribed "Life Saving Award" that states the act for which the award was bestowed.

Kelso Police Department

Kelso PD Policy Manual

Commendations and Awards

2. A Life Saving Award breast bar ribbon which may be worn on the Class A uniform.

1028.3.5 EXEMPLARY PERFORMANCE AWARD

The Exemplary Performance Award may be conferred upon department members for police service which required exceptional performance in an exceptionally-difficult assignment, investigation or arrest. Nominees for this award must be current department members who acted within the law and policy.

- (a) The nominee must have:
 1. Reflected outstanding performance of duty under unusually complicated or hazardous conditions over a period of time; or
 2. Investigated and solved a complex serious crime or series of crimes; or
 3. Consistently performs at an exemplary level for an extended period of time, clearly exceeding the normal or expected achievements of others with comparable duties; or
 4. Performs an act of outstanding service in support of the department's goals and objectives.
- (b) The recipient of the Exemplary Performance Award shall be entitled to the following:
 1. A certificate inside a folder and inscribed "Exemplary Performance Award" that states the act for which the award is bestowed.
 2. An Exemplary Performance Award breast bar ribbon which may be worn on the Class A uniform.

1028.3.6 CHIEF'S AWARD

The Chief's Award is awarded to members of the department or the public for acts that he/she feels rise to the level of special recognition, but do not fit into other award categories. Awards will be given for actions that exemplify the mission, vision and core values of the Kelso Police Department. The recipient of the Chief's Award will be issued a breast bar ribbon which may be worn on the Class A uniform.

MISSION: To proudly serve and protect our community with integrity and professionalism while upholding the Constitution of the United States without prejudice or bias.

VISION: In an ever-changing landscape, we will prepare for the unforeseen. We will remain fair and impartial in the service of our community. We will continue to invest in the people of our organization to meet challenges we face. We will work hard to maintain the culture of our organization and value our differences that make us great.

CORE VALUES: Integrity - Service - Work Ethic

1028.3.7 COMMUNITY SERVICE AWARD

The Community Service Award may be presented to members of the department who have contributed outstanding individual service to the community for a prolonged period of time and in

Kelso Police Department

Kelso PD Policy Manual

Commendations and Awards

such a manner that the image of the Kelso Police Department as a professional police organization is enhanced.

- (a) The recipient of the Community Service Award shall be entitled to the following:
 - 1. A certificate inside a folder inscribed "Community Service Award" that states the act or service for which the award is bestowed.
 - 2. A Community Service Award breast bar ribbon which may be worn on the Class A uniform.

1028.3.8 LETTER OF COMMENDATION

A letter of commendation may be written by the Chief of Police to any member of the department to commend them for completing a job task or assignment in an exemplary manner or to commend an employee contributing to increased department productivity or efficiency. A letter of commendation may be presented to an employee without the need for committee action.

1028.3.9 CITIZEN SERVICE AWARD

- (a) The Citizen Service Award may be awarded to any citizen who:
 - 1. Performs an act that jeopardizes their own safety while assisting the Kelso Police Department in the performance of a hazardous task; or
 - 2. Performs an act of exemplary service in support of the department's goals and objectives; or
 - 3. Performs an act that jeopardizes their own safety while attempting to save the life of another human being.
- (b) The Citizen Service Award shall consist of the following:
 - 1. A certificate inside a folder and inscribed "Citizen Service Award" that states the act or service for which the award is bestowed.

1028.3.10 YOUTH AWARD OF MERIT

- (a) The Youth Award of Merit shall be the same criteria as the Citizen Service Award, but shall be for recipients below the age of 18.

1028.3.11 VOLUNTEER OF THE YEAR

The Volunteer of the Year will be chosen based on the following criteria:

- (a) Number of hours donated to Kelso Police Department.
- (b) Customer service provided to employees and citizens.
- (c) Proactive work.
- (d) Teamwork; and
- (e) Creativity, innovation and efficiency.

Kelso Police Department

Kelso PD Policy Manual

Commendations and Awards

1028.3.12 SERVICE RECOGNITIONS

Service ribbons will be awarded to members who have served an established term of service in any of the below-listed assignments and honorably left the assignment in good standing or were promoted out of the assignment. Any term served less than what is represented below in parentheses must be reviewed by the awards committee then forwarded to the Chief of Police for final approval.

- Instructor (5)
- Field Training Officer (5)
- Detective (5)
- K9 Handler (Service life of the assigned canine)
- Crisis Negotiator (5)
- School Resource Officer (4)
- Kelso Police Service (Awarded after successful completion of probation)
- Veteran Service with Honorable Discharge
- Special Weapons & Tactics (5)
- Unmanned Aircraft Pilot
- Sergeant of the Year
- Officer of the Year

Members assigned to SWAT, SRO, FTO, CNT and K9 will wear a department-issued service pin above their breast bar.

1028.3.13 MULTIPLE COMMENDATIONS AND AWARDS

Members who are being presented subsequent awards in the same category will be awarded a star medallion to be displayed over each respective ribbon signifying receipt of additional recognitions of the same award. The star medallion(s) must be centered over the ribbon and oriented with one of the star points in the 12 o'clock position. Medallions awarded will follow the sequence listed below.

1. 2nd award will be represented by (1) bronze star.
2. 3rd award will be represented by (2) bronze stars.
3. 4th award will be represented by (3) bronze stars.
4. 5th award will be represented by (1) silver star.
5. 6th award will be represented by (2) silver stars.
6. 7th award will be represented by (3) silver stars.
7. 8th award will be represented by (1) gold star.
8. 9th award will be represented by (2) gold stars.

Kelso Police Department

Kelso PD Policy Manual

Commendations and Awards

9. 10th and subsequent awards will be represented by (3) gold stars.

1028.3.14 RIBBON DISPLAY GUIDELINES

See attachment: [Department Ribbons.pdf](#)

Fitness for Duty

1030.1 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.

1030.2 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.

1030.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to address the situation.
- (b) Whenever feasible, the supervisor should make a preliminary determination of the level of inability of the employee to perform the essential duties required of the job.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to obtain sufficient information regarding the nature of the concern to enable the Department to assess options and react responsibly to assure the safety of the employee, other members of the Department and the public, while complying with the employee's legal rights.
- (d) In conjunction with the Shift Sergeant 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.

Kelso Police Department

Kelso PD Policy Manual

Fitness for Duty

1030.4 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.

1030.5 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 Personnel Department to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining health care provider will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. The scope of the requested fitness for duty report shall be confined to the physical or psychological condition that prompted the need for the examination. If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding.
- (c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.
- (f) In the event an employee is required to submit to a "fitness for duty" examination as a condition of returning from medical leave required under the Family Medical Leave Act (FMLA), contact Human Resources for direction regarding how to proceed.

Kelso Police Department

Kelso PD Policy Manual

Fitness for Duty

- (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.

1030.6 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period, or
- 30 hours in any 2 day (48 hour) period, or
- 84 hours in any 7 day (168 hour) period.

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.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1030.7 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.

Meal Periods and Breaks

1032.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all City employees that has been established by the City Manager.

1032.1.1 MEAL PERIODS

Sworn employees 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.

Uniformed patrol and traffic officers shall notify the Communications Center prior to taking a meal period. Uniformed officers shall take their breaks within the City limits unless on assignment outside of the City or authorized by a supervisor.

The time spent for the meal period shall not exceed the authorized time allowed.

1032.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break for each four-hour work period. Due to the nature of law enforcement, these 15 minute breaks may be combined into one 30 minute break as call load allows.

Lactation Break Policy

1033.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

1033.2 POLICY

It is the policy of the Kelso Police Department to provide, in compliance with the Fair Labor Standards Act (FLSA), reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's infant nursing child for up to two years after the child's birth (29 USC § 218d; RCW 43.10.005).

1033.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 218d). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Members desiring to take a lactation break shall notify the dispatcher or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1033.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be sanitary, shielded from view, and free from intrusion from co-workers and the public (29 USC § 207; RCW 43.70.640; RCW 43.10.005).

Employees occupying such private areas shall either secure the door or otherwise make it clear that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

Kelso Police Department

Kelso PD Policy Manual

Lactation Break Policy

1033.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

Payroll Records

1034.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

1034.2 POLICY

The Kelso Police Department maintains timely and accurate payroll records.

1034.3 RESPONSIBILITIES

Members are responsible for the accurate completion, timely submission and verification of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

1034.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Services as established by the City payroll procedures.

1034.5 RECORDS

The Services Division Commander shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

Overtime Payment Requests

1036.1 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 the Kelso Police Association Labor Agreement, or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

1036.1.1 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 form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed 90 hours of compensatory time.

1036.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Services Division. Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1036.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests immediately after working overtime and forward them to their immediate supervisor or the Shift Sergeant.

1036.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

1036.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Employee Contract provides that a minimum number of hours will be paid, (e.g., three hours for call back) and that is the number entered if it is greater than the actual time worked.

Kelso Police Department

Kelso PD Policy Manual

Overtime Payment Requests

1036.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>
1 to 15 minutes	.25 hour
16 to 30 minutes	.50 hour
31 to 45 minutes	.75 hour
46 to 60 minutes	1.0 hour

1036.3.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other officer, the Shift Sergeant or other approving supervisor may require each employee to include the reason for the variation in the comments section of the overtime submission.

Outside Employment

1038.1 PURPOSE AND SCOPE

The primary employment of each Department member is the Kelso Police Department. All secondary employment and/or self employment must conform to the following regulations and restrictions:

- (a) Such employment shall not interfere with an employee's performance of duties for the Department.
- (b) Members must report for duty when scheduled or directed regardless of any off duty employment commitments.
- (c) Members must not participate in any off duty employment which, by its nature, could possibly involve a conflict of interest with the duties, responsibilities or functions of the department.

1038.1.1 DEFINITIONS

No employees, sworn or civilian, may engage in secondary employment or business regarding the following:

- (a) Assist, in any manner, in the case preparation or the defense in any criminal proceedings.
- (b) Working, in any capacity, in a gambling establishment or bail bond service.
- (c) Working, in any capacity, as a bartender or bail bondsman.
- (d) Acting in a Law Enforcement capacity without the expressed authorization of the Chief of Police.
- (e) Engaging in any illegal activities.

1038.2 OBTAINING APPROVAL

- (a) Law Enforcement Capacity - means any time a sworn member (in or out of uniform) works for an employer in the capacity of police officer such that the member's commissioned authority and powers of arrest may be needed.
- (b) Outside Employment - means any employment, self employment or business activity for which income is received.
- (c) Conflicting Employment - outside employment is considered to conflict with City employment if it:
 - 1. Interferes with the employee's ability to perform his/her assigned City job or prevents his/her availability for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job;

Kelso Police Department

Kelso PD Policy Manual

Outside Employment

2. Is conducted during the employee's work hours;
3. Requires the services of other City employees during their normally scheduled City work hours;
4. Utilizes City telephone, computers, supplies or any other resources, facilities or equipment;
5. Is represented to or could reasonably be perceived by the public or other City employees as an activity of the City or an activity endorsed/recommended by the City;
6. Takes advantage of the employee's employment with the City, except to the extent that the work with the City may demonstrate expertise or qualification to perform the outside work;
7. Requires the employee to schedule vacation time at specific times that could disrupt the operation of the Department;
8. Employment with a firm that has contracts or does business with the City shall be considered to be likely to have conflict with the City employment.

1038.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

Off duty employment in a law enforcement capacity will be authorized only when said employment is in the public interest (i.e., large gatherings at events sponsored by schools, the City or other community organizations).

1038.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

A member wishing to work off duty in a law enforcement capacity must submit a written request through the chain of command to the Chief of Police. A copy of the final approval or denial shall be given to the member, with the original placed in the members personnel file.

1038.3 PROHIBITED OUTSIDE EMPLOYMENT

Off duty employment will be suspended while a member is on sick/disability leave if it can be reasonably argued that the employment will hinder or delay the employee's return to full duty. Additionally, an employee on sick or disability leave may not engage in activities that have been counter recommended by a physician. All off duty employment in a law enforcement capacity will be suspended when a member is on a leave of absence or suspended from duty.

1038.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Members on entrance level probationary status shall not be authorized to work off duty in a law enforcement capacity.

Occupational Disease and Work-Related Injury Reporting

1040.1 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.

1040.1.1 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).

1040.2 POLICY

The Kelso 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.).

1040.3 RESPONSIBILITIES

1040.3.1 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.

1040.3.2 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 required documents regarding workers' compensation are completed and forwarded promptly. Any related Citywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and the Accident, Illness and Injury Prevention policies apply and take additional action as required.

1040.3.3 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's risk management entity, and the Services Division Commander to ensure any required Department of Labor and Industries reporting is made as required in the accident, illness and injury prevention plan identified in the Accident, Illness and Injury Prevention Policy.

Kelso Police Department

Kelso PD Policy Manual

Occupational Disease and Work-Related Injury Reporting

1040.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Personnel Department. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1040.4 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 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.

1040.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that 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.

1040.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

Personal Appearance Standards

1042.1 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.

1042.2 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.

1042.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

1042.2.2 FACIAL HAIR

All facial hair must be neatly trimmed and kept within contemporary standards. As these standards change over time, the Chief of Police, or his designee will make any final decisions regarding styles presented by employees.

1042.2.3 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1042.2.4 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Earrings shall not be worn by uniformed sworn members, detectives or special assignment personnel without permission of the Chief of Police or his/her designee. Only one ring may be worn on each hand of the employee while on-duty.

1042.3 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 would include, but not be limited to those which depict racial, sexual, discriminatory, gang related, or obscene language).

Kelso Police Department

Kelso PD Policy Manual

Personal Appearance Standards

1042.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited except with prior authorization of the Chief of Police. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth.
- (d) Branding or scarification.

Uniform Regulations

1044.1 PURPOSE AND SCOPE

The uniform policy of the Kelso Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated Policy Manual sections:

Section 700 - Department Owned and Personal Property.

Section 1024 - Body Armor.

Section 1044 - Grooming Standards.

1044.1.1 APPROVED INSIGNIAS

Department approved subdued insignia in the form of cloth badges, sergeant stripes, service bars, cloth name plates and arm patches are the only authorized insignias for patrol use.

1044.1.2 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).

1044.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need. The uniform also serves to provide functional protection to the officer from the elements and other commonly encountered work conditions.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (b) All peace officers of this department shall possess and maintain at all times, a serviceable 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) The uniform is to be worn in compliance with current authorized uniform standards as approved by the Chief of Police or his designee.
- (e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform unless authorized by the Chief of Police.

Kelso Police Department

Kelso PD Policy Manual

Uniform Regulations

- (g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.
- (h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off duty.
- (i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.
- (j) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or his/her designee.
 - 1. Wrist watch.
 - 2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand.
 - 3. Medical alert bracelet.

1044.2.1 DEPARTMENT-ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo. 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.

1044.3 UNIFORM CLASSES

1044.3.1 CLASS A1 UNIFORM

The Class A1 uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. All sworn personnel shall possess and maintain at least one serviceable Class A1 uniform at all times. The Class A1 uniform is defined as:

- (a) Long sleeve uniform shirt, LAPD blue in color, with subdued gray shoulder patches.
- (b) Optional service bars on left sleeve in large diagonal gray-colored service bar format, one bar representing every three years of service.
- (c) Subdued metal badge displaying the bearer's official rank.
- (d) Subdued metal name plate with the bearer's first initial of his/her first name and complete last name.
- (e) Awarded service ribbons shall be worn directly above and centered over the nameplate displayed right to left and top to bottom in the sequential order as listed in Policy 1028.

Kelso Police Department

Kelso PD Policy Manual

Uniform Regulations

- (f) Any current assignment service pins, e.g., SWAT, FTO, K9, SRO, CNT, shall be worn directly above and centered over any displayed service ribbons.
- (g) Dark navy blue tie and gray matte-finished tie bar.
- (h) Polyester or wool-blend trousers, LAPD blue in color, without cargo pockets.
- (i) Gun belt and accessories.
- (j) Polished black boots or shoes.
- (k) Boots with pointed toes are not permitted.
- (l) Black socks.

1044.3.2 CLASS A2 UNIFORM

The Class A2 uniform may be worn on occasions or while in assignments where a more "traditional" appearance is appropriate. The Class A2 uniform is optional for all sworn personnel. The Class A2 uniform mirrors all components of the Class A1 uniform with the exceptions of a short sleeve shirt in place of a long sleeve shirt and no tie.

1044.3.3 CLASS B1 UNIFORM

All officers will possess and maintain one of the serviceable Class B uniform at all times.

The Class B1 uniform will consist of the same equipment as either Class A uniform with the following exceptions:

- (a) The long or short sleeve shirt must be LAPD blue in color with subdued gray shoulder patches.
- (b) Approved cloth badge patch revealing the bearer's official rank.
- (c) Cloth name plate revealing the first initial of the bearer's first name and complete last name color-matched thread with the cloth badge. If the employee desires only to reveal their complete last name, the employee must receive approval from the Chief of Police.
- (d) The shirt may be worn with the collar open. No tie is required.
- (e) A black crew neck t-shirt or turtle neck must be worn beneath the uniform shirt; any noticeable logo on the shirt must be no larger than one square inch.
- (f) LAPD blue trousers with or without cargo pockets.
- (g) All shirt buttons must remain buttoned except for the last button at the neck.
- (h) Jacket (Currently approved Flying Cross with subdued styling.)
- (i) An optional baseball-style cap with a 1" x 4" "POLICE" embroidered on the front in the same color as the badge and name tag may be worn.
- (j) Black socks.
- (k) Black boots or shoes capable of being polished.

Kelso Police Department

Kelso PD Policy Manual

Uniform Regulations

1044.3.4 CLASS B2 UNIFORM

The Class B2 uniform is an approved LAPD blue jumpsuit, purchased through Galls or 911 Supply, and will consist of the same equipment and color scheme as the Class B1 uniform. This jumpsuit is offered in different weights and all are approved.

1044.3.5 CLASS C UNIFORMS

The Chief of Police or his designee may authorize special uniforms to be worn in consideration of special duty assignments, temporary duty assignments, training, weather conditions, ceremonies, etc.

1044.3.6 COMMAND DRESS UNIFORM

Command Dress Uniform

1. Command Dress Uniform -- Chief / Captain.
2. Command style dress jacket, LAPD blue in color, with full-color shoulder patches, gold badge, gold epaulette rank insignias, gold buttons, gold name tag, gold service stars on lower left sleeve, each star representing five years of service.
3. Command trousers, LAPD blue in color, without cargo pockets.
4. White long-sleeve dress shirt.
5. Regulation dark navy blue tie and gold tie bar.
6. Black leather belt.
7. Highly-polished black shoes or boots.

1044.3.7 FOUL WEATHER UNIFORM

Officers are authorized to wear rain gear during times of inclement weather and generally approved by the Patrol Commander. During times of cold weather officers may elect to wear a black or dark navy turtleneck under their vest, and a plain LAPD blue or black stocking cap. Officers are also authorized to wear a "duster" style rain jacket when weather conditions dictate.

1044.3.8 BALLISTIC PANEL CARRIER

Officers are authorized to wear exterior low profile ballistic panel carriers. The ballistic panel carrier must be black in color and officers are required to use the same subdued patches on the ballistic panel carrier that are authorized for the Class B uniforms, including a cloth badge patch revealing the bearer's official rank. The back of the panel carrier must display the word "POLICE" in 2" subdued lettering. Officers have the option of carrying the less-lethal Taser attached to the ballistic panel carrier, however, the Taser must be carried on the side opposite the officer's department issued pistol. The only two ballistic panel carriers authorized for purchase and wear are the Safariland Bothell 2.0 or Oregon City models. Officers currently using the Tactical Tailor low profile ballistic panel carrier may continue its use through the life of the product.

Kelso Police Department

Kelso PD Policy Manual

Uniform Regulations

1044.4 INSIGNIA AND PATCHES

- (a) Shoulder Patches - The authorized shoulder patch (color for Command Dress and subdued for all others) 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 - Large service stripes (one stripe for each three years of service) and other indicators for length of service may be worn on Class A and Command Dress uniforms. 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.
- (c) The regulation metal nameplate (Class A and Command Dress), or the authorized sewn on cloth nameplate (all class B), shall be worn at all times while in uniform. The nameplate shall display the employee's first initial of their first name and complete last name. If the employee desires only to reveal their complete last name, the employee must receive approval from the Chief of Police. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.
- (d) When a jumpsuit is worn, the authorized sewn-on cloth nameplate and badge shall be affixed to the jumpsuit in the same manner as the uniform.
- (e) When a jacket is worn, the authorized sewn-on cloth nameplate and badge shall be affixed to the jacket in the same manner as the uniform.
- (f) Badge - A department-issued official badge or authorized sewn-on cloth replica, must be worn and visible at all times while in uniform.
- (g) Triple Chevrons will be worn by Sergeants. Chevrons will be worn with the center point up, one on each sleeve of all shirts, jumpsuits, and jackets. The point will be centered on the Department shoulder patch. The point shall be 1/2 inch below the shoulder patch, unless the sleeve's length requires the point and shoulder patch to be closer together.

1044.4.1 MOURNING BADGE

Uniformed employees should wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- (a) An officer of this department - From the time of death until midnight on the 14th day after the death.
- (b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out of region fallen officer.
- (d) National Police Week, the entire calendar week that encompasses May 15th, National Peace Officer's Memorial Day.
- (e) As directed by the Chief of Police.

Kelso Police Department

Kelso PD Policy Manual

Uniform Regulations

1044.5 CIVILIAN ATTIRE / NON-UNIFORMED ASSIGNMENTS

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 shirts with a collar, slacks or suits that are moderate in style.
- (c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.
- (d) The following items shall not be worn on duty:
 - 1. T-shirt or tank tops alone.
 - 2. Swimsuit, tube tops, or halter-tops.
 - 3. Spandex type pants or see-through clothing.
 - 4. Distasteful printed slogans, buttons or pins.
- (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 Kelso Police Department or the morale of the employees.

1044.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Kelso 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 Kelso 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.

1044.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

- (a) Any department-authorized optional equipment may be purchased at the expense of the employee. Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

Kelso Police Department

Kelso PD Policy Manual

Uniform Regulations

- (b) Replacement of items listed in this order as optional shall be done as follows:
1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
 2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (Policy Manual § 700) and in accordance with the Collective Bargaining Agreement between the City of Kelso and Kelso Police Association.

1044.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Kelso Police Department employees may not wear any other uniform item, accessory or attachment unless specifically authorized the Chief of Police or designee.

Kelso Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized by the Chief of Police or designee.

Nepotism and Conflicting Relationships

1048.1 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.

1048.1.1 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.

1048.2 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.

Kelso Police Department

Kelso PD Policy Manual

Nepotism and Conflicting Relationships

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
 - (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
 - (c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
 - (d) To avoid actual or perceived conflicts of interest, 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.

1048.2.1 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.

Kelso Police Department

Kelso PD Policy Manual

Nepotism and Conflicting Relationships

1048.2.2 SUPERVISORS RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations, whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

Domestic Violence Involving Law Enforcement Employees

1050.1 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).

1050.1.1 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.

1050.2 DEPARTMENT RESPONSIBILITIES

The Kelso Police Department has the following obligations (RCW 10.99.030; RCW 10.99.090):

- (a) Provide pre-hire screening procedures reasonably calculated to disclose whether an applicant for a sworn employee position has a history of domestic violence, child abuse allegations or has been the subject of a protection order.
- (b) Maintain ongoing and meaningful relationships with victim advocacy groups and other domestic violence professionals in the community.
- (c) Provide education to Kelso Police Department employees on the dynamics of interpersonal violence.
- (d) In response to observed behavior or at the request of the employee, the Kelso Police Department may offer or recommend intervention services to employees. If domestic violence is suspected, the referral should be to a domestic violence specialist.
- (e) Any employee who becomes aware of domestic violence committed by a sworn employee must immediately report that allegation to the employee's supervisor.
- (f) Recognize that employees who disclose that they have personally engaged in criminal acts of domestic violence are not entitled to confidentiality. Such acts shall be investigated administratively and criminally as appropriate.
- (g) Provide information to employing law enforcement agencies within 24 hours of a domestic violence or domestic dispute report involving a sworn officer.
- (h) Provide information on this domestic violence policy and programs under RCW 43.20A.735 to employees and make it available to employee families and the public.

Kelso Police Department

Kelso PD Policy Manual

Domestic Violence Involving Law Enforcement Employees

- (i) Provide victims of domestic violence by Kelso Police Department employees a department point of contact to assist the victim through the investigative process. Consideration should be given to selecting a point of contact at least one rank higher than the perpetrator, and would ideally be someone other than the investigator.
- (j) Provide victims of domestic violence by Kelso 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 Kelso Police Department employees who are alleged victims of violence at the hands of sworn employees of the Kelso 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 Kelso 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.

1050.2.1 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.

1050.2.2 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 a KPD employee is involved they shall:
 - 1. Determine if the involved employee's law enforcement powers shall be suspended and if duty weapon, and other Department-owned equipment shall be removed pending investigation outcome and possible prosecutorial charging decision.
 - 2. Issue an administrative order prohibiting contact with the victim if appropriate.
 - 3. Forward information on the incident to the Chief of Police for review and further action.
 - 4. Respond or designate a command officer to respond to a scene if the involved employee is a sergeant or above or if the situation dictates command presence.
- (b) If an employee of another law enforcement agency is involved they shall:
 - 1. Verify command notification of the employing agency.

Kelso Police Department

Kelso PD Policy Manual

Domestic Violence Involving Law Enforcement Employees

2. Verify the supervisor has offered assistance with removing weapons, police powers, etc.
3. Ensure that the Kelso Police Department provides appropriate reports and any other requested documentation to the employing agency.

1050.3 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 investigator 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 Division Commander 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.
- (e) Employees are expected to fully cooperate with the investigation of allegations under this Policy but only as ordered by a supervisor or by court subpoena.
- (f) When a law enforcement agency responds to a call in which a sworn employee is alleged to have committed an act of domestic violence, the involved employee must immediately report that police response to their supervisor. A written report must follow within 24 hours, subject to the agency's internal investigatory process.
- (g) When an employee becomes the subject of an investigation for child abuse or neglect, or becomes subject to an order under RCW 26.44.063 or an order of protection under RCW 7.105.100 et seq. or any equivalent order issued by another state or tribal court, that employee must immediately report the fact to his/her supervisor. Members must then, within 24 hours, provide a copy of any order and any notices of court dates, appearances, and proceedings received by the employee, subject to the agency's internal investigatory process.

1050.4 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.

Kelso Police Department

Kelso PD Policy Manual

Domestic Violence Involving Law Enforcement Employees

- (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 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 City Manager.

1050.4.1 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, if applicable.
 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 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 Division Commander. Access to the report should then be restricted to some form of "read only" version or physically secured.

1050.4.2 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

Kelso Police Department

Kelso PD Policy Manual

Domestic Violence Involving Law Enforcement Employees

- coordinate information and offer assistance to the agency of jurisdiction to provide a complete investigation.
- (b) Respond to the scene of all domestic violence incidents within the jurisdiction of the Kelso 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 Kelso 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-owned equipment.
 - (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 KPD contact information, acting as the point of contact until another assignment is made.

1050.5 VICTIM SAFETY ASSISTANCE AND NOTIFICATION

The Kelso Police Department will work with community resources and domestic violence advocacy agencies and shall make available to the victim (RCW 10.99.090):

- (a) Information on how to obtain protective orders and/or removal of weapons from his/her home.
- (b) Assistance with obtaining such orders in coordination with domestic violence victim advocates.
- (c) Information about public and private domestic violence advocacy resources to include the Washington State Domestic Violence Hotline.
- (d) Information related to relevant confidentiality policies related to the victim's information and public disclosure as provide by law.
- (e) The Kelso Police Department will coordinate victim notification regarding criminal and administrative investigative processes through the designated agency liaison in order to assist with victim safety.

Temporary Modified-Duty Assignments

1054.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules or current collective bargaining agreements or memorandums of understanding. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1054.2 POLICY

Subject to operational considerations, the Kelso Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1054.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Washington Law Against Discrimination shall be treated equally, without regard to any preference for a work-related injury.

No position in the Kelso Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle or engaging in outside employment, or may otherwise limit them in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1054.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

Kelso Police Department

Kelso PD Policy Manual

Temporary Modified-Duty Assignments

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Commander will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the City Manager or the City Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Division Commander with notice to the Chief of Police.

1054.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Division Commander.

1054.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but are not limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1054.5.2 SUPERVISOR RESPONSIBILITIES

The Division Commander shall monitor and manage the work schedule of those assigned to temporary modified duty.

The Division Commander responsibilities shall include, but are not limited to:

- (a) Periodically apprising the Chief of Police of the status and performance of employees assigned to temporary modified duty.

Kelso Police Department

Kelso PD Policy Manual

Temporary Modified-Duty Assignments

- (b) Ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

1054.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1054.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under RCW 43.10.005 or WAC 357-26-030 et seq.

1054.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

1054.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

1054.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

Employee Speech, Expression and Social Networking

1058.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1058.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

1058.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Kelso 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.

1058.3 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 Kelso Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety of any employee, an employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

Kelso Police Department

Kelso PD Policy Manual

Employee Speech, Expression and Social Networking

- 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.

1058.4 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 Kelso 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 Kelso Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Kelso 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 Kelso 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).

Kelso Police Department

Kelso PD Policy Manual

Employee Speech, Expression and Social Networking

- (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 Kelso Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.
- (h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:
 1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
 2. During authorized breaks; such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1058.4.1 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 Kelso Police Department or identify themselves in any way that could be reasonably perceived as representing the Kelso Police Department in order to do any of the following, unless specifically authorized by the Chief of Police:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g. bargaining group), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Kelso Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or

Kelso Police Department

Kelso PD Policy Manual

Employee Speech, Expression and Social Networking

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).

1058.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

1058.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1058.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

Wellness Program

1059.1 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.

1059.1.1 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 support group counselor – A member of the Kelso 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. It also includes a nonemployee counselor who has been designated by the Kelso Police Department to provide those same services (RCW 5.60.060).

1059.2 POLICY

It is the policy of the Kelso 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.

1059.3 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., Personnel Department, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

Kelso Police Department

Kelso PD Policy Manual

Wellness Program

- (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.
 - 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.

Kelso Police Department

Kelso PD Policy Manual

Wellness Program

- (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).

1059.4 DEPARTMENT PEER SUPPORT

1059.4.1 PEER SUPPORT MEMBER SELECTION CRITERIA

The selection of a department peer support member will be at the discretion of the 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.

1059.4.2 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.

1059.4.3 PEER SUPPORT MEMBER TRAINING

A department peer support member should complete [department/office]-approved training prior to being assigned.

1059.5 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

Kelso Police Department

Kelso PD Policy Manual

Wellness Program

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 support group counselors, and those directly involved in the incident.

1059.6 PEER SUPPORT COMMUNICATIONS

Although the Department will honor the sensitivity of communications with peer support members, such communications are not confidential, except:

- Communications between a qualified peer support group counselor and a member are considered to be privileged except where allowed by law (RCW 5.60.060).
- Communications to crisis referral services by members and all records related to the communications shall be confidential except as allowed by RCW 43.101.425.

1059.7 PHYSICAL WELLNESS PROGRAM

The 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.
- (h) Maintenance of physical wellness logs (e.g., attendance, goals, standards, progress)
- (i) Ongoing support and evaluation

1059.8 WELLNESS PROGRAM AUDIT

At least annually, the coordinator or the authorized designee should audit the effectiveness of the department's wellness program and prepare a report summarizing the findings. The report shall not contain the names of members participating in the wellness program, and should include the following information:

- Data on the types of support services provided

Kelso Police Department

Kelso PD Policy Manual

Wellness Program

- Wait times for support services
- Participant feedback, if available
- Program improvement recommendations
- Policy revision recommendations

The coordinator should present the completed audit to the Chief of Police for review and consideration of updates to improve program effectiveness.

1059.9 TRAINING

The coordinator or the authorized designee should collaborate with the Administrative 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 Administrative Sergeant as appropriate for inclusion in training records.

Attachments

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discipline page 9.1.JPG

**Washington State Law Enforcement
Records Retention Schedule.pdf**

This schedule applies to: Law Enforcement Agencies

Scope of records retention schedule

This records retention schedule covers the public records of local law enforcement agencies relating to the functions of law enforcement, criminal case investigation, and the management of the agency's assets and human resources. It is to be used in conjunction with the *Local Government Common Records Retention Schedule (CORE)* and other approved schedules that relate to the functions of the agency.

All current approved records retention schedules can be accessed online at: <http://www.sos.wa.gov/archives/RecordsRetentionSchedules.aspx>.

Disposition of public records

Public records covered by records series within this records retention schedule must be retained for the minimum retention period as specified in this schedule. Washington State Archives strongly recommends the disposition of public records at the end of their minimum retention period for the efficient and effective management of local resources.

Public records designated as Archival (Permanent Retention), Permanent, or Non-Archival with a retention period of "Life of the Agency" must not be destroyed. Records designated as Archival (Appraisal Required) or Potentially Archival must be appraised by the Washington State Archives before disposition. Public records must not be destroyed if they are subject to ongoing or reasonably anticipated litigation. Such public records must be managed in accordance with the agency's policies and procedures for legal holds. Public records must not be destroyed if they are subject to an existing public records request in accordance with chapter [42.56 RCW](#). Such public records must be managed in accordance with the agency's policies and procedures for public records requests.

In addition to the minimum retention requirements specified in this schedule, there may be additional (longer) retention requirements mandated by federal, state and/or local statute, grant agreement, and/or other contractual obligations.

Revocation of previously issued records retention schedules

All previously approved disposition authorities for records that are covered by this retention schedule are revoked, including those listed in all general and agency unique retention schedules. Local government agencies must take measures to ensure that the retention and disposition of public records is in accordance with current, approved records retention schedules.

Authority

This records retention schedule was approved by the Local Records Committee in accordance with [RCW 40.14.070](#) on January 26, 2017.

Signature on File

For the State Auditor: Cindy Evans

Signature on File

For the Attorney General: Matt Kernutt

Signature on File

The State Archivist: Steve Excell

Department Awards.Ribbons.pdf

Department Awards



Medal of Valor

RBN16MR



Purple Heart

RBN16PR



Meritorious Service

RBN16RD



Life Saving

RBN16RYWHR



Exemplary Performance

RBN16RYWHRD



Chief's Award

RBN16NVGO



Community Service Award

RBN16RDGY

Service Awards



Instructor Service

RBN16GY



Field Training Officer

RBN16RDWHBK



Detective Service

RBN16LBRDLB



K-9 Officer

RBN16RDBK



Crisis Negotiator

RBN16RDGO



School Resource Officer

RBN16KGWH



Kelso Police Service

RBN16RDKG



Veteran Service

RBN16SS



SWAT Service

RBN16KG

EXAMPLE:

Centered over
right breast
pocket

FTO

	1	
9	8	4
15	14	10

NAME PLATE

- 1 Medal of Valor
- 2 Purple Heart
- 3 Meritorious Service
- 4 Life Saving
- 5 Exemplary Performance
- 6 Chief's Award
- 7 Community Service Award
- 8 Instructor Service
- 9 Field Training Officer
- 10 Detective Service
- 11 K-9 Officer
- 12 Crisis Negotiator
- 13 School Resource Officer
- 14 Kelso Police Service
- 15 Veteran Service
- 16 SWAT Service

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discipline page 6.1.JPG

discipline page 5.1.JPG

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discipline page 3.1.JPG

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Department Ribbons.pdf

Department Awards



Medal of Valor



Purple Heart



Meritorious Service



Life Saving



Exemplary Performance



Chief's Award



Community Service

Service Awards



Instructor Service



Field Training Officer



Detective Service



K9 Handler



Crisis Negotiator



School Resource Officer



Kelso Police Service



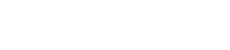
Veteran Service



SWAT Service



Unmanned Aircraft
Pilot



Sergeant of the Year



Officer of the Year

EXAMPLE:

Centered over right
breast pocket

FTO

	1	
9	8	4
15	14	10

NAME PLATE

1. Medal of Valor
2. Purple Heart
3. Meritorious Service
4. Life Saving
5. Exemplary Performance
6. Chief's Award
7. Community Service
8. Instructor Service
9. Field Training Officer
10. Detective Service
11. K9 Handler
12. Crisis Negotiator
13. School Resource Officer
14. Kelso Police Service
15. Veteran Service
16. SWAT Service
17. Unmanned Aircraft Pilot
18. Sergeant of the Year
19. Officer of the Year

Kelso PD Policy Manual

Kelso PD Policy Manual

INDEX / TOPICS

A

ADMINISTRATIVE INVESTIGATIONS

OIS.	74
ADMINISTRATIVE LEAVE.	452
ADULT ABUSE.	118
Investigations.	334
AIRCRAFT	
Accidents.	259
Temporary flight restrictions.	163
ALCOHOL	
Intoxicants.	156
Vehicle use.	364
ANIMALS.	397
ANTI-RETALIATION.	432
APPOINTMENTS	
Exposure Control Officer.	441
Press information officer (PIO).	163
ARRESTS	
Child and dependent adult safety.	195
Citations.	245
Seat belts.	459
AUDIO/VIDEO RECORDING	
Body cameras.	277
Holding cells.	417
AUDITS	
Informant files.	345
Informant funds.	347
AUTHORITY	
Canine handler.	204
Ethics.	152
Law enforcement.	7
AUXILIARY RESTRAINTS.	51

B

BACKGROUNDS.	423
BADGE	
Mourning Badge.	492
BADGES, PATCHES AND IDENTIFICATION	
Conduct.	153
BARRICADED SUSPECTS.	235
BIOLOGICAL SAMPLES	
Hazards.	260
BODY ARMOR.	461

BODY-WORN CAMERA.	277
BOMBS.	239
Aircraft accidents.	260
MDC/MDT.	276
MDT/MDC.	276
Portable audio/video recorders.	278

C

CASH	
Audit.	347
Custody.	417
Informants.	346
CHILD ABUSE	
Definitions.	126
CHILD ABUSE.	126
CHILD AND DEPENDENT ADULT SAFETY	195
CHILDREN	
Child safety.	195
Safety.	416
CITATIONS.	245
CIVIL	
Liability response.	75
CIVILIAN/NON-SWORN	
Crisis intervention incidents.	307
CIVILIAN/NON-SWORN	
Investigation and Prosecution.	333
CIVIL SUBPOENA.	166
COMMAND STAFF	
Work-related injuries.	484
COMMENDATIONS AND AWARDS.	466
COMMUNICABLE DISEASE	
Health orders.	228
COMMUNICABLE DISEASES.	441
COMMUNICATIONS CENTER	
OIS.	70
Vehicle pursuits.	93
COMMUNICATIONS WITH HEARING	
IMPAIRED OR DISABLED.	185
COMPUTERS	
Digital evidence.	335
CONCEALED PISTOL LICENSE.	26
CONDUCT	
OIS.	69
CONFIDENTIALITY	
Communicable disease information.	445
Conduct.	153
Custodial telephone calls.	416
Informants.	343
CONFIDENTIALITY	
Surreptitious recording.	278
CONTACTS AND TEMPORARY DETENTIONS	

Kelso Police Department

Kelso PD Policy Manual

Kelso PD Policy Manual

Bias-based policing.	224
CONTROL DEVICE.	57
CONTROL DEVICES.	57
CONTROL DEVICES	
Decontamination.	442
CORRESPONDENCE.	24
COURT APPEARANCES.	165
COURT ORDERS	
Citation releases.	245
Juvenile informants.	343
Source testing.	444
Subpoenas.	165
Surreptitious recording.	278
CRIME AND DISASTER SCENE	
INTEGRITY.	227
CRIMINAL INTELLIGENCE.	271
CRIMINAL ORGANIZATIONS.	271
CRIMINAL STREET GANGS.	271
CRISIS INTERVENTION INCIDENTS.	303
CUNDUCTED ENERGY DEVICE.	63
D	
DAMAGE BY CITY PERSONNEL.	161
DEADLY FORCE REVIEW.	46
DEATH	
Custody.	418
DEBRIEFING	
OIS.	75
DEFECTIVE VEHICLES.	361
DEFINITIONS OF TERMS IN MANUAL.	11
DEPARTMENTAL DIRECTIVES.	17
DEPARTMENT OWNED PROPERTY.	359
DEPARTMENT PROPERTY	
Loss Or Damage.	360
DEPENDENT ADULTS	
Safety.	195, 416
DISABLED	
Motorist.	327
DISCIPLINE.	151
DISCLAIMER OF POLICIES.	11
DISCRIMINATORY HARASSMENT.	121
Complaints.	123
DOMESTIC VIOLENCE.	102
DOMESTIC VIOLENCE BY LAW	
ENFORCEMENT EMPLOYEES.	498
DRIVING	
MDT/MDC.	275
Pursuit tactics.	91
Safety.	155
E	
ELECTRICAL LINES.	258

ELECTRO-MUSCULAR DISRUPTION	
TECHNOLOGY DEVICE.	63
ELECTRONIC CIGARETTES.	446
ELECTRONIC MAIL.	23
EMERGENCY MANAGEMENT PLAN.	18
EMERGENCY MANAGEMENT PLAN.	18
EMERGENCY UTILITY.	258
ETHICS.	152
EVALUATION.	427
EVIDENCE	
Digital.	335
Seizing recordings.	301
EXPLOSIONS.	240
EXPOSURE CONTROL	
Officer.	441
Reporting HAZMAT exposure.	233
EXPUNGEMENT.	392
EYEWITNESS IDENTIFICATION.	348
F	
FALSE REPORT.	160
FIREARMS	
Conduct.	155
Destruction of animals.	400
Pursuits.	97
Retiree carry.	31
Vehicle use.	366
FORCE.	46
FOREIGN COURT ORDERS.	105
FOREIGN DIPLOMATIC AND CONSULAR	
REPRESENTATIVES.	246
G	
GANGS.	271
GANGS	
Employee affiliation.	152
GRIEVANCE PROCEDURE.	431
GROOMING STANDARDS.	486
GUIDE DOGS.	199
H	
HANDCUFFING AND RESTRAINTS	
Custody.	417
HATE CRIMES.	147
HAZARDOUS MATERIAL (HAZMAT)	
RESPONSE.	233
Aircraft accidents.	260
Precautions.	442
HEARING IMPAIRED.	185
HOSTAGE AND BARRICADE INCIDENTS	
Rapid response and deployment.	251
HOSTAGES.	235

Kelso Police Department

Kelso PD Policy Manual

Kelso PD Policy Manual

I

IMMUNIZATIONS.	443
IMPAIRED DRIVING.	320
INFORMANTS.	343
INFORMATION TECHNOLOGY USE.	157
INITIATE A PURSUIT.	86

INSPECTIONS

Exposure control.	441
Holding cells.	417

INTERNAL AFFAIRS

Personnel records.	463
----------------------------	-----

INVESTIGATION AND PROSECUTION.	333
--	-----

J

JURISDICTION

Aircraft accidents.	260
OIS.	69
Pursuits.	94

K

KINETIC PROJECTILES.	60
------------------------------	----

L

LAW ENFORCEMENT AUTHORITY.	7
LEG IRONS.	51
LEG RESTRAINT.	49
LEG RESTRAINTS.	54
LIMITED ENGLISH PROFICIENCY.	177

M

MANUALS.	18
MEAL PERIODS AND BREAKS.	476
MEDIA.	163
MEDIA REQUEST.	163

MEDICAL

For canines.	209
Personnel record.	463
Screening - custody adults.	415
Treatment for work-related injury and illness.	484

MEDICAL

Aircraft accidents.	259
MINIMUM STAFFING.	25
MOBILE DIGITAL TERMINAL USE.	275
MOURNING BADGE.	492
MUTUAL AID.	168

N

NOTIFICATIONS

Adult abuse.	118
Aircraft accident.	259
Custody suicide attempt, death or serious injury.	418

Exposure control.	441
Impaired driving.	321
NUMERICAL FILING.	386

O

OATH OF OFFICE.	10
OC SPRAY.	59
OFFICER RESPONSE TO CALLS.	99
OFFICER SAFETY	

Crime and disaster scene integrity.	227
Firearm confiscation.	70
Informants.	344
LEOSA.	31
Seat belts.	459

ORDERS

Compliance with.	15
--------------------------	----

ORGANIZATIONAL STRUCTURE.	15
-----------------------------------	----

OUTSIDE AGENCY ASSISTANCE.	168
------------------------------------	-----

OVERTIME

Court.	167
----------------	-----

OVERTIME PAYMENT.	480
---------------------------	-----

P

PEPPER SPRAY.	59
-----------------------	----

PERSONAL APPEARANCE.	486
------------------------------	-----

PERSONAL PROPERTY.	359
----------------------------	-----

Loss Or Damage.	360
-------------------------	-----

PERSONAL PROTECTIVE EQUIPMENT

Hazardous material response.	233
--------------------------------------	-----

PERSONNEL COMPLAINTS.	447
-------------------------------	-----

PERSONNEL ORDERS.	24
---------------------------	----

PERSONNEL RECORDS.	462
----------------------------	-----

PHOTOGRAPHS

Aircraft accidents.	261
-----------------------------	-----

Photo lineups.	349
------------------------	-----

PHYSICAL AND MENTAL

EXAMINATIONS.	474
-----------------------	-----

POLICY MANUAL.	11
------------------------	----

PREGNANCY

Custody.	417
------------------	-----

PRESS INFORMATION OFFICER (PIO).	163
--	-----

PRIVACY EXPECTATIONS

Audio/video recordings.	277
---------------------------------	-----

Technology use.	157
-------------------------	-----

PRIVATE PERSONS ARRESTS.	333
----------------------------------	-----

PROBATIONARY EMPLOYEES

Personnel complaints.	457
-------------------------------	-----

PROPERTY PROCEDURES

Property Handling.	373
----------------------------	-----

PROTECTED INFORMATION.	394
--------------------------------	-----

PROTECTED INFORMATION

Unauthorized release.	153
-------------------------------	-----

Kelso Police Department

Kelso PD Policy Manual

Kelso PD Policy Manual

PUBLIC RECORDING OF LAW ENFORCEMENT ACTIVITY.	300
PUBLIC RECORD REQUEST.	390
PURSUIITS	
Foot.	294

R

RAPID RESPONSE AND DEPLOYMENT.	250
RECORDS BUREAU	
Administrative hearings.	323
Impaired driving.	323
RECORDS RELEASE.	389
Subpoenas and discovery requests.	392
RECORDS REQUESTS	
Personnel records.	463
RECORDS RETENTION	
Oath of office.	10
RECRUITMENT AND SELECTION.	423
RELIGION	
Accommodations in custody.	416
REPORT CORRECTIONS.	162
REPORT PREPARATION.	160
RETALIATION.	122
RETALIATION PROHIBITED.	432
REVIEW BOARD	
Force.	46
REVIEWS	
Exposure control plan.	441
Public records on social media.	214
Pursuit policy.	98
Vehicle pursuits - annual.	97
RIDE-ALONG.	230
Eligibility.	230
ROLL CALL TRAINING.	226

S

SAFETY	
Conduct.	155
First responder.	227
Media.	163
Temporary flight restrictions.	163
SAFETY EQUIPMENT	
Seat belts.	459
SEARCH & SEIZURE.	108
SEARCHES	
Crime scene.	227
SEAT BELTS.	459
SECURITY	
Personnel records.	463
SERVICE ANIMALS.	199
SMOKING AND TOBACCO USE.	446
SOCIAL MEDIA.	212

Backgrounds.	424
STAFFING LEVELS.	25
STANDARDS OF CONDUCT.	150
SUBPOENAS.	165
Records release and discovery requests.	392
SUCCESSION OF COMMAND.	15
SUPERVISION DEPLOYMENTS.	25

T

TAKE HOME VEHICLES.	365
TASER.	63
TATTOOS.	486
TECHNOLOGY USE.	157
TEMPORARY CUSTODY	
Adults.	411
TRAFFIC FUNCTION AND RESPONSIBILITY.	310
TRAFFIC SIGNAL.	258
TRAINING	
Anti-Retaliation.	434
TRAINING	
Adult abuse.	120
Communicable disease.	445
Custody.	420
Fair and objective policing.	225
Personnel records.	462
Pursuits.	98
Social media.	214
UAS.	356
TRAINING, CRIMINAL ORGANIZATIONS	274
TRAINING, PROTECTED INFORMATION.	396
TRANSPORT BELTS.	51

U

UNIFORM REGULATIONS.	488
UNITY OF COMMAND.	15
UNMANNED AERIAL SYSTEM.	355
USE OF SOCIAL MEDIA.	212
UTILITY SERVICE.	258

V

VEHICLE MAINTENANCE.	361
VEHICLES.	363
VEHICLE SEIZURE	
Vehicle Forfeiture.	329

W

WARNINGS	
Canine.	206
WASHING OF VEHICLES.	362
WATER LINES.	258
WHISTLE-BLOWING.	434