# BELLEVUE POLICE DEPARTMENT

## MANUAL GUIDE

(revised 10/20/2010)

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This new Bellevue Police Department Policy Manual replaces all previously published agency policy manuals. All existing rules, regulations, and departmental orders in conflict with these policies are cancelled. All current Rules, Regulations, Policies, and Procedures have been incorporated into this manual. Procedures that may have been separated from Rules and Regulations or Policy in previous manuals have been combined in this manual. This Manual, or division or unit manuals issued by division chiefs, shall be the only source of official Rule, Regulation, Policy and Procedures for this Department except when changes are made or new orders are issued by Executive Order.

This Policy Manual provides employees with a readily accessible source of policy and procedural information that complies with standards set by the Commission on Accreditation for Law Enforcement Agencies.

The manual is intended to serve as a guide and framework within which employees can make decisions. Policies in this manual are not intended to cover every situation that may arise in the discharge of an employee's duties. The policies and procedures in this manual provide the necessary guidelines to make decisions and enable employees to maintain the high standard of service to which the citizens of the city of Bellevue have become accustomed.

The policies and procedures contained in this manual allow for deviation according to circumstances, however, such deviation must be followed with articulable sound judgment which is always subject to review.

This manual is released on the authority of the Bellevue Chief of Police. It shall be available to all employees in an electronic format accessible at police department workstations and in MDC-equipped vehicles. All employees are required to familiarize themselves with all Rules, Regulations, and Polices contained herein.

Certain policies in this manual may be covered by bargaining agreements. If Department policy differs from language in a bargaining agreement, the language in the agreement shall take precedence. In those areas where bargaining agreement language covers part, but not all, of a department policy, the areas of the policy not covered will control.

### EXECUTIVE ORDERS

Changes and updates to policies contained in this manual will be by Executive Order from the Office of the Chief or by a manual revision. Employees shall be notified of changes to the Bellevue Police Policies. Employees are responsible for reviewing all changes to policy made in an Executive Order.

### MANUAL CONTENT

The Bellevue Police Department Manual is for internal use only. Policies in this manual are not intended to enlarge an employee’s civil or criminal liability in any way. The policies contained within should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of these policies, if proven, should only form the basis of a complaint against the department and then only in a non-judicial, administrative setting.

### GLOSSARY

Employees are responsible to be familiar with all information in this manual including the terms in the Glossary.

## MANUAL COMMENTS

If any area of this manual needs correction or an employee has any suggestions or comments regarding changes or updates, please notify the Office of Professional Standards.

## MANUAL FORMAT

The Policy Manual has been divided into colored sections. The colored pages are meant to facilitate employee awareness and training. The colored sections contain the following policy categories:

- **Red Section:**
  Policies that concern employee and officer safety and high department risk

- **Yellow Section:**
  Policies that address the agency's values, standards of employee conduct, and a lower department risk

- **White Section:**
  Policies that address law enforcement business practices

This manual is written for all employees. Each employee is responsible to know and follow the policies and procedures in this manual. Employees should refer to the Written Directive System policies in this manual for further user information.

# CODE OF ETHICS

## CODE AND CANON OF POLICE ETHICS

**(updated 10/20/2010)**

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### Policy

Dedication to the law, discretion in enforcing the law, and a high degree of public trust puts employees of the Department in a position of extreme importance in our society. The following Law Enforcement Code of Ethics and Canons of Police Ethics are adopted as a general standard of conduct for all employees of the Bellevue Police Department. All employees will receive ethics training at a minimum, biennially.

### Code of Ethics (CALEA 26.1.1)

As a police employee, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violation 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; 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 the thought and deed in both my personal and official life. I will be exemplary in obeying the laws of the land and the regulations of my Department. Whatever I see or hear of a confidential nature or whatever is confided in me in my official capacity will be kept confidential unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, 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 police authority 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 the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession--law enforcement.

### Canons of Police Ethics

1. **Primary Responsibility of Job**

   The primary responsibility of the police service is the protection of the people of the United States through the upholding of their laws; chief among these is the Constitution of the United States and its amendments. The law enforcement employee always represents the whole of the community and its legally expressed will and is never the arm of any political party or clique.

2. **Limitations of Authority**

   The first duty of a law enforcement employee, as upholder of the law, is to know its bounds upon him/her in enforcing it. Because he/she represents the legal will of the community, be it local, state or federal, he/she must be aware of the limitations and prescriptions which the people, through law, have placed upon him/her. He/she must recognize the genius of the American system of government which gives to no man, groups of people, or institution, absolute power, and he/she must insure that he/she, as a prime defender of the system, does not pervert its character.

3. **Duty to be familiar with the Law and with Responsibilities of Self and other Public Officials**

The law enforcement employee will assiduously apply himself/herself to the study of the principles of the laws which he/she is sworn to uphold. He/she will make certain of his/her responsibilities in the particulars of their enforcement, seeking aid from his/her superiors in matters of technicality or principle when these are not clear to him/her; he/she will make special effort to fully understand his/her relationship to other public officials, including other law enforcement agencies, particularly on matters of jurisdiction, both geographically and substantively.

4. **Utilization of Proper Means to Gain Proper Ends**

The law enforcement employee will be mindful of their responsibility to pay strict heed to the selection of means in discharging the duties of their office. Violations of law or disregard for public safety and property on the part of an employee are intrinsically wrong; they are self-defeating in that they instill in the public mind a like disposition. The employment of illegal means, no matter how worthy the end, is certain to encourage disrespect for the law. If the law is to be honored, it must first be honored by those who enforce it.

5. **Cooperation with Public Officials in the Discharge of Their Authorized Duties**

The law enforcement employee will cooperate fully with other public officials in the discharge of authorized duties, regardless of party affiliation or personal prejudice. They will be meticulous, however, in assuring themselves of the propriety, under the law, of such actions and will guard against the use of their office or person whether knowingly or unknowingly, in any improper or illegal action. In any situation open to questions, they will seek authority from their superior, giving them a fuller report of the proposed service or action.

6. **Private Conduct**

The law enforcement employee will be mindful of their special identification by the public as an upholder of the law. Laxity of conduct or manner in private life, expressing either disrespect for the law or seeking to gain special privilege, cannot but reflect upon the police employee and the police service. The community and the service require that the law enforcement employee lead the life of a decent and honorable person. Following the career of a police employee gives no person special prerequisites. It does give the satisfaction of pride of following and furthering an unbroken tradition of safeguarding the American republic. The employee who reflects upon this tradition will not degrade it.

7. **Conduct toward the Public**

The law enforcement employee, mindful of their responsibility to the whole community, will deal with individuals of the community in a manner calculated to instill respect for its laws and its police service. The law enforcement employee will conduct his/her official life in a manner such as will inspire confidence and trust. Thus, they will be neither overbearing or subservient, as no individual citizen has an obligation to stand in awe of them nor a right to command them. The employee will give service where he/she can, and require compliance with the law. He/she will do neither from personal preference or prejudice but rather as a duly appointed police employee discharging their obligation.

8. **Conduct in Arresting and Dealing with Law Violators**

The law enforcement employee will use their powers of arrest strictly in accordance with the law and with due regard to the rights of the citizen concerned. Their office gives them no right to persecute the violator nor to mete out punishment for an offense. They will, at all times, have a clear appreciation of their responsibilities and limitations regarding detention of the violator; they will conduct themselves in such a manner as will minimize the possibility of having to use force. To this end he/she will cultivate a

dedication to the service of the people and the equitable upholding of their laws, whether in the handling of law violators or in dealing with the law-abiding.

9. **Gifts and Favors**

The law enforcement employee, representing government, bears the heavy responsibility of maintaining, in their own conduct, the honor and integrity of all government institutions. He/she will, therefore, guard against placing themselves in a position in which any person can expect special consideration or in which the public can reasonably assume that special consideration is being given. Thus, they should be firm in refusing gifts, favors, or gratuities, large or small, which can in the public mind, be interpreted as capable of influencing their judgment in the discharge of their duties.

10. **Presentation of Evidence**

The law enforcement employee will be concerned equally in the prosecution of the wrongdoer and the defense of the innocent. They will ascertain what constitutes evidence and will present such evidence impartially and without malice. In so doing, they will ignore social, political, and all other distinctions among the persons involved, strengthening the tradition of the reliability and integrity of their word.

The law enforcement employee will take special pains to increase their perception and skill of observation, mindful that in many situations they are the sole impartial testimony to the facts of the case.

11. **Attitude toward Profession**

The law enforcement employee will regard the discharge of their duties as a public trust and recognize his/her responsibility as a public servant. By diligent study and sincere attention to self-improvement, they will strive to make the best possible application of science to the solution of crime, and in the field of human relationships, they will strive for effective leadership and public influence in matters affecting public safety. They will appreciate the importance and responsibility of their office and hold police work to be an honorable profession rendering valuable service to their community and their country.

12. **Integrity and Truthfulness**

Members of the Bellevue Police Department strive to serve the community with veracity, reliability, and the utmost honor.

Employees shall be forthright and truthful at all times on all matters which pertain to their duties, conduct, observations, or any other area pertaining to the official business of the Bellevue Police Department.

No portion of this section shall be interpreted to imply that employees are prohibited from the use of deception to accomplish an official investigative purpose.

## VISION
**"Safety, Working Smarter, Relations"**

## MISSION STATEMENT

**We support the mission of City Government by consistently contributing to our community's reputation as a safe and vibrant place to live, work, and visit.**

**We accomplish this by providing the highest quality law enforcement, community education and support services possible.**

**We are responsive to the public interest, transparent and inclusive in our operation, innovative in our ability to adapt to change, and conscientious in expending public funds.**

**We are the Bellevue Police Department.**

## GUIDING PRINCIPLES

**Respect**
We begin by treating others as we would like to be treated.
We are fair and considerate in what we do.

**Integrity**
We are honest, ethical, steadfast and always strive to do the right thing.
We lead by example.

**Accountability**
On all levels we take responsibility for our actions and decisions.

**Service**
We are active and committed to providing exceptional service
to our communities through teamwork, innovation and education.

# BELLEVUE POLICE DEPARTMENT MANUAL

## CHAPTER 1

## USE OF FORCE

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**1.00.010** **USE OF FORCE (updated 10/2005)** (CALEA 1.3.1, .2, .5)

**Definitions -**

**Necessary** - Under the circumstances as they reasonably appeared to the officer at the time:

1. No reasonably effective alternative to the use of physical force, firearm, weapon or device appeared to exist and,

2. Officer believed, in good faith and on reasonable grounds, that the amount of force used was reasonable to effect the lawful purpose intended (RCW 9A.16.010(1))

**Dangerous Felonies -** Dangerous Felonies are murder, kidnapping, armed robbery, rape, arson or bombing of an occupied structure, and assault with a deadly weapon

**Deadly Force -** The intentional application of force through the use of firearms or any other means which creates a substantial risk of death or serious bodily injury (Smith v. City of Hemet 394F 3d 689 9th Cir. 2005).

**Force -** To compel by any physical means including, but not limited to, the use of a firearm, weapon, physical control techniques, or impact and capture device

**Ramming -** Ramming or forcing vehicles off the roadway is the intentional act of driving a police vehicle into another vehicle thereby causing a collision in an attempt to stop or alter the course of the other vehicle

**Serious Physical Injury -** Bodily injury involving a substantial risk of death; or an injury that causes serious, permanent disfigurement or results in long-term loss or impairment of the functioning of any bodily member or organ

**Special Firearms and Weapons -** Firearms and weapons other than the departmentally issued service pistols, shotguns, and impact/control/capture devices (i.e., automatic rifles)

**Department Standard**

Officers of the Bellevue Police Department will use only that force that is reasonably necessary to effect a lawful arrest, defend themselves or others from violence, or to otherwise accomplish police duties according to law.

To the extent that Department Policy may contain provisions more restrictive than the state law, such provisions are not intended, nor may be they construed or applied, to create a higher standard of care of duty toward any person or to provide a basis for criminal or civil liability against the City, the Police Department, or any of its officials or individual officers.

Force, including deadly force and the use of Department issued or authorized firearms, weapons and control/impact/capture devices, is to be used in the performance of police duty when and only to the extent necessary.

Officers will not draw or point their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the weapon.

Upon completion of recruit training and during in-service firearms training, all police and police support officers will be required to sign an acknowledgment form indicating he/she received, understands and will abide by Department Use of Force policies. All officers will be issued copies of and be instructed in the Use of Force policies. The issuance and instruction shall be documented before the officer is authorized to carry a weapon.

Officers shall submit a written report to the Chief of Police, through the Chain of Command, whenever a firearm is discharged other than during training or for recreational purposes. Any officer who kills or injures a person when using a firearm will adhere to the policy on **Use of Force Reporting/Notification**.

### Medical Attention

If possible, officers shall ensure that all persons involved in the use of force receive first aid or medical treatment if needed or requested. If the officer is in doubt as to the necessity of medical attention, officers will seek guidance from a supervisor.

## 1.00.020 USE OF FIREARMS - AUTHORIZED (CALEA 1.2.2, 1.3.2)

### Deadly Force

A police officer is authorized and has the duty to prevent death or serious injury to self, a fellow officer, or a member of the public by utilizing whatever force necessary, including the use of firearms.

Firearms may be used to effect the arrest and/or prevent the escape of a person whom the officer has probable cause to believe has committed a dangerous felony when:

- The officer has probable cause to believe that the person poses a significant threat of death or serious physical injury to the officer or to another, and
- It s necessary to effect the arrest and/or prevent the escape, and
- Any other available means to obtain custody would be ineffective

### Firing Range

Officers may also discharge a firearm in the performance of a police duty at an approved firing range.

### Destruction of Animals

An officer may discharge a firearm in the performance of a police duty to destroy an animal that is either:

- Dangerous to the public safety; or
- Grievously injured and obviously suffering pain

The on-duty field supervisor will respond to the scene and provide authorization before destroying any animal unless immediate action is required to prevent harm to the officer or a member of the public.

## 1.00.030 USE OF FIREARMS – PROHIBITED (CALEA 1.3.3)

Officers are prohibited from discharging firearms in the following instances:

- To effect the arrest and/or prevent the escape of a person who has committed a felony other than dangerous felonies
- To effect the arrest and/or prevent the escape of a person who has committed less than a felony
- Firing at or from a moving vehicle, except as a last resort to protect the officer(s) or others from an immediate threat or death or serious bodily injury
- At a crowd

**Warning Shots**

The use of warning shots is prohibited.

## 1.00.040 USE OF LESS LETHAL WEAPONS AND IMPACT/CONTROL DEVICES (CALEA 1.3.4)

Impact/control/capture devices, including "pepper spray" but excluding handcuffs, are principally intended for use in non-deadly force incidents by police and police support officers when necessary to:

- Overcome and gain control of persons demonstrating physical resistance or aggressive or violent behavior which poses a threat of physical harm to the aggressor or to the officer, or to other persons or property; or
- Maintain control over persons in custody, while being transported or while being detained before or after transport, in order to prevent harm to the officer, the arrestee/prisoner, or to property
- Restrain persons in protective custody situations in the interest of the physical safety of the person, the officer or medical personnel and others involved in providing assistance to that person

Impact/control/capture devices will only be used by officers specifically trained in their use by this Department or by another recognized and Department approved training agency.

Impact/control/capture devices that are not issued by the Department or authorized are not permitted for use.

## 1.00.050 NECK RESTRAINT HOLDS (Updated 02/18/2010) (CALEA 1.3.2)

The Department recognizes that the use of neck restraint holds is an effective method to restrain and control subjects. Some types of neck restraint holds are considered a use of deadly force while others through technique and level of application are available for use at lower levels of force.

A “Bar Arm” type neck restraint is defined as a restraint hold that compresses the airway and other structures of the front part of the neck. Use of a “Bar Arm” type neck restraint shall be considered a use of deadly force.

The Lateral Vascular Neck Restraint (LVNR) technique applies pressure to the lateral portion of the neck and restricts blood flow to and from the brain. The LVNR shall not be considered a use of deadly force.

The LVNR is the only neck restraint technique that is authorized for use in a non-deadly force situation. Only personnel who have current certification in the use of LVNR may use the technique under circumstances

where deadly force is not justified. LVNR may be used to control or overcome a physically resistive, aggressive or violent subject who poses a threat of physical harm to his/her self, to the officer, or to other persons or property.

For an officer to be considered “current” in their certification, they must have undergone initial or recertification training in this technique within the previous 14 months.

If an LVNR application results in a subject being rendered unconscious;

- An aid unit and a supervisor must respond to the scene. The supervisor will ensure that a force response review is conducted in accordance with BPD policy 1.00.090 and that the following procedures are followed;
    - The subject must be continuously visually observed/monitored for a period of 2 hours to insure no complications result following LVNR use. This observation period may include observation of the subject in the booking facility prior to booking into the jail. This monitoring period is not required if the person is admitted to a medical facility.
    - If the subject is booked into jail, they must be screened by BFD EMS Personnel and/or a hospital emergency room. The application of LVNR shall be annotated on the booking form.

Any use of the LVNR will be documented in the incident report and shall include:

- the specific circumstances of use;
- level and type of resistance by the subject;
- level of LVNR applied;
- how quickly compliance was achieved;
- how compliance was indicated;
- whether or not the person was rendered unconscious;
- any injuries to the officer or to the subject;
- if applicable, the name of the medical professional who examined the subject;
- if applicable, the two hour observation period of the subject after application.

A Force Response Review will be completed and forwarded along with the incident report to the Office of Professional Standards and the Personnel Services Unit.

## 1.00.060 HOG-TYING OF PRISONERS

Officers will not Hog-tie prisoners for transportation in Department vehicles. "Hog-tying” a prisoner during transport may cause the phenomenon of “Positional Asphyxia. Using such a restraint method may interrupt a prisoner’s normal breathing process and lead to serious injury or death.

### Transport of Combative Prisoners

The legs/ankles of a combative prisoner may be secured with restraints and the cuffed prisoner then placed in the transporting vehicle in a sitting position. Securing the legs together in this manner is not considered to be "hog-tying," in that there is no linking of the wrists and ankles at the lower back.

## 1.00.070 USE OF CHEMICAL AGENTS

Chemical agents, other than "pepper spray" will be used only when necessary by officers specifically trained in their use and only with the authorization of a command officer.

## 1.00.080 RAMMING/FORCING VEHICLES OFF ROADWAY

Ramming or forcing vehicles off the roadway is to be considered use of deadly force. Officers may use a police vehicle to ram another vehicle only as specified in the Department's **Vehicular Pursuit Policy**.

## 1.00.090 USE OF FORCE REPORTING/NOTIFICATION (CALEA 1.3.6, .7)

An officer who uses force on a person whether on or off duty will notify his/her immediate supervisor at once. If the immediate supervisor is unavailable, the officer will notify the on-duty patrol supervisor.

Once notified, if the supervisor has a concern that a complaint concerning officer conduct involving the use of force may be filed, the supervisor will immediately notify a commander. The commander will determine whether to require a written report or to refer the incident to the Department's Internal Investigation process.

Officers will document the use of force on the Department Case Report (hereafter referred to as the "report"). The purpose of the report is to immediately document the use of force so that, should any questions arise, the facts will be available. The report will also be used to assist in identifying training and equipment needs.

The number of reports which exist concerning an officer's permissible use of force will not be used in evaluating the officer's/ performance or as the basis for disciplinary action. Any use of force which is in accordance with this procedure is permissible, regardless of its frequency.

Not every touching by an officer constitutes a use of force requiring notification and reporting. Decisions regarding what force requires notification and reporting will be guided by this policy, and questions regarding reporting shall be addressed to the supervisor of the officer.

The Use of force requires notification and reporting when:

- Physical force, other than routine handcuffing, is used such as when an officer moves or drags a struggling person from one place to another
- A person upon whom force was used dies as a result of injuries sustained, shows any visible or apparent injury, or states that he or she has been injured
- Any object, including a hand, fist, foot, flashlight, special weapon or impact/control/capture device, is used to strike a blow to a person
- Any chemical agent, including pepper spray, is used on a person
- A firearm is pointed directly at a person in an effort to gain control over that person
- An officer draws a firearm in a high risk entry/stop and no one is arrested
- A weapon is used to gain control over a juvenile
- A report is required by a supervisor

Use of force will be reported by the involved officer(s) before leaving "on-duty" status unless directed otherwise by the on-duty supervisor.

The report will include all relevant facts and circumstances surrounding the use of physical force and the object, device or weapon used. The report will contain:

- Names of involved officers

- Names and descriptions of persons and witnesses involved
- Description of any weapons and physical force used by subject(s)
- Description of the force used by the officer. Use of "jargon" and/or abbreviated titles for various police techniques is to be avoided
- Description of all visible, apparent or claimed injuries
- Description of medical treatment that was offered/received, who provided treatment, or if treatment was refused
- For LVNR use, also reference Neck Restraint Holds (1.00.050)

Photographs of injuries and/or area of alleged injury will be taken with the consent of the person claiming to be injured. Whether force is used or not, a visible or apparent injury or a claim of injury made by a person who has been arrested or detained by an officer will be reported in accordance with this policy. Officers with visible or apparent injuries will also be photographed and their injuries noted in the report. Officers will notify their supervisor of any injury and seek appropriate medical care and/or first aid and complete all necessary workers compensation reports.

The completed report will be forwarded to the officer's supervisor for review and approval. If there are no supervisory concerns with the use of force, no further action is required. If the use of force is of supervisory concern, the supervisor will discuss the concern with his/her commander. The commander will decide the appropriate action.

All reports containing use of force information will be forwarded to the Chief of Police via the chain-of command and to the Personnel Services Unit following review, with the following two exceptions. Use of force reports for Bellevue Officers in the Eastside
Narcotics Task Force and the K-9 officers will be reviewed by the Commander of those units and kept on file with those units.

The Personnel Services Unit is responsible for use of force data collection, review of tactics and equipment for each use of force report other than K-9 and ENTF.

Report copies will not be retained any longer than reasonably necessary to complete the Personnel Services and chain-of-command review.

**Deadly Force Reporting Exceptions**

Officers are required to notify and report the use of deadly force in accordance with this **Use of Force Reporting** policy except in the following circumstances:

- When an officer uses deadly force which results in injury or death of a person, or discharges a firearm at a person in which no injury occurs, the officer will not be immediately required to make a written or recorded statement without first having the opportunity to consult with their Union/Guild attorney
- Until the applicable provisions of the policy on **Critical Incident Response** (1.00.100) have been met

In no event will a written or recorded statement be taken from an officer who has used deadly force without the authorization of the Chief of Police or the Chief's designee.

The on-scene supervisor and on-scene commander will complete a detailed report prior to leaving "on-duty" status and submit it via the chain of command to the Chief of Police.

## 1.00.100 USE OF DEADLY FORCE/CRITICAL INCIDENTS RESPONSE (Updated 1/12/2011) (CALEA 1.3.8)

The nature of Police work requires employees to be exposed to stressful events. The expectation of our community and this Police Department is our employees maintain a high threshold of managing stressful events and be able to perform their duties during high stress situations.

However, there may be a critical incident in the line of duty which necessitates special consideration on the part of the Department and its personnel in the effort to assist the involved employee to understand and cope with the normal reactions to such involvement.

**Definition**

**Critical Incident** means that while in the line of duty an employee is involved in an incident that by its own nature or the circumstances in which it occurred, causes employees to experience unusually strong emotional (and sometimes physical) reactions which may interfere with their ability to function either at the scene or later.

**Directly Involved** means an employee who is personally and actively involved in circumstances that result in the death or serious injury of another.

**Serious Injury** means an injury that creates a substantial risk of death; causes serious permanent disfigurement, or may result in long-term loss or impairment of the function of any bodily member or organ.

**Critical Incident Stress Debriefing** means a venting and educational session which takes place between a qualified mental health professional or critical incident team and employees preferably within one to three days following a significant critical incident.

- All directly involved personnel are *required* to attend a *mandatory* individual debriefing with a qualified mental health professional when criteria in this policy are met.

- Directly involved personnel *may* also attend an *optional g*roup debriefing that will be provided by the Department.

- Other personnel *may* be invited to attend additional group debriefings where necessary

“Qualified Mental Health Professional” means a Department-designated, or personally selected, psychologist or psychiatrist (Ph.D. or M.D. level), or other mental health professional (Master level) experienced in assisting law enforcement personnel and their families to recognize and cope with the natural responses to a critical incident.

“Peer Support Group Counselor” means a law enforcement officer, or civilian employee of a law enforcement agency, who has received training to provide emotional and moral support and counseling to employees, and who has been so designated by the Chief of Police prior to the incident that gives rise to the need for counseling. RCW 5.60.060 (6)

For purposes of this section, a Peer Support Group Counselor will not be a directly involved employee in the critical incident. His/her duty shall be to remain available to assist and provide immediate emotional and informational support to any and all involved employees during (if prolonged) and, thereafter, in the aftermath of the critical incident.

## Notifications

Upon the occurrence of any critical incident, the on-duty supervisor and the on-duty on-call Patrol Captain will be notified.

When a critical incident occurs, the Patrol Captain will notify:

- The Section Commander (Major) of the employee's section,
- If it is a use of force, the Investigations Section Commander,
- If the incident is traffic related, the Commander of the Traffic Unit,
- The Chief of Police and both Deputy Chiefs,
- The Public Information Officer,
- The Department Legal Advisor, and
- A Union or Guild representative.

The Patrol Captain may call in a Peer Support Group Counselor for on-scene assistance (for purposes of monitoring the well-being of personnel during long-term incidents, assisting in coordination of emergency notifications, etc.).

## Supervisory Responsibilities

### On-Duty Supervisor

The on-duty supervisor's primary responsibility is to respond to the scene and assume on-scene command until relieved by a Patrol Captain. The supervisor will secure the scene and minimize disturbing any evidence, with due regard for the preservation of human life.

### Patrol Captain

The on-duty or on-call Patrol Captain will respond to the scene and assume on-scene command until relieved by a Section Major. The Patrol Captain will determine what resources are necessary to successfully conclude the on-scene investigation of the incident and advise the involved employee(s):

- That the Department recognizes that a critical incident can be highly stressful to the employee(s) involved; is concerned for their vulnerability; and wishes to assist the employee(s) in protecting their Constitutional rights; and
- That the employee(s) may consult with a Peer Support Group Counselor concerning their involvement in the incident, with all communication between them made while receiving counseling to be confidential and privileged. The Communication may only be revealed by specific consent of the involved employee or Court Order.

Note: Communication between an employee and Peer Support Group Counselor is confidential and privileged communication in accord with RCW 5.60.060(6), This Peer Support Group Counselor privilege applies to any communication by an employee while receiving peer Support Counseling or at a Critical Incident debriefing.

- That the employee(s) may consult with a Guild/Union or personal attorney before making any statement; verbal or written, concerning direct personal involvement in the incident

**Involved Employee(s) Responsibilities**

For purposes of ensuring public safety issues (e.g., description of fleeing suspects, vehicles, weapons, officer safety etc.) and other information that relates to scene management (such as location of physical evidence), involved employee(s) will be asked to provide a brief overview of what occurred.

The Public Safety Statement Form provides critical on-scene information. The on-scene supervisor will direct the involved Officer(s) to answer only the questions on the form.

However, the involved employee(s) need not provide information concerning direct personal involvement in a critical incident without first consulting with his/her Guild/Union or personal attorney.

**Legal Counsel for Involved Employee(s)**

All employee(s) directly involved in a critical incident will be afforded the opportunity to confer with his/her Guild/Union or personal attorney.

Until the employee has conferred with the Guild/Union or personal legal representative, the involved employee(s) will not be questioned by any Department personnel concerning his/her direct personal involvement in the critical incident.

An involved employee's timely exercise of the right to consult legal counsel prior to making any statement concerning his/her direct personal involvement in the incident will not be deemed to violate any Department policy, procedure or regulation.

**Post-Incident Leave**

An employee directly involved in the death or serious injury of another will be placed on mandatory paid administrative leave. Employees involved in a critical incident that causes them to experience unusually strong emotional (and sometimes physical) reactions that interfere with their ability to function either at the scene or later will be assessed by their commander and may also be placed on paid administrative leave. Administrative leave is in the interest of the employee and the Department. The employee shall remain on administrative leave for a minimum of three days until receiving approval from the Chief of Police or his/her designee to return to duty. These three days is not in addition to, but does include any regularly scheduled days off that might occur during that same period of time.

Necessary investigative interviews and critical incident stress debriefings could still take place during this time unless the employee’s medical condition precludes either.

The employee directly involved will be afforded the opportunity to name a fellow employee (other than or in addition to a Peer Support Group Counselor) to assist with transportation needs, companionship and moral support.

If a fellow employee is named, that employee will also be placed on concurrent administrative leave for a period of time authorized by the Chief of Police or his/her designee.

Communications between the two employees will be considered confidential and privileged for the purpose of any Department investigation or review. However, unless the employee is a Department-designated Peer Support Group Counselor, the communications may be subject to court-ordered disclosure at a later proceeding.

## Critical Incident Stress Debriefing

Employees placed on critical incident paid administrative leave will be required to attend an individual debriefing session usually within twenty-four (24) to seventy-two (72) hours after the incident unless the employee's medical condition precludes attending the session within that period of time. This requirement may only be waived by the Chief of Police.

This is in addition to any additional individual or group debriefings offered by the Department that directly involved or other employees may also attend on a voluntary basis.

The mandatory debriefing session will be with a Department-designated, or personally selected, psychologist or psychiatrist, or other qualified mental health professional, experienced in assisting law enforcement personnel and their families to recognize and cope with the natural responses to a critical incident.

The Personnel Services Commander is responsible to make appointments for any mandatory debriefing or other Fitness for Duty requirements.

The Department will pay for the initial mandatory debriefing session. If subsequent treatment or counseling is requested by the employee:

- LEOFF I employees will submit all bills for subsequent counseling or treatment to their personal insurance carrier and/or the LEOFF Disability Board.

- LEOFF II and noncommissioned employees will submit all bills for subsequent counseling or treatment to the City Worker's Compensation Program. Employees are required to confirm the applicability of Worker's Compensation with the Risk Management Office before pursuing additional treatment or counseling.

No additional treatment or counseling will be paid by the Department unless authorized by the Chief of Police.

A supervisor, any directly involved employee, or other employee, may request initiation of a critical incident stress debriefing other than the initial mandatory debriefing, however a Section Commander will approve and schedule the debriefing. Debriefings can be either individual or in groups provided:

- Debriefings are considered confidential by the Department and no mechanical recording or written summary will be made or provided to anyone; and

- Any officer or other employee directly involved in a death, serious injury or police shooting will still have a mandatory individual debriefing session, in addition to any other individual or group session(s).

An initial, individual debriefing session is <u>mandatory</u> for all employees directly involved in a critical incident (including Communications Center personnel where applicable):

- When a death or serious injury at the hand of an employee occurs; or

- When a Section Commander determines that a critical incident may have affected the well-being of an involved employee;

A debriefing is optional for other employees, not directly involved, yet affected by the critical incident, and would generally be conducted separately from a debriefing of directly involved employees.

When a debriefing is conducted, the Section Commander who scheduled the debriefing will submit a report to the Chief of Police regarding who was debriefed, by whom and for what incident. No other information with regard to the debriefing will be communicated in this report.

The Personnel Services Unit is responsible for:

- Maintaining a list of the names and phone numbers of Department approved psychologists or psychiatrists, and other qualified mental health professionals.
- Maintaining a list of the names and phone numbers of Department Peer Support Group Counselors.
- Ensuring that the names of Department Peer Support Group Counselors are posted throughout the Department.
- Ensuring that the above lists are updated quarterly and made available to the Communications Center.

**Return to Duty**

In determining the appropriate administrative action to take in returning the employee to regular duty and terminating the administrative leave, the Chief of Police may seek and consider the professional opinion of any psychological counselor and/or treating physician as to:

- Whether the employee should be expected to report to full duty in his/her regular assignment or whether the employee needs additional recuperative time and, if so, how much additional time is recommended; and
- Whether any modification of the employee's regularly assigned duties should be considered by the Department in order to facilitate the employee's speedy return to full productivity and, if so, the nature and duration of the recommended modifications; and
- Whether a commissioned employee should, for the duration of any extended leave, disability or modified duty, continue to be armed.

**Departmental Resources Available to Involved Employee**

If the critical incident involved the discharge of an officer's service pistol, it must be taken for examination in compliance with the Department Use of Force procedure.

The Personnel Services Unit will arrange for all damaged or destroyed Department-issued equipment or clothing to be expeditiously replaced or repaired. Personnel Services Unit personnel will also assist the employee in responding to inquiries from the City Human Resources Department or the Finance Department relating to administrative leave and other personnel adjustments necessitated by the critical incident.

**Death or Serious Injury to an Employee**

In the event of death or serious injury to an employee, his/her family will be notified as indicated on the Emergency Notification Instruction form. If no instructions are on file with the Patrol Section commander, notification will be made in person by the employee's immediate supervisor, commander, or other person(s) deemed most appropriate in a timely manner.

In the event of an employee's death or serious injury, the Personnel Services Unit commander will advise, or cause to be advised by other designated staff, his/her family of appropriate professional assistance available and any benefits accruing to the family from the City of Bellevue and other governmental entities.

The Chief of Police may grant administrative leave to a Department employee, as named in the Emergency Notification Instructions form, and to a Peer Support Group Counselor, for the purpose of assisting the involved employee's family, for such length of time as deemed appropriate. If no Emergency Notification Instructions form is on file, the involved employee's immediate supervisor will recommend an employee to the Chief of Police to provide such assistance.

**Critical Incident Investigations**

❖ **Criminal/Traffic Investigations**

Depending upon the circumstances of the critical incident, responsibility for investigation of the incident will be vested in either the commander of the Investigations Section or the Traffic Unit.

The Section or Unit Commander will, upon arrival at the scene, assume command and, after ascertaining the necessary facts and evaluating the situation, direct the manner in which the investigation will be completed.

The Section or Unit Commander will coordinate with the Public Information Officer regarding the release of information to the news media.

Information and press releases regarding critical incidents will be released only as authorized by the Chief of Police or Chief's designee.

**Review Boards**

The Chief of Police may, depending on the nature of the critical incident, order a Firearms Review Board or Traffic Accident Review Board to review the circumstances of the incident.

**Formal Standards Investigation**

The Chief of Police may order a Formal Standards investigation to be conducted concurrently with the criminal/traffic investigation.

The Office of Professional Standards will conduct the Formal Standards Investigation.

**Civil Investigation**

The Chief of Police may direct the Commander in charge of the investigation to assign one or more investigators to conduct a thorough investigation of the critical incident solely for the purpose of assisting the Legal Advisor to provide legal advice to the Department and its personnel.

# CHAPTER 2

# FIREARMS AND WEAPONS

## 2.00.010 AUTHORITY TO CARRY AND USE WEAPONS (CALEA 1.2.2)

The legal authority of sworn officers to use weapons in the performance of their duties is governed by the United States Constitution, the Revised Code of Washington, case law and Department Policy.

## 2.00.020 SERVICE FIREARMS (CALEA 1.3.9)

Department and officer-owned service pistols will conform to current specifications as established and maintained by the Personnel Services unit.

Officers will be trained and qualified with department owned, alternate, personal and back-up firearms before they may be carried and at regular qualification intervals thereafter. Training and qualification will be conducted by the Department Armorer or a qualified weapons instructor.

All officers will be armed with a Department-issued, officer-owned or alternate service pistol while on duty. All service pistols will be carried in a secure manner.

Service pistols will be carried with a round in the chamber, a fully loaded magazine, the hammer down with the trigger forward. At the officer's option, the pistols may be carried with the safety (if so equipped) placed in either the "safe" or "fire" position.

Officers should never display a firearm other than in the proper performance of duty. Firearms should be handled so as not to cause unwarranted danger to oneself, to other employees, to property, to family members, or to the public.

All non-uniformed police officers will carry the service pistol in such manner as authorized by their Commanding Officer. Non-uniformed police officers will carry at least one extra fully loaded magazine while on duty.

Firearms carried while in civilian clothing will be concealed from the public view except when actually performing a police duty or in or about police facilities.

Officers may be specifically relieved of carrying a firearm by mutual agreement with a command officer to facilitate a special assignment.

Whenever an officer is relieved of duty or requests disability leave, the Chief of Police or his/her designee will consider and may direct that the officer surrender all firearms, weapons and devices in his/her possession.

Police recruits are authorized to carry a firearm only while actually engaged in a training activity.

### Alternate Service Pistols

Officers may be authorized to carry a firearm other than the normal Department-issued service pistol when specifically approved by the Chief of Police to facilitate a special assignment. The alternate service pistol will be Department-issued.

### Shotguns

Shotguns are to be used in accordance with the same conditions pertaining to use of the service pistol. With the exception of emergency situations, loaded shotguns will not be brought into any Department building or facility. Shotguns will not be carried in the vehicle with a round in the chamber.

## 2.00.030 PERSONAL FIREARM (CALEA 1.3.9)

Officers are authorized to carry a personal firearm in lieu of the Department issued service pistol. Officers may purchase a semi-automatic pistol that conforms to current specifications established and maintained by the Personnel Services Unit. Personal firearms are subject to all relevant Department policies, procedures and regulations.

## 2.00.040 BACK-UP FIREARMS (CALEA 1.3.9)

Back-up firearms must be authorized by the Department and conform to standards that are established and maintained by the Personnel Services Unit. All such firearms and ammunition must be provided by the Officer. Back-up firearms are fully subject to all relevant Department policies, procedures and regulations.

## 2.00.050 CARRYING FIREARMS OFF DUTY

The carrying of a firearm while off-duty will be at the option of the officer. Only an authorized Department-issued service pistol, alternate service pistol, or Department-approved and registered back-up firearm may be carried off-duty.

It is recommended that off-duty officers be armed, within the corporate limits of the City of Bellevue.

When an officer anticipates that alcoholic beverages will be consumed in an off-duty situation, a firearm will not be carried. If the need arises for police service while an off-duty officer is visiting an establishment which serves liquor, the officer will endeavor to call the Police Department and request that on-duty officers respond.

An off-duty officer will not be subject to disciplinary action if an occasion should arise in which the officer could have taken action but did not do so because of being unarmed.

## 2.00.060 SPECIAL FIREARMS, WEAPONS, AND TACTICAL DEVICES (CALEA 1.3.4, .9, & .10, .11)

Special firearms, weapons, and tactical devices will be used only when necessary by officers specifically trained in their use and only with the authorization of a command officer. Weapons and tactical devices will be handled only as necessary, and always in such a manner as to not cause unwarranted danger to oneself or to others.

### Patrol Rifle

Rifles are to be used only by an officer assigned and qualified to use the rifle, and with the express authorization of a Supervisor.

### Sub-Machine Guns

Sub-machine guns are to be used only with the express authorization of a Command Officer and only by officers specifically trained in their use.

## Extended Range Impact Devices 9/2008

The Defense Technology 40 mm Multi-Launcher, the Defense Technology 40 mm Single Shot Launcher, and the Pepperball Technologies 98 Custom Launcher and TAC 700 Launcher are the Department's extended range impact devices. These devices provide "Less-Lethal" tools that may be used to deliver force through the use of extended range impact projectiles. This level of force may be used to overcome or gain control of a subject demonstrating aggressive or violent behavior which poses a threat of physical harm to the subject or the officer, or to other persons or property. Extended range impact devices may also be deployed when it is necessary to disperse unruly or rioting crowds threatening persons and/or property.

Extended range impact devices are intended to provide additional force options. These devices are not intended to replace use of firearms or other forms of deadly force when the use of deadly force is justified.

Extended range impact devices may only be deployed by officers who have satisfactorily completed this agency's approved training course and are recertified on a yearly basis.

Extended range impact devices should be stored in the SWAT armory or Crowd Control Locker and checked out by a certified operator at the beginning of shift and checked in at the end of shift. Extended range impact devices should be stored in their designated cases and secured in the trunk of the Police vehicle during the officer's shift. They shall be stored and transported in an unloaded condition when not being deployed.

The Defense Technology 40mm Multi-Launcher combined with the Defense Technology sponge round (XM1006 Exact Impact Munitions, green marker sponge round and OC sponge round or their equivalents) and the Pepperball Technologies 98 Custom Launcher and TAC 700 Launcher are the only configurations of extended range impact devices that are authorized for general patrol deployment.

The Defense Technology 40mm Multi-launcher and the Defense Technology 40mm Single Shot Launcher may be deployed using the following rounds **only** when necessary to disperse unruly or rioting crowds threatening persons or property: multiple foam baton, multiple rubber baton, multiple wood baton, 60 cal. Stinger rubber balls, Skat Shell CS gas, Skat Shell smoke, Short Range and Long Range "Spede-Heat" smoke, Short Range and Long Range "Spede-Heat" CS and CN gas or their equivalents.

Prior to loading the Defense Technology 40mm Multi-launcher and the Defense Technology 40mm Single Shot Launcher during deployment, the operator shall inspect each round to ensure that it is an appropriate round for its intended use.

When feasible, the operator should make an announcement to the other involved Officers prior to deploying the Less Lethal Round(s) to reduce the possibility of "contagion fire".

Officers authorized to deploy the Pepperball Technologies 98 Custom Launcher and TAC 700 Launcher will carry and load only PAVA (capsaicin) and/or inert rounds.

When feasible, a warning should be given to the subject that force will be used against him/her prior to deploying the extended range impact devices.

The "Objective Reasonableness" of each round fired by the operator must be able to be justified by the operator. The number of rounds fired should be limited to that which is necessary to overcome and safely gain control of a subject or disperse and unruly or rioting crowd.

Extended range impact devices should not be used in the following situations (unless there are compelling reasons to do so, which can clearly be articulated):

- In an environment where the subject could fall beyond his/her standing height and where such fall is reasonably likely to result in death or serious physical injury.

- On a subject who at the time of application is known or believed to be pregnant, unless higher and more intrusive levels of force are the only reasonable alternatives.

- At extremely close distances to the subject (less than 5 feet from the end of the muzzle to the subject for the Defense Technology 40 mm Multi-Launcher and the Defense Technology 40mm Single Shot Launcher: this limitation does not apply to Pepperball Technologies launchers)

Officers should insure that appropriate aid is provided to any subject who is struck by any round from an extended range impact device. Aid personnel should be called to the scene or other location as appropriate, to evaluate whether additional medical treatment or transport is required prior to being booked into jail.

Photographs of the affected impact area(s) should be taken as soon as practical.

**Electronic Control Devices / TASER (revised 10/2005 and 08/31/2010)**

The X-26 TASER is an Electronic Control Device (ECD) designed to disrupt a subject's sensory and motor nervous system by means of deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses. It may be used in the performance of a police duty only by officers who have satisfactorily completed this agency's approved training course and are recertified on a yearly basis.

The TASER is an intermediate tool and is not intended to replace firearms, batons, pepper spray and/or self-defense techniques. It may be used to control or overcome a physically resistive, aggressive or violent subject who poses an immediate threat of physical harm to his/her self, to the officer, or to other persons.

The TASER should not be used in the following situations (unless there are compelling reasons to do so which can clearly be articulated):

1. In any environment where an officer knows that a potentially flammable, volatile, or explosive material is present (including but not limited to gasoline, natural gas, or propane).
2. In any environment where the subject could fall beyond his/her standing height and where such a fall would present a substantial risk of death or serious physical injury.
3. On a subject who at the time of application is known or believed to be pregnant, unless higher and more intrusive levels of force are the only reasonable alternatives.
4. On a handcuffed / secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.
5. On a subject who is very young, very old or infirm.
6. On a subject who is demonstrating only passive or static resistance unless there is an identifiable threat present.

Conventional fired cartridge (probe) deployment is preferred over the Drive Stun mode because it increases likelihood for temporary motor incapacitation. The Drive Stun mode may be used in certain circumstances but should not be used merely as a pain compliance tool absent an immediate threat. When using the Drive Stun mode, the head, neck and pelvic area should be avoided, unless defending against a violent attacker, due to the increased risk of serious injury.

The Drive Stun mode may also be used following a Probe Deployment when the officer believes that the probe spread is less than ideal and/or when there is an indication of an improper connection of the probes to the subject.

The TASER may only be carried on the Non-Gun side of the body (belt holster or thigh rig) and set up for a Non-Gun hand draw. When carried on a Tactical type vest (i.e. SWAT, ENTF, SET, etc.), the TASER may be carried on either side of the vest but must be set up for a Non-Gun hand draw that is reviewed and approved by the PSU Commander. These carry restrictions do not apply to Police Support Officers.

Note: Personnel may only use a Department issued or Department approved holster for the TASER.

Repeated, continuous and prolonged activation of the TASER should be limited to that which is necessary to safely place the subject into custody. Multiple applications using the Drive Stun mode are strongly discouraged.

Photographs of the affected area(s) should be taken as soon as practical.

The TASER probes shall be removed from the subject once safely in custody according to the procedures outlined in the department certification training. The cartridge, wire leads, probes, and one or more AFID ID Tags (if available) shall be gathered and booked into Evidence for each TASER Cartridge application on a subject.

**Chemical Agents**

Chemical agents are to be used only with the express authorization of a Command Officer and only by officers specifically trained in their use. Any person subjected to or exposed to a chemical agent must be provided appropriate first aid or medical treatment within a reasonable period of time.

**Batons**

Batons will be used in the performance of a police duty only by officers specifically trained in their use, when and only to the extent lawfully necessary. Officers are authorized to carry/use only the Department-issued baton.

**Pepper Spray**

Pepper spray will be used in the performance of a police duty only by officers specifically trained in its use. Any person subjected to or exposed to pepper spray must be provided first aid or medical treatment within a responsible period of time.

**Other Weapons or Tactical Devices**

Except for the specific authorization to use certain personally owned firearms, other weapons or tactical devices that are not Department issue are prohibited for duty-connected use.

## 2.00.070 DEPARTMENT - ISSUED AMMUNITION (CALEA 1.3.9)

The Personnel Services Unit will maintain a record of all currently approved and authorized ammunition issued for use in service pistols, alternate service pistols and shotguns. Department issued ammunition will not be altered or modified in any way.

**Ammunition Specifications**

The only ammunition loaded in the service pistol, or in the magazines will be Department issue and conform to current specifications as established and maintained by the Personnel Services Unit. The only practice ammunition fired in the service pistol will be Department issue.

The only ammunition loaded in other Department firearms will be the Department issue, factory load, with the specific load to be determined by its intended use. The alteration of ammunition in any form is expressly forbidden.

## 2.00.080 CARE, HANDLING, OR LOSS OF FIREARMS, WEAPONS/DEVICES (CALEA 1.3.9)

Each officer is personally responsible for the care and storage of the service pistol. The service pistol should be thoroughly cleaned within twelve (12) hours after each firing.
Service pistols and backup firearms will be periodically inspected by a supervisor.

Any mechanical malfunction/defect is to be reported as soon as possible to the Department Armorer for repair. Repair of officer-owned service pistol and back-up firearms is the sole responsibility of the officer/owner. Department ordered repairs of these weapons must be completed directly to maintain Department service pistol/back-up pistol authorizations.

The loss or theft of any Department-issued/authorized firearm, weapon or device should be reported as soon as possible, in writing, to the Chief of Police via the chain-of-command. The report should include the circumstances concerning the loss or theft and include a complete description of the firearm, weapon or device and the serial number.

Officers should not place or store any firearm or weapon where it would be exposed and/or readily accessible to the public, unauthorized persons, or prisoners.

### Alteration of Firearms

With the exception of approved replacement stocks or "night sights", service weapons will not be altered without permission from the Chief of Police or the Chief's designee. Alterations of any kind must be inspected and approved by the Department Armorer. Elaborate stocks are specifically prohibited.

## 2.00.090 DEPARTMENT ARMORER/ARMORY (CALEA 1.3.9)

The Department Armorer is that officer designated by the Chief of Police to have full charge of the firing range, firearm and weapon equipment and required supplies. The Department Armorer will be responsible for the requisitioning of ammunition and related supplies, the maintenance and repair of weapons, and for the complete accounting of all weapons and ammunition.

Any Department-owned weapon found to be in need of repair or reconditioning will be turned over, as soon as practicable, to the Department Armorer for the required repairs.

The armory is that location designated by the Chief of Police for the storing of firearms and ammunition. The armory will be locked at all times except when occupied by authorized personnel.

## 2.00.100 FIREARMS PROFICIENCY (CALEA 1.3.11)

### Annual Review of Use of Force Policy

All Department personnel authorized to carry weapons shall receive in-service training and updates on the Department’s Use of Force Policy. This training may be part of scheduled in-service training day schedules or incorporated into the semi-annual qualifications required by all personnel authorized to carry weapons.

### Semi-Annual Qualification

Commissioned personnel shall quality once every six months, as assigned by the Personnel Services Unit Commander. All commissioned officers must qualify in the presence of a firearms instructor. Temporary exemptions from qualification, of up to six months, may be granted by the Chief of Police or the Chief's designee for medical reasons upon submission of a recommendation signed by a physician.

## Pistol and Shotgun Qualification Course

The service pistol and shotgun qualification courses will be designed to determine the officer's familiarity in handling the firearms and to demonstrate the officer's proficiency in their use.

Each officer must be able to attain the minimum score established by the Personnel Services Section in order to be considered qualified with the service pistol, alternate service pistol, or backup pistol and shotgun. In addition to the qualifying course, each officer must demonstrate the ability to properly handle and fire their issued firearms under varying light conditions.
Any officer failing to obtain a minimum qualifying score on the pistol qualification course will be immediately rescheduled through the Personnel Services Section for additional training. Until such time as minimum qualification is achieved, the unqualified officer will not be allowed to function as a salaried police officer. Once minimum qualification is achieved, an enhanced training schedule will be implemented for the officer by the Personnel Services Section. The enhanced training schedule will remain in effect until such time as the commander of the Personnel Services Section determines that the officer's shooting proficiency has improved to the extent that the officer can be returned to the standard training schedule.

All commissioned officers of the rank of Lieutenant and below will, upon request, receive a total of fifty (50) rounds of practice ammunition per month.

## Range Procedures and Use

Safety requires caution on and about the firearms range and continuous attention by all to the careful handling of firearms. To assure safety, the range will be used only in accordance with current Department procedures. Department Firearms Instructors, regardless of rank, will be responsible for range safety and discipline. Directions given by Firearms Instructors are to be followed by all officers when the range is in operation for training and/or qualification.

All persons using the firing range will, at all times, obey posted rules.

The commander of the Personnel Services Section will be responsible for the operation of the firing range and the programming of all firing activities. The Department firing range may be in operation on a 24- hour basis. A range key will be kept in the Records Unit of the Police Department. Each Department firearm instructor will also be issued a key to the range.

## Range Use by Commissioned Personnel

There will be a minimum of two officers present during all firing.

Until an officer has officially qualified, the accompanying officer must be a Department firearm instructor or a supervisor.

## Range Use by Non-commissioned Persons

A firearms qualified law enforcement officer or a firearms qualified City of Bellevue firefighter must be present whenever one or more non-commissioned persons are permitted to use the firing range.

Persons under the age of 18 will not be allowed on/in the range while weapons are being fired.

No more than two non-commissioned persons will be allowed to use the range at any one time.

The Department will not furnish weapons or ammunition for use by any person who is not a commissioned member of this Department except as part of an officially sanctioned training program.

A waiver of liability must be signed by a non-commissioned person attending or using the range. The Personnel Services Section will keep all signed waivers on file. Persons other than family members must sign a waiver each time they attend the range. The signed waiver of a family member who has completed the Department firearms safety course will
continue to be in effect unless revoked by the Chief of Police. A list of eligible family members will be kept on file by the Personnel Services Section.

BPD officers who have retired with a minimum of 20 years service with the Department (other than mental related disability) are authorized to use the range. Retired officers will be subject to all rules except the presence of a commissioned officer is not required. All other rules herein apply. There will be a minimum of two persons present during all firing.

Violation of range rules or general firearms safety practices will result in revocation of range privileges.

**Range Use by Outside Law Enforcement Agencies**

Range use by outside law enforcement agencies will be governed by the provisions of the above policy.

## 2.00.110 PURCHASE/ SALE OF DEPARTMENT OWNED FIREARMS (10/2005)

The Department is responsible for the purchase, inventory, destruction, sale and/or trade of firearms that are issued to commissioned personnel.

**Definitions -**

**Firearm –** A firearm is defined as any pistol, shotgun, rifle, semi automatic and/or automatic weapon; or any special weapon designated to be a firearm by the Chief of Police.

**Department Armorer –** is that officer designated by the Chief of Police to have full charge of the firing range, firearm and weapon equipment and required supplies. The Department Armorer will be responsible for the complete accounting of all firearms and ammunition. He/She may designate other qualified Officers as firearms instructor(s).

Any firearm purchased or owned by Bellevue Police department will be tracked through the Quartermaster Database.

All firearm purchases will be processed through the normal City of Bellevue purchasing policies and procedures.

Department employees are not allowed to use the City of Bellevue or Police Department letterhead for the purchase of a personal firearm.

Firearms purchased by Department employees will not be shipped to or accepted at any Bellevue Police Department facility.

After each semi-annual qualification the Department Armorer will verify the serial number of every firearm, log it, and cross check it with the Quartermaster Database to make sure every officer has the correct weapon.

The SWAT team Commander is responsible to inventory all weapons issued to the SWAT team. He/She will check all firearms serial numbers semi-annually to insure that issued weapons are accounted for. These records will be crossed checked and confirmed with the Department Armorer semi-annually.

When a firearm is no longer functional or useful to BPD it will be returned to the Personnel Services Unit. The Department Armorer will be responsible to log the firearm out of service and record it's final deposition as sold, traded or destroyed.

If the firearm is destroyed, that information will entered into the Quartermaster Database to include; who destroyed the weapon, the method of destruction, date and time of destruction, and the authorization of the Personnel Services Unit Commander.

The private sale of any firearm owned by the City of Bellevue Police Department is strictly prohibited.

Any sale or trade of any firearms to authorized dealers must first receive the written authorization of the Chief of Police.

The Personnel Services Unit Commander will report any discrepancy of firearm(s) serial numbers and/or inventory immediately to the Chief of Police in writing.

## 2.00.120 FIREARMS REVIEW BOARD (01/2006)

The Firearms Review Board will review the circumstances attending each discharge of a firearm by a Department member in exercise of official authority, except those intended shots fired at an approved range for training purposes and those necessary to destroy an animal per Use of Force Policy 1.00.020. The Board will also review the circumstances attending all accidental discharges of a firearm by a Department member, regardless of whether such discharge occurred on or off duty.

**The Firearms Review Board will consist of the following members:**

- A deputy Chief appointed by the Chief of Police and designated as the Chairman of the Board.
- The Commander of the officer who discharged the firearm.
- The Commander of the Personnel Services Unit.
- The Department Legal Advisor, as a non-voting member.
- In the event that any of the above personnel are unavailable, the Chairman of the Board will appoint an alternate to fill such vacancy for the duration of the investigation.

**Authority and Duties of the Board**

The Chairman of the Board will be appointed forty-eight (48) hours (except weekends and holidays) after the discharge of the firearm and will convene the Board upon conclusion of the internal investigation into such discharge.

- The board is authorized to review all reports concerning the firing of an officer's weapon and call before the Board all witnesses necessary to obtain the facts.
- The Board will decide if the discharge of a firearm was pursuant to existing Department policy.
- A written report of the Board's findings and recommendation will be sent to the Chief of Police.
- In the event that a judicial hearing is to result from the firearms discharge, the Board will not make such written report until the judicial hearing has concluded.

# CHAPTER 3

# VEHICULAR PURSUITS/STOP STICKS

(updated 10/20/2010)

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## 3.00.010 VEHICULAR PURSUITS (CALEA 41.2.2)

**Definitions**

**Dangerous felonies -** Dangerous Felonies are murder, kidnapping, armed robbery, rape, arson or bombing of an occupied structure, and assault with a deadly weapon.

**Divided roadway, highway or interstate -** Any roadway having a raised physical obstruction or barrier of any kind separating lanes of traffic moving in opposite directions.

**Immediate -** Occurring without delay, instant, not separated by other persons or things, being near at hand

**Pursuit -** A vehicle attempt to apprehend the occupant(s) of a motor vehicle when the driver has been requested or signaled to stop by a uniformed officer operating a marked police vehicle and giving such signal by using a hand, voice, emergency light or siren, and the driver is resisting apprehension by maintaining or increasing the vehicle's speed or otherwise maneuvering his/her vehicle in such a manner as to elude the officer.

If the vehicle remains in motion complying with all relevant traffic laws except failure to yield, the officer may continue to follow the vehicle and doing so does not constitute a pursuit.

**Ramming,** or forcing vehicles off the roadway, is the intentional act of driving a police vehicle into another vehicle thereby causing a collision in an attempt to stop or alter the course of the other vehicle.

**Vehicles Authorized to Engage in Pursuits**

- **Marked Police Vehicles**:

  Only marked police vehicles equipped with sirens and blue/red lights will engage in vehicular pursuits. Unmarked detective vehicles, staff vehicles, traffic vans, Bike Van, SRO Vehicle, D.A.R.E. Vehicles, Prisoner Vans, and Parking Enforcement Vehicles are prohibited from engaging in pursuits. Portable or magnetic lights do not qualify as adequate equipment for conducting a pursuit. Emergency lights and siren are to be in operation continuously during the duration of a vehicular pursuit.

- **Traffic Vehicles without Light Bars**

  Police officers operating patrol vehicles without roof lights, but having emergency lights visible to both the front and rear of the vehicle, and a siren, will participate in pursuits only until relieved by a fully marked, emergency equipped patrol unit. Once relieved, the unit will cease all pursuit activities unless directed to participate by a supervisor or commander.

  The unit may proceed to the location where the pursuit ends to assist other officers. The Code of such a response shall be governed by the Department's Emergency Driving Response Policies.

- **Motorcycles**

  Police Officers operating motorcycle units will participate in pursuits only until relieved by a marked, emergency-equipped police car, unless the controlling supervisor or commander determines that the motorcycle unit is a more effective pursuit vehicle.

- **K-9 Units** - Refer to K-9 manual.

Police vehicles containing victims, witnesses, suspects, prisoners, complainants, citizen riders or any other non-police personnel (including off- duty police officers from other agencies) will not participate in pursuit driving situations.

**Initiation of a Pursuit**

- Officers may initiate a pursuit only when the need for immediate capture outweighs the danger created by the pursuit itself. Immediate capture shall apply to only the most serious incidents. The circumstances justifying the decision to pursue must exist at the time of initiation.

- Pursuits for traffic violations, misdemeanors, gross misdemeanors and property crimes, alone, are prohibited; the 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 the display of a weapon, or any situation where the suspect creates a clear danger to others. The extraordinary circumstance must be present prior to the time that a pursuit is initiated.

All pursuits will be continuously evaluated by the officer, the supervisor and the commander for termination/continuance in accord with standards and policy set forth in this procedure.

All of the following factors, which relate directly to the justification for and reasonableness of any pursuit, shall be considered by every officer, supervisor and commander when determining whether any pursuit should be initiated, continued or terminated:

- Do existing circumstances indicate that a pursuit can be conducted without posing an unreasonable threat to public and officer safety?

- Does the need for immediate capture outweigh the danger created by the pursuit?

- Is this a serious incident?

- If this is a traffic violation, misdemeanor, gross misdemeanor or property offense, do extraordinary circumstances exist?

- Safety of the public in the area of the pursuit

- Safety of the pursuing officer(s) in the area of the pursuit

- Time of day

- Visibility and visual obstructions

- Volume of vehicular traffic

- Volume of pedestrian traffic

- Location of pursuit, such as school zones, residential or commercial areas

- Weather conditions, including rain, wind, snow, ice and blinding sunlight
- Road conditions that may diminish traction
- Familiarity of officer, supervisor, or watch commander with the area of the pursuit
- Proximity of the pursuit to Bellevue's jurisdictional boundary
- Speeds involved and posted speeds in the pursuit area
- Quality of radio communications among pursuing unit(s), the Communications Center, and field supervisor
- The capabilities of both the involved police vehicles and the vehicle being pursued

Felony flight alone is not considered by the Department to be an extraordinary circumstance The fact that a person attempts to elude a uniformed officer after being requested or signaled to stop does not, in and of itself, justify a pursuit even though the person may be committing "felony flight" as a matter of law (RCW 46.61.024). Felony flight combined with actions indicating a wanton or reckless disregard for community and officer safety can, depending upon existing circumstances, constitute an immediate, real threat to citizen or officer safety sufficient to necessitate and justify a pursuit.

The exemptions from complying with traffic laws granted to emergency vehicles by RCW 46.37.190 and 46.61.035 apply only when such vehicles are making use of the statutorily required visual and audible signals. (Also reference RCW 46.37.380(4), 46.61.210(2) and 46.61.264(2)).

**Primary and Secondary Units**

The officer initiating the pursuit (primary unit) and one back-up police vehicle (secondary unit) will be the only vehicles to pursue a fleeing vehicle from the rear. The secondary unit will be selected by the Communications Center from available units in the vicinity of the pursuit.

**Exception**: The primary unit officer may request the controlling supervisor or commander to direct additional units to join the pursuit from the rear if it appears that the primary and secondary units will not be sufficient to safely affect the arrest of the occupants of the pursued vehicle.

**Paralleling**

Police units directed to "parallel" the pursuit route will operate in a Code 2 mode unless directed otherwise by the controlling supervisor or commander.

**Officers' Responsibilities/Accountability**

Upon initiation of a pursuit an officer will immediately notify the Communications Center of the pursuit and furnish all pertinent details at a minimum to include:

- Description of vehicle
- Number of occupants
- Location
- Speed and direction of travel

- Nature of original offense
- Any other information that could aid in identification or apprehension
- Any information that may assist in the determination to either continue or terminate the pursuit

During a pursuit, good communication between the pursuing unit(s), NORCOM, controlling supervisor/commander and other units is essential. The pursuing officer(s) will:

- Maintain radio contact with NORCOM and controlling supervisor/commander
- Keep radio transmissions as brief as possible. Continue to update NORCOM regarding other significant factors such as, but not limited to, vehicle speeds, visibility, road and traffic conditions, and the presence of pedestrians
- Inform NORCOM when the vehicle being pursued changes direction
- If a pursuit is terminated, for any reason, provide the location where the vehicle was last seen, its approximate speed and direction of travel

An officer directly involved in a vehicular pursuit will be subject to departmental discipline for the continuation of a pursuit when, on the basis of the facts known to the officer and considered in conjunction with the significant factors set forth in this procedure, a person of reasonable caution would be justified in believing that the level of danger to the officer and the community created by the pursuit outweighs the necessity of immediate apprehension or, if the pursuit is continued after it has been ordered terminated. The officer does not abdicate responsibility because the pursuit is being monitored by a supervisor or commander.

The discretionary decision to initiate, continue, or become involved in a pursuit will be based upon factors known to the officer at the time. Facts unknown to the officer cannot be considered later in justifying a pursuit.

**Prohibited Pursuits**

Pursuits other than those recognized as justified by this policy and procedure are specifically prohibited.

Pursuits of vehicles which drive into the oncoming traffic lanes (of a divided roadway, highway, or interstate) in an attempt to elude apprehension will be terminated.

In instances where a pursuit is not justifiable under this policy, an officer will attempt by other means, to obtain sufficient information to effect subsequent apprehension.

**NORCOM Responsibilities**

NORCOM personnel will immediately notify a field supervisor to control the pursuit, whether the pursuit is initiated by BPD within Bellevue or they are notified by an outside agency whose officer is in the process of entering Bellevue in pursuit. The controlling supervisor will normally be the on-duty patrol supervisor most readily accessible in the area of the pursuit.

After notifying the controlling supervisor, NORCOM personnel will notify the on-duty Patrol Watch Captain (or acting Captain). NORCOM personnel will next notify the communications supervisor or, in their absence, the lead dispatcher who will monitor the pursuit and actively supervise the dispatch function.

Responsibility for the continuance or discontinuance of pursuit rests upon the pursuing officer, and the controlling supervisor or commander, and may not be delegated to the NORCOM personnel.

NORCOM is responsible for advising and keeping other units informed concerning the vehicular pursuit taking place. NORCOM personnel will attempt to obtain any available information, with necessary assistance from Records Unit personnel, concerning the identity of the occupants in the vehicle being pursued.

Other affected police agencies will be notified as necessary and as expeditiously as possible.

**Supervisory Responsibilities**

When an officer becomes involved in a pursuit, an on-duty patrol supervisor will immediately become the controlling supervisor for the pursuit. The supervisor will notify NORCOM and control the pursuit from either a stationary position or while proceeding toward the pursuit. Responsibilities of the controlling supervisor include, but are not limited to the following:

- Obtaining information about the pursuit such as location, speed and reason for the pursuit
- Asserting control of the pursuit by monitoring the progress of the pursuit, evaluating the circumstances known at the time with emphasis on officer and community safety and making the decision to continue or to order it terminated
- Assigning back-up responsibilities
- Approving or ordering alternative tactics
- Ordering the pursuit terminated when the facts or circumstances do not justify continuing the pursuit
- Responding to the scene of the termination of the pursuit if injuries, death or property damage have occurred
- Coordinating a search for offenders as necessary, establishing a field command post and ensuring command notifications occur as warranted
- Ensuring that all necessary police reports are completed

**Command/Supervisory Accountabilities**

The commander or supervisor will continually monitor the pursuit and order it terminated whenever all facts known to the commander/supervisor and weighed in conjunction with the significant factors set forth in this procedure would justify a person of reasonable caution in believing that the danger posed to the community or the officer created by the pursuit outweighs the necessity to pursue.

The commander or supervisor will be subject to departmental discipline for failure to order the termination of a pursuit under the above circumstances.

**Pursuits from Bellevue into another Jurisdiction**

The law enforcement agency of the jurisdiction affected by the pursuit will be notified as expeditiously as possible and requested to assume active pursuit.

If the law enforcement agency of the other jurisdiction assumes active pursuit, this department's active involvement in the pursuit will be discontinued. If the other agency is unable or refuses to assume active pursuit, the controlling supervisor will evaluate the pursuit for continuance in accord with the significant factors and this policy.

Bellevue pursuing officers will discontinue pursuit at the point that two-way radio communications with NORCOM becomes unreadable.

**Pursuits from Other Jurisdictions Entering Bellevue**

- **Inquiry** - The controlling supervisor or commander will attempt to determine why the vehicle is being pursued and what assistance is requested by the pursuing agency.

- **Backup Assistance** - If backup assistance only is requested, one patrol unit will be assigned to trail the pursuit but will not actively pursue. Backup driving will be done in the Code 2 mode.

- **Directing Cessation of Pursuit** - If, after evaluating all known facts and the significant factors set forth in this procedure, the controlling supervisor or commander determines that a pursuit into the City initiated by another agency, except a pursuit on the interstate freeways, is a detriment to public safety, based upon all elements of this procedure, the agency and the pursuing officer will be so advised and requested to immediately discontinue the pursuit. No pursuit will be conducted by the Department under such circumstances. Backup will be provided only at the point where pursuit has been discontinued or terminated.

- **Assumption of Pursuit/Evaluation** - If the other jurisdiction requests our Department to assume active pursuit, the controlling supervisor or commander will evaluate the significant factors set forth in this procedure and the known circumstances, as provided by the other agency and known to the controlling supervisor or commander, and determine our response.

- **Termination/Evaluation** - If active B.P.D. pursuit is authorized, continuance or termination of the pursuit will be determined by the controlling supervisor or commander.

**Roadblocks** (CALEA 61.3.4)

Roadblocks may be extremely hazardous and shall only be used as a last resort in cases where use of deadly force is appropriate. If a roadblock is used, the following will apply:

- Only officers specifically trained in the deployment of a fixed and or moving roadblock may use a roadblock

- The controlling supervisor or commander must authorize the use of a roadblock. The controlling supervisor, commander, or participating officers may cancel the roadblock if, in their opinion, circumstances arise that present an unacceptable safety risk to the public or to officers

- The use of occupied police vehicles and/or occupied vehicles to barricade a roadway for the purpose of stopping a pursued vehicle is prohibited

- The controlling supervisor/commander will ensure that pursuing officers are notified and acknowledge the roadblock's location. If the pursuing officer(s) does not acknowledge, the roadblock will not be implemented. Any roadblock, whether moving or fixed, shall be implemented in such a manner as to provide an escape route to participating officers, and provide an ample warning of the presence of the roadblock to the pursued driver.

- Roadblocks will not be used any time an outside agency is involved in a pursuit within Bellevue City limits

**Pursuit Reporting Requirements** (CALEA 41.2.3)

At the conclusion of each vehicular pursuit, officer(s) will prepare a case report describing the particulars of the pursuit and actions taken by the officers involved. This report may be in conjunction with other required reports, but will be prepared regardless of whether the offender(s) escaped or was arrested.

### Administrative Review of Pursuits

All vehicular pursuit cases require a review by the Section Commander of the involved officer(s). A summary will be forwarded to the Operations Division Deputy Chief.

A copy of the summary will also be forwarded to the Commander of the Office of Professional Standards. An additional copy of the summary and case report will be sent to the Commander of the Office of Professional Standards to maintain for reporting and analysis at the end of the year.

At the end of the year, the Commander of the Office of Professional Standards will prepare a written analysis of the reports required following a vehicular pursuit. The purpose of this annual vehicle pursuit report is to analyze pursuits for the year to identify any patterns or trends that indicate training needs and/or policy modifications. Copies of this report will be placed within the accreditation files.

## 3.00.020 RAMMING/FORCING VEHICLES OFF ROADWAY (CALEA 41.2.2)

Ramming or forcing vehicles off the roadway is to be considered use of potentially deadly force. An officer may use a police vehicle to ram another vehicle only to:

- Effect the arrest and/or prevent the escape of a person who the officer has probable cause to believe has committed a dangerous felony *or* poses an immediate, real threat of death or serious bodily harm to others and when not securing the person's immediate apprehension would result in an unacceptable risk to public or officer safety and when any other available means to obtain custody would be ineffective. Always remember, if at all in doubt, do not ram.

- Protect the person of one's self or another from the imminent threat of death or serious injury.

Officers operating a police motorcycle are prohibited from ramming any vehicle.

While pursuing another motorcycle, officers will not attempt to dislodge the rider by any means.

## 3.01.010 STOP STICK DEPLOYMENT (CALEA 41.2.2)

The Stop stick shall be utilized only after supervisory approval. Officers deploying the stop stick must have received training in the use of the stop stick before utilization.

### Officer Communication Requirements

Before utilization of the stop stick, all officers involved in the pursuit should be on the same communications frequency. The operator of the stop stick should have a portable radio for ready use.

Pursuing officers shall keep officers at the site of the stop stick informed of the following:

- Current location

- Direction of travel and speed

- Erratic driving behaviors

- Possible weapons involved

- Any other pertinent data to the chase

## Deployment

When deploying a Stop stick, the following precautions should be considered:

- The operator deploying the stop stick should do so from a position of safety
- The stop stick should not be used in locations where specific geographic configurations increase the risk of serious injuries to the operator, violator, or the public (alongside of waterways, embankments, etc.)
- Traffic cones or road flares should be set up, if possible
- The stop stick should not be deployed on two-way roadways, unless oncoming traffic has been stopped some distance from the actual deployment site

As the fleeing vehicle approaches, the officer should pull the stop stick onto the roadway surface, let go of the device, and stand clear.

When nearing the stop stick, pursuing officers and the officer deploying the device must maintain communication. The pursuing officers must back off to allow the device to be cleared from the roadway.

**Note:** The stop stick should not be used to stop fleeing motorcycles. The stop stick may be used on motorcycles only if the circumstances warrant the use of **Deadly Force**.

Every effort should be made to avoid uninvolved motorists running over the stop stick. If an uninvolved motorist does run over the strip, the driver should be contacted by the supervisor, as soon as possible, to explain the situation.

## Investigations of Stop stick Use

If the deployment of the stop stick causes a reportable collision, other than damage to tires and wheels, the proper collision investigation shall be conducted.
If the deployment is not part of a vehicle pursuit, a memo detailing the circumstances of the deployment will be prepared and reviewed by the chain of command.

# CHAPTER 4

# EMERGENCY RESPONSE DRIVING

**(updated 10/20/2010)**

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## 4.00.010 EMERGENCY RESPONSE TO CALLS FOR SERVICE (CALEA 41.2.1)

The speed and equipment used in an emergency response will be determined by the officer(s) involved, within the guidelines of this procedure, unless otherwise directed by a supervisor. Officers are expected to use good judgment when responding to any calls for service. Speeds will be limited unless a life-threatening situation exists, and traffic conditions permit a higher speed.

**State Statute**

RCW 46.61.035 addresses emergency driving and states:

- The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

- The driver of an authorized emergency vehicle may:

  1. Park or stand, irrespective of the provisions of this chapter;

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

  3. Exceed the maximum speed limits so long as he/she does not endanger life or property;

  4. Disregard regulations governing direction of movement or turning in specified directions

- The exceptions herein granted to an authorized emergency vehicle will apply only when such vehicle is making use of visual signals meeting the requirements of RCW 46.37.190. (For practical purposes use of audible signals will also be required.)

- The foregoing provisions will not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor will such provisions protect the driver from the consequences of his/her reckless disregard for the safety of others.

**Code 1 Response**

Where no emergency exists (i.e., routine calls for service), officers will proceed without the use of emergency equipment and in compliance with all traffic regulations.

**Code 2 Response**

For a crime or situation in progress, which is not life threatening or injury threatening, or in response to injury traffic accidents, the officer will proceed using emergency lights and siren when exercising the privileges set forth in RCW 46.61.035.

The officer will not exceed the posted speed limit by more than ten (10) miles per hour, nor proceed through intersections against traffic control devices without first activating emergency lights and siren and coming to a complete stop until all other traffic has yielded to the emergency equipment.

**Code 3 Response**

For a life threatening situation, or an officer's call for help, the officer will proceed as quickly and safely as possible using emergency lights and siren, while remaining within the statutory requirements for operation of an emergency vehicle.

Officers are expected to use good judgment when responding to any incident. A decision to respond "Code 3" must immediately be reported to the Communications Center by the responding officer(s). The decision to escalate any response to "Code 3" must also be based upon sound reasoning and will be subject to review.

**Use of Emergency Equipment**

There may be circumstances where the utilization of emergency equipment may not be desirable. An example of this would be when a patrol vehicle is in the immediate area of an in-progress call and the officers' use of the emergency equipment may alert the suspect to the approaching police. **If an officer chooses not to use the police vehicle's emergency equipment, the officer will obey all traffic regulations.**

The ***Opticom*** system will be used to assist officers while operating a police vehicle, equipped with emergency lights and siren, to safely clear intersections during code 2 and code 3 responses to emergency calls for service. The use of the *Opticom* is restricted to emergency responses in accordance with RCW 46.61.035 and all other provisions of this policy.

The use of the *Opticom* system does not release the officer of the responsibility for the safe operation of a police vehicle with due regard for the safety of all persons. Police officers will first successfully complete training prior to being allowed to use the *Opticom* system.

**Supervisor Responsibility**

Supervisors are expected to monitor Police Radio activity and when necessary, upgrade or downgrade the response to a call based on available information.

**NORCOM Responsibility**

NORCOM personnel are expected to relay all pertinent information to responding units so responding officers and supervisors may exercise good judgment in their decision as to the level of emergency, or lack thereof, in a call for service.

# BELLEVUE POLICE DEPARTMENT MANUAL

## CHAPTER 5

## ARRESTS WITH/WITHOUT WARRANTS

(updated 10/20/2010)

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### 5.00.010 ARRESTS

Only commissioned law enforcement officers are authorized to make arrests, whether pursuant to a warrant or based upon probable cause.

### 5.00.020 ARRESTS UNDER AUTHORITY OF A WARRANT (CALEA 74.3.1) (RCW 10.31.030)

Access to warrant information is available on a 24-hour basis through the Records Unit and/or NORCOM. All warrants must be verified/confirmed prior to service.

Felony arrest warrants issued by King County Superior Court are valid within the United States.

Misdemeanor arrest warrants issued through a district court are valid statewide. An expiration date will be indicated within if applicable.

Violations of civil anti-harassment (RCW 10.14), civil protection orders (RCW 26.50), civil restraining orders, and criminal no-contact orders (RCW 10.99), are criminal offenses.

Officers may be mandated to make an arrest in accordance with the domestic violence statutes. If an arrest is not mandated by law, the officer may cite and release or charge through investigation based on discretion and current Department guidelines.

**Warrant in officer's possession**:

Officers making an arrest pursuant to a warrant must:

- Inform the arrestee that the officer is acting under the authority of a warrant; and
- Show the arrestee the warrant

**Warrant not in officer's possession**

Officers making an arrest pursuant to a warrant that is not in the officer's possession at the time of the arrest must advise the arrestee that:

- The officer is acting under the authority of a warrant; and
- The warrant, or a copy thereof, will be shown to the arrestee as soon as possible upon arrival at the place of intended confinement

**Service of warrants in another jurisdiction**

If an officer intends to serve a warrant(s) in another jurisdiction, the officer must notify the agency of jurisdiction prior to service of:

- The intent to serve
- The warrant type
- Any anticipated difficulties

The officer will request the presence of the agency's officers at service. If the agency is unable to assist the execution may proceed without their presence.

**Criminal Process** (CALEA 74.3.1& .2)

All officers must follow statutory and case law guidelines when executing criminal process, which includes arrest and search warrants and other judicially issued process to compel a person to answer for a crime.

## 5.00.030 ARREST WITHOUT WARRANT (RCW 10.31.100)

**Felony Arrests**

Officers, having probable cause to believe that a person has committed or is committing a felony, have authority to arrest the person.

**Misdemeanor/Gross Misdemeanor Arrests**

Officers may only arrest a person without a warrant for the commission of a misdemeanor or gross misdemeanor when the offense is committed in the officer's presence. However,
Officers having probable cause to believe that a person has committed or is committing any of the following misdemeanors or gross misdemeanors may arrest a subject even if the officer was not present:

RCW 10.31.100 Exceptions

**Criminal**
Assault
Threats of Harm to Persons/Property
Harassment
Indecent Exposure
Trespassing
Malicious Mischief
Theft
Dangerous Weapon at School
Interference with Health Care
Possession of Marijuana
Minor In Possession of Alcohol
DV Orders (including Anti-Harassment)

**Traffic**
Hit & Run
Reckless Driving
Negligent Driving
DUI
Physical Control
DWLS
NOI for Traffic Accident
Operating Boat recklessly, intoxicated

## 5.00.040 DOMESTIC VIOLENCE

Department personnel shall respond to reported incidents of Domestic Violence as required by state and local laws. Victim and witness assistance and/or referral shall be provided as described in the Department's **Victim/Witness Policy.** Incidents of Domestic Violence shall be thoroughly investigated, arrests made and charges filed when necessary or required.

An officer responding to an incident involving Domestic Violence will prepare a complete crime report which will include the officer's disposition of the case. All Domestic Violence crime reports will have the initials "D.V." included in the "type of incident" box, regardless of whether charges are made or the relative seriousness of the incident. Verbal Domestic Violence incidents may be documented on a FIR card if criteria established in the "DV quick reference guide" are met.

Officers will arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

- An order (No Contact Order, Restraining Order or Order For Protection) has been issued of which the person has knowledge, restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence or excluding the person from a residence, workplace, school, or day care, or imposing any other restrictions or conditions upon the person; or

- The person is sixteen years or older and within the preceding four hours has assaulted a family or household member and the officer has reason to believe:

  1. A felonious assault has occurred; or

  2. An assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable or not; or

  3. That any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death

When the officer has probable cause to believe that spouses, former spouses, or other persons who reside together or formerly resided together have assaulted each other, the officer is not required to arrest both persons.

The officer will arrest the person whom the officer believes to be the primary physical aggressor, while making a reasonable effort to consider:

- The intent to protect victims of domestic violence

- The comparative extent of injuries inflicted or serious threats creating fear of physical injury and the history of domestic violence between the persons involved

If the officer has probable cause to believe that a crime has been committed, the officer must exercise arrest powers as set forth in RCW 10.31.100. If an arrest is made or the case is to be referred to the Prosecutor's Office, the investigating officer will give a "Domestic Violence Booklet" to the victim.

Whenever a Domestic Violence custodial arrest has been made and the defendant will be booked into jail there will be no bail until such time as the defendant has appeared before a judge. If there are mitigating circumstances where the officer believes the defendant should be able to bail out, they can call the judge and he/she can set bail. (Example: The defendant has children that would not be cared for if he/she was booked into jail, the officer can call the judge and a bail could be set. **If the defendant bails out, the judge must issue a No Contact Order**.

If no arrest is made and the issuance of a summons is unlikely, the investigating officer will advise the parties involved that the case will be forwarded to the City Prosecutor for review.

The investigating officer will also ask the parties if they wish to be contacted by the Domestic Violence Counseling Assistance Agency currently under contract with the Department, and include this information in the case report. The officer will provide the involved parties with a "Domestic Violence Information Booklet."

In the interest of victim protection, Domestic Violence cases are to be expeditiously processed in the following manner:

- A complete copy of each Domestic Violence case report will be forwarded to the Records Unit prior to the end of the shift in which an incident involving Domestic Violence is investigated. It is the Patrol Shift Supervisor's responsibility to assure that the case report is forwarded to Records.

- If an arrest has been made or a summons requested, a complete copy of the Domestic Violence case report will be forwarded by Records Unit personnel and timed to arrive in the City Prosecutor's office no later than 0800Hrs on the next business day following the date upon which the incident was investigated. It is the Records Unit Supervisor's responsibility to assure that this priority processing takes place. All other Domestic Violence case reports will be completed and filed with the Records Unit at the end of the shift in which the incident was investigated.

- If no custodial arrest has been made, but the parties request Domestic Violence counseling, the Records Unit will transmit the appropriate information to the authorized personnel of the Domestic Violence Counseling/Assistance Agency currently under contract with the Department.

- If a custodial arrest has been made, the Records Unit will, upon receiving a completed case report, transmit victim information to authorized personnel of the Domestic Violence Counseling/Assistance Agency currently under contract with the Department.

**Transportation of Victim(s)**

The investigating officer may offer, arrange, or facilitate transportation for the victim(s) to a hospital for treatment of injuries or to a place of safety or shelter.

## 5.00.050 TRAFFIC ARRESTS

Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws will have the authority to arrest the person:

- RCW 46.52.010, relating to duty on striking an unattended car or other property

- RCW 46.52.020, relating to duty in case of injury or death of a person or damage to an attended vehicle

- RCW 46.52.500 or 46.61.530, relating to reckless driving or racing of vehicles

- RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs

- RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked

- RCW 46.61.524, relating to operating a motor vehicle in a negligent manner in the 1st degree

An officer having probable cause to believe that a person has committed or is committing a violation of RCW 88.12.025 (Operation of a vessel in a reckless manner, or under the influence of intoxicating liquor) will have the authority to arrest the person.

Officers may act upon the request of another law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer will give an officer the authority to take appropriate action under the laws of the state of Washington. Refer to the **Traffic Responsibilities** policies for further information.

## 5.00.060 JUVENILES (CALEA 44.2.1)

### Alternatives to Juvenile Court Referral

All juvenile offenders will be handled in a manner in accordance with Department policy and RCW 13.40, taking into account the type and degree of violation involved and the age and criminal history of the offender. When dealing with a juvenile offender, all officers will use the least coercive action, among reasonable alternatives, consistent with preserving public safety, order and individual liberty.

In response to the needs of youthful offenders, and as an alternative to referral to Juvenile Court, officers may consider the release of a juvenile upon the notification of parent/guardian. Officers need not take any further action.

Officers are accorded the discretionary ability to adjust minor cases informally after giving consideration to the type and degree of violation, the age and criminal history of the offender, and the responsiveness of the parent/guardian. This may include the release of the juvenile with a warning and guarantee of discipline.

In all cases the handling officer will complete and submit a Field Interview Report.

### Juvenile Court Referral/When Appropriate

Procedures governing the referral of offenders to the juvenile justice system (Intake) are specified in RCW 13.40.

Referrals should be made on serious criminal offenses or repeated criminal offenses. Offenses requiring referral to juvenile court should include, but not be limited to:

- All felony offenses

- Misdemeanor offenses where:

    1. Offense was against the person of another individual

    2. Offense involves restitution

    3. Offense involves alcohol or drugs, or firearms

    4. Incidents involving obstruction or flight to avoid arrest

- Incidents where parental supervision is not effective

- All Domestic Violence related crimes

**Referral Procedure/Filing of Juvenile Case - Ordering of a Juvenile into Court** (CALEA 44.2.1)

Procedures governing the issuance of a citation in lieu of taking the juvenile into custody (in-station booking) will be in accordance with Department Policy/Procedures.

Juveniles can only be placed at the King County Youth Center if they meet KCYC detention criteria. Refer to in-custody juvenile situations below.

Consideration of the offender's past record, probation status, type of offense, injuries to the victim should be included in the making of such decision.

**Arresting Officer's Responsibilities** (CALEA 44.2.2)

Taking a juvenile into custody will be done in compliance with Department policies and procedures. Prior to taking the juvenile into custody, the officer shall determine whether or not the juvenile is:

- Involved in non-criminal misbehavior not requiring arrest

- In danger of being harmed or has been harmed

If arrest is warranted, the arresting officer shall ensure that the juvenile is advised of his/her constitutional rights including special rights as stated on the Department issued rights card.

The arresting officer will notify the parent(s)/guardian(s) of the arrest and surrounding circumstances as soon as is possible. When the arresting officer is unable to contact the parents prior to the end of his shift, the officer must arrange for an officer from the following shift to do so. When parental notification is impossible, the record of attempts to contact must be included in the arrest report narrative.

If the juvenile is to be released to a responsible adult rather than to a parent/guardian, the releasing officer will obtain current identification from the responsible adult and the address/phone number where the juvenile will be taken.

**Case Filings**

For additional information, refer to the **Procedures for Filing Criminal Paperwork** published and updated as necessary by the Court Liaison Office.

Filing of Felony criminal charges against a juvenile requires the following:

- A completed case report that is approved by a supervisor

- Copies of the case report for each defendant with the following documents attached:

    1. One signed original Certification for Determination of Probable Cause. Create and sign a backup copy to be placed in the case jacket in case the original is lost

    2. One Prosecutor Face Sheet

    3. If the juvenile was booked into the Youth Center, officers must attach a SIR form to the case with the PCN number written in the PCN box at the top of the form

Juvenile filing paperwork is to be left in the appropriate in-box in the Court Liaison Office where the case will be entered into the tracking database and then mailed or delivered to the prosecutor.

Filing of misdemeanor criminal charges against a juvenile requires a completed case report approved by a supervisor.

All reports must be signed under penalty of perjury by each officer who writes a report or supplementary report. A copy of the case and supportive documentation for each defendant must be delivered to the Court Liaison Office for tracking and delivery.

Original case copies are sent to Records.

**Court Filing Rules**

If the juvenile is in custody, the case must be filed within 72 hours from the time of booking, excluding weekends and holidays. In order to meet the 72 hour filing deadline, police paperwork must be submitted to the prosecutor's office no later than six hours prior to the deadline.

All other felony and misdemeanor cases are due 14 days after the completion of the police investigation.

**Juvenile Detention (In-Custody) Procedures**

Procedures relating to the handling of juveniles taken into custody will be in accordance with RCW 13.04 and Investigative Procedures (filing of juvenile cases). Advisement of rights will be in accordance with State requirements under Miranda.

**Detention at King County Youth Center**

Juveniles may be detained at the King County Youth Center (KCYC) under the following circumstances: (Automatic Detention)

- Class A Felony
- Class B Felony (except Burglary 2nd, Residential Burglary)
- Sex Offense (Except Indecent Exposure)
- Domestic Violence
- Firearm Possession
- No Verification of ID
- Felony Harassment
- Warrants

If offenses other than the above are involved, juveniles may be detained if circumstances listed below are involved:

- Threat to Community Safety
- Threat to Victim/Witnesses

- Threat to harm themselves
- Threat to harm to youth
- Likely failure to appear (transient or prior FTA's)
- Prior Detention on Felony within seven days
- Substantial Criminal History (recent release from detention, 3 or more bookings within the last 6 months)

**King County Youth Center Admissions/Hearing Policy**

If a juvenile is to be detained at the King County Juvenile Detention Center, the arresting officer will contact the Admissions Office, explain the circumstances necessitating detention, and obtain authorization to detain. An officer will then transport the juvenile as soon as possible to the Admissions Office of the detention center with appropriate paperwork. An S.I.R. Report is required to hold a juvenile in custody.

State law requires that a hearing for the juvenile be held within 72 hours after incarceration.

Officers will complete a case report detailing the facts of the offense for which the juvenile was arrested and present that information to the Juvenile Court within that time period. The case report must be complete and include all face sheets and statements.

The arresting officer will contact the parent or guardian of the affected juvenile as soon as practical following the arrest and advise of the disposition of the juvenile.

**Taking Juvenile into Custody/Other Than Criminal Offense**

In addition to procedures for taking of a juvenile into custody for a criminal offense, provisions for handling juveniles as status offenders, or juveniles alleged to have been harmed or who are in danger of harm are mandated by RCW 13.32A.050, 060, 070, and RCW 28A.27.070 (Truancy).

A juvenile may be taken into custody pursuant to an order of the court or on the basis of probable cause subject to the laws of arrest.

A law enforcement officer may take into custody a juvenile without a court order if there is probable cause to believe that the juvenile is abused or neglected and that the juvenile would be injured if not taken into immediate custody.

A juvenile may be taken into custody if there are reasonable grounds to believe that the child is a runaway.

**Custodial Interrogation of Juveniles** (CALEA 44.2.3)

The arresting officer should consider the appropriateness of conferring with the juvenile's parents or guardian prior to a custodial interrogation. If there is any doubt, a supervisor will be consulted.

The duration of juvenile interrogations and the number of officers involved will be minimized according to the situation at hand and in consideration of the age of the juvenile, the location of the interview and the gravity and scope of the offense. Additional factors relating to interrogations are mandated by "Miranda", applicable State law and King County Juvenile Court Policy.

Any officer questioning a juvenile offender or suspect should make certain that the juvenile understands the Department's policies on handling juveniles, juvenile crimes and juvenile justice procedures as it relates to the investigation or contact.

Officers will include in their case report the following information:

- Documenting attempts or actual contact with the juvenile's parents or guardians
- The duration of any interrogation with the juvenile and the number of officers involved in the interrogation; and,
- Explaining agency and juvenile justice system procedures to juveniles being interrogated

**Runaways** (CALEA 41.2.6)

The Department will immediately respond and investigate all cases of juveniles reported as runaways. Runaway cases will be investigated as missing persons until information indicates otherwise.

**Detaining a Runaway**

A runaway will be taken into custody if:

- The Department is contacted by the parent of the child and informed that the child is absent from parental custody without consent; or
- The officer reasonably believes that a runaway is in circumstances which constitute a danger to his/her physical safety; or
- An agency or person legally charged with the supervision of a child has notified the Department that the child has runaway from placement; or
- The Department is notified by the juvenile court that the court finds probable cause exists to believe that the child has violated a court placement order

In no event will physical custody extend beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination.

Runaways taken into custody will be informed of the reason.

When a runaway cannot reasonably be released to a parent or other responsible adult, as outlined below, the runaway will be transported to a DSHS designated facility.

Prior to transport, officers will personally contact DSHS by telephone to determine which DSHS facility is available.

Runaways will not be transported to and detained in the King County Youth Center or other secure facility except when:

- Detention is ordered by the Court or DSHS; or
- The runaway is taken into custody pursuant to a judicial finding of probable cause; or
- The runaway, based on evidence discovered during custody, becomes a suspect in a criminal investigation and juvenile arrest procedures dictate such detention

If a runaway is taken into custody based on agency notification, the officer will transport the runaway to a DSHS designated CRC.

If a runaway is taken into custody based on a court finding of probable cause, the officer will either:

- Transport the runaway to a DSHS designated CRC; or
- Transport the runaway to a juvenile detention facility

**Release/Disposition of a Runaway**

If a runaway is taken into custody based upon parental notification or the officer's reasonable belief that the runaway is in dangerous circumstances, the officer will:

- Transport the runaway to his/her home, release to parental custody and inform the parent of the reason for custody, or
- Take the runaway to a DSHS designated crisis residential center (CRC) or to the home of a responsible adult if:
  1. The runaway is fearful or distressed at the prospect of returning home; or
  2. The officer believes there is a possibility that the child is experiencing abuse or neglect in the home; or
  3. It is not practical to transport the child to his/her home; or
  4. No parent is available to accept custody.
- Release to a Responsible Adult

  An officer may, at his/her discretion, transport a runaway to the home of a responsible adult other than a parent where the officer reasonably believes the runaway will be provided with adequate care and supervision and where the officer reasonably believes the runaway will remain.

  An officer placing a runaway with a responsible adult other than a parent will immediately notify DSHS of the fact of such placement and the reason for taking the runaway into custody.

## 5.00.070 OTHER ARRESTS

**Indecent Exposure**

Officers having probable cause to believe that a person has committed or is committing any act of indecent exposure, may arrest that person (RCW 9A.88.010).

**Health Care Facilities**

Officers having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of interference with a health care facility (9A.50.020), may arrest such person.

### Firearms at Schools

Officers having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises will have the authority to arrest the person.

## 5.00.080 PHYSICAL ARREST - INCARCERATION

Incarceration at the King County Jail, or other jail facilities used by the Department, shall take place only when:

- Mandated by law
- Incarceration is necessary to complete the investigation of a felony
- All other means for release have been reviewed (e.g., I & R, Personal Recognizance release)

Any incarceration in a jail must be approved by the on-duty supervisor.

## 5.00.090 CRIMINAL CITATION

The issuance of a criminal citation is an arrest. Whenever practical the criminal citation should be used in lieu of physical arrest. Prior to issuing a criminal citation the suspect must meet the following criteria:

- The arrest is for a Gross Misdemeanor or Misdemeanor offense
- The suspect provides sufficient personal information and identification
- The suspect poses no threat to himself or others
- The suspect agrees to sign the criminal citation

## 5.00.100 CRIMINAL SUMMONS

A criminal summons may be completed in both felony and misdemeanor cases.

### Felony crimes

A summons request should be completed on those felony cases where there is less than probable cause, but more than mere suspicion. The Prosecuting Attorney will review the case report and determine if there is legal sufficiency to prosecute the suspect.

### Gross Misdemeanor/Misdemeanor

A summons request should be completed on those misdemeanor offenses that:

- Do not occur in the officer's presence
- Are not an extended powers incident as defined in Chapter 10.31 RCW

A review by the City Prosecutor is needed prior to filing a charge

## 5.00.110 WRITTEN ARREST REPORTS

A written report is required for all arrests.

Arrest reports will be completed and turned in to the officer's supervisor prior to leaving work at the end of a duty shift. Each officer is to submit arrest reports in a timely manner during the shift to eliminate any potential backlog at the end of the shift. Exceptions may be made on a case-by-case basis with the approval of the shift supervisor.

Arrest reports will be reviewed by the shift supervisor to ensure that the report and all supplementary arrest documents (e.g., fingerprint cards) are properly completed.

## 5.00.120 ALTERNATIVES TO ARREST AND CONFINEMENT (CALEA 1.2.6 & 1.2.7)

### Use of Discretion

The proper use of discretion is an important aspect of law enforcement and is predicated on good judgment. The use of discretion requires that an officer make responsible decisions which can withstand scrutiny by the Department, the community, and other jurisdictional components of the criminal justice system and the community itself.

It is necessary that sworn officers exercise discretion when dealing with their many duties. The use of discretion must be soundly based upon law, Departmental directives, experience and training as applied to the facts and circumstances facing the officer at the time. Therefore, officers must correctly interpret laws and Department directives. Officers shall realize that the use of discretion is not permitted when certain activities are mandated by statutes, department directives or supervisory direction. Officers shall seek direction from their supervisor when the appropriate course of action is in doubt.

Officers have discretion and must exercise good judgment in the selection of an appropriate alternative to an arrest. Therefore, it is important to be aware of the alternatives to arrest and confinement. Alternatives of this nature include:

- Traffic citations or NOI's

- Non-traffic complaints

- Criminal citations

- Warnings

  Verbal warnings are used for minor traffic and ordinance violations. Warnings should not be used for major violations specifically addressed in a written directive.

- Referral

  Referral is the practice of directing a matter to another departmental component, City department, government agency or social service organization.

- Informal resolution

  Informal resolution is the practice of resolving problems without arrest, citation or referral. Examples of informal resolution may include education on traffic or other law for minor violations, mediation between parties involved in simple disputes or disagreements, or where the investigating officer determines that

inadequate probable cause exists to take enforcement action. Officers will seek direction from their supervisor when the appropriate course of action is in doubt.

Officers must consider the following factors when exercising alternatives to arrest:

- The presence or absence of probable cause
- The level of cooperation by victims and witnesses
- Existing law and the elements of the offense
- The severity of the offense
- Available regional, community and Department resources
- Department written directives and orders

**5.00.130 LEGISLATORS** (CALEA 61.1.3)

Members of the State Legislature are privileged from civil arrest and any civil process for a period that begins 15 days before the commencement and during each legislative session. Legislators are not privileged when it comes to arrest for commission of any crime or pursuant to a criminal warrant. They may be issued traffic citations and they may be taken into custody for the purpose of obtaining a breath test, but they will not, unless otherwise directed by a court of competent jurisdiction, be incarcerated for infraction or misdemeanor violations while the state legislature is in session. (State Constitution, Article 2, Section 16.)

**5.00.140 CONSULAR NOTIFICATION** (updated 02/2007)
**IMMIGRATION POLICY** (updated 05/2008)
(CALEA 1.1.4)

It shall be the policy of this department for all officers to advise foreign national suspects of their right to communicate with their consular officers when arrested or detained. Note – the Department of State does not consider it necessary to follow consular notification procedures when an alien is detained only momentarily e.g., during a traffic stop.

Foreign Diplomats and Consular Officials may be issued traffic notice of infractions and citations. They may also be taken into custody for the purpose of a breath test. If a felony has been committed and there is probable cause to believe that a person with diplomatic or consular immunity committed the crime, detain them and obtain an arrest warrant through the prosecutor.

Requiring a foreign national to accompany a law enforcement officer, either voluntarily or in a custodial situation, to a place of detention may trigger the consular notification requirements, particularly if the detention lasts for a number of hours or overnight. Note – The longer a detention continues, the more likely it is that a reasonable person would conclude that the notification obligation is triggered.

**Notification Procedure**

- Determine the foreign national's country. In the absence of other information, assume this is in the country on whose passport or other travel document the foreign national travels.
- If the foreign national's country is **not** on the mandatory notification list offer, without delay, to notify the foreign national's consular officials of the arrest/detention.
- If the foreign national asks that consular notification be given, notify the nearest consular officials of the foreign national's country without delay.

- ❖ If the foreign national's country **is** on the list of mandatory notification countries:

    a. Notify that country's nearest consular officials, without delay, of the arrest/detention.
    b. Tell the foreign national that you are making this notification.

- ❖ Notifications and actions taken must be documented in the case report.

Further information is available at the following link: J:\Legal Info and LEDs

**Immigration Policy**

Officers shall not inquire about immigration status during police contacts with suspects, witnesses, or victims. If a suspect is arrested or detained and the officer believes the subject is a foreign national, the officer must follow 5.00.140 Consular notification.

- Officers may contact Immigrations and Customs Enforcement (ICE) regarding a person that has been arrested and that the officer believes is an illegal alien. For suspects that are held in custody, officers should recommend to the jail to not release the person from custody until federal authorities are formally notified of the pending charges.
- Officers may take into custody any persons ICE or other federal authorities identify as a criminal suspect if the federal authority authorizes detention directly into a federal detention facility.
- ICE issues several types of detainers for foreign nationals. Officers may accept and act upon only **criminal** immigration detainers issued by ICE. Officers may not accept or act upon **civil** immigration detainers issued by ICE.
- Officers may not take persons with Federal civil warrants into custody.
- Officers may cooperate with and assist federal agencies if the federal agent clearly states that the matter relates to criminal violations.
- Officers/Detectives must obtain the prior approval of their captain to involve federal immigration authorities for any civil purpose.

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## 6.00.010 WARRANTLESS RESIDENTIAL ENTRY (CALEA 1.2.4)

**Definitions**

- **Lawful Consent** - For any "consent" to function as lawful exception to a Constitutional warrant requirement, it must be:

  1. **Voluntarily** given by persons present with **authority** to consent, and

  2. Officer's actions must **not exceed the scope** of the consent given

**Note: An officer may enter the areas commonly open to guests if at least one person with authority consents to the entry. A search of other areas requires the consent of all persons present with authority to consent.**

- **Voluntary -** Determined by the totality of the circumstances including:

  1. Whether Miranda was given

  2. The degree of education and intelligence of the consenting person and

  3. Whether the consenting person had been advised of his right to consent

**All three of the above factors must be present. None of these factors can be considered alone.**

**Ferrier Warnings**

A warning is not necessary each time an officer enters a house to exercise an investigative duty. The following requirements are necessary only when conducting a "knock and talk" (an entry made to conduct a search for contraband or evidence of a crime to gather information for a search warrant.) Before entering the house for a Knock and Talk, the officer must inform the person with authority that he/she can:

- **Refuse** to consent

- **Revoke** the consent at any time

- **Limit the scope** of the consent given to certain areas of the home

Officers will not conduct warrantless entries into private residences, unless they:

- Have lawful consent

- Are faced with and can articulate an emergency or exigent circumstances, or

- Are in fresh pursuit of a person who has committed a serious crime or who poses a threat to other occupants, the public or officers

## 6.00.020 RESIDENTIAL ENTRY - ARREST

Officers may enter a private residence to make an arrest if:

- Someone is likely to be killed or injured unless immediate warrantless action is taken; or
- A serious criminal offender who poses a threat to other occupants or the public is likely to escape immediate apprehension and/or prosecution unless immediate warrantless action is taken; and
- There is probable cause to arrest the person sought; and
- There is probable cause to believe that the person to be arrested is physically present in the residence at the time of entry; or
- The officer is in immediate fresh pursuit of a serious criminal offender; and
- There is probable cause to arrest the person sought; and
- There is probable cause to believe that the person to be arrested is physically present in the residence at the time of entry
- Lawful consent, verbal or written is obtained

No search of the residence beyond that necessary to locate and take custody of the arrestee, except a protective sweep of areas immediately adjoining the arrestee, shall be conducted, unless or until:

- A search warrant for the residence is on scene; or
- Lawful consent to search has been obtained; or
- New or additional emergency circumstances arise necessitating a warrantless search

## 6.00.030 RESIDENTIAL ENTRY - PRESERVATION OF EVIDENCE

If there is probable cause to believe that critical evidence of a serious felony offense is located within a private residence and that the evidence is almost certain to be destroyed or removed unless immediate warrantless action is taken, an officer may enter to secure the residence and seize evidence in open view. Once the residence is secured, no search shall be conducted unless or until:

- A search warrant for the residence is on scene; or
- Lawful consent to search has been obtained; or
- New or additional emergency circumstances arise necessitating a warrantless search

### Residential Crime Scenes

A residential crime scene is a private residence where a crime has recently occurred and where there is an apparent need for immediate investigative action and/or for the provision of emergency services. Examples include, but are not limited to, homicide scenes, domestic violence scenes, fire scenes and burglaries.

The mere presence of contraband or evidence in a private residence does not make the residence a crime scene.

Upon arriving at the crime scene in a private residence the officer may enter without a warrant in order to:

- Locate and secure suspects of a serious criminal offense; and/or
- Provide assistance to injured persons or others requiring emergency assistance; and/or
- Ensure the present safety and well-being of occupants; and/or
- Locate and secure evidence of a serious and/or dangerous crime which is in open view and likely to be lost or destroyed; and/or
- Prevent substantial property damage

Once the actions described above are completed, no search will be conducted unless or until:

- A search warrant for the residence is on scene; or
- Lawful consent to search has been obtained; or
- New or additional emergency circumstances arise necessitating a warrantless search

## 6.00.040 RESIDENTIAL ENTRY - EMERGENCIES

Officers may enter private residences without a warrant if:

- It reasonably appears there is an immediate need to prevent death or injury
- To provide necessary medical assistance
- To ensure the present safety and well-being of the occupants
- To protect against substantial property damage

# CHAPTER 7

# FIELD CONTACTS

(updated 10/20/2010)

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## 7.00.010 FIELD CONTACTS

### Definitions

- **Contact** - A casual interaction with a person where that person would reasonably feel free to leave at any time.

- **Stop** - A stop (includes vehicle stops) occurs when an officer uses his/her authority to temporarily detain a person based upon reasonable suspicion that the person has committed, is committing, or is about to commit a crime. A stop is a more forceful action than a contact as the person is not free to leave. A stop is based upon reasonable suspicion of criminal activity, but is less than an arrest based on probable cause.

- **Probable Cause** - Probable cause exists when articulable facts and circumstances would lead a reasonable person to believe that an individual is probably involved in a criminal activity.

- **Reasonable Suspicion** - An officers' belief, based on specific, articulable facts, and rational inferences drawn from those facts, that a person may be involved in a crime that has occurred or is occurring or is about to occur.

- **Pretext Stop** – One in which a stop made for a traffic violation is a mere pretext for the officer's desire to conduct a criminal search unrelated to driving.

### Contacts

**Note: Prior to contacting any person or vehicle, officers will notify the Communications Center of the intended action, provide a location and description of the person and/or vehicle(s) involved. Officers will provide information to back-up officer(s) as necessary to insure safe and coordinated action.**

A contact entails a face-to-face meeting between a person and a police officer in which the officer does not use police authority to restrict a person's freedom of movement. A police officer may contact any person for any reason. A contact does not require reasonable suspicion. During a contact, the person is free to leave and is not required to produce identification. Although contacts that do not amount to a stop or a temporary detention may be made for a variety of reasons, officers should be sensitive to the perceptions of bias that may occur. Officers should be able to articulate an unbiased reason for contacting the person.

When the person contacted requests to leave, and he/she is not free to leave, he/she will be so advised and the contact will be considered a stop.

## 7.00.020 STOP AND FRISK (CALEA 1.2.3)

Stop and frisk applies to persons in vehicles as well as on foot. If sufficient reasonable suspicion to believe there are **readily accessible** weapons exists within the vehicle, the officer may search the vehicle. The

officer may not search a locked or inaccessible area of the vehicle, but may check for weapons in areas readily accessible to person(s) and seize objects in plain view.

**Stop**

An officer may temporarily detain a person for the purpose of determining the circumstances surrounding the person's presence which led the officer to believe that the person may be involved in a crime that was committed, was being committed, or was about to be committed. Crime does not include a non-traffic civil violation.

Specifically, the officer may use police authority to stop and:

- Identify a person (Persons may lawfully refuse to identify themselves)
- Request an explanation of the person's actions
- Establish probable cause to arrest through questioning. Miranda warnings are not required during the stop and frisk. Warnings will become necessary if an arrest is made and the person is taken into custody and questioned. All arrested persons shall be informed of their right to counsel, even if no questioning occurs.
- Gather information that may create probable cause at a later date
- Determine whether or not a crime has been committed to which the officer may link the person's suspicious activity
- Prevent the commission of a crime
- Resolve suspicions about the person

Officers will not make random stops for identification. A stop must be based on **reasonable suspicion of criminal activity** in the past, present, or immediate future. Pretext stops are not permitted.

If not in uniform, the officer conducting a stop will identify him/herself as a police officer as soon as practical and safe to do so. It is recommended that when a stop is to be made, a uniformed officer be called to make the stop.

An officer conducting a stop will use the least forceful means necessary to detain the person. The officer will first use verbal orders when possible then progress to the use of physical restraint only if necessary to prevent the person from leaving.

An officer may detain a person for only the minimum amount of time needed to conduct the interview and check the person's actions.

**Vehicle Stop**

- **Driver**

  If an officer has probable cause to stop a car for a traffic infraction, the officer may, incident to such stop, take whatever steps necessary to control the scene, including ordering the driver to stay in the vehicle or exit it, as circumstances warrant.

- **Passenger**

An officer does not have the same authority over an uninvolved passenger. The officer must have an articulable objective rationale based on specific safety concerns for officers, vehicle occupants or other citizens, for ordering a passenger to stay in the vehicle or exit the vehicle. Factors warranting an officer's direction to a passenger at a traffic stop may include the number of officers, the number of vehicle occupants, the behavior of the occupants, the time of day, the location of the stop, the traffic at the scene, affected citizens, or officer knowledge of the occupants.

An officer conducting a stop of a vehicle may order all occupants out of, or require them to remain in the vehicle to maintain a level of officer safety.

**Frisk**

An officer may conduct a frisk of any person contacted on a valid stop only if the officer has reasonable suspicion that the person contacted may be armed.

Factors that may establish reasonable suspicion include, but are not limited to:

- Reason for the contact - does the officer's reason for the contact involve a serious and/or violent offense? What is the threat potential?
- Time of day - is the contact at night?
- Location - is the area known for criminal activity? Is the officer unlikely to receive immediate assistance if assaulted?
- Prior knowledge - does the officer know the person to have prior police contacts with weapons or dangerous behavior such as assaults on police officers?
- Companions - are there numerous suspects and is there reason to suspect a companion(s) possess a weapon?
- Person's appearance - does the person's clothing bulge in a manner suggesting the presence of any object capable of inflicting injury?
- Person's actions - is the person cooperative? Did the person's physical movements suggest hiding a weapon as the officer approached? Are the person's words or actions threatening?

## 7.00.030 SEIZURE OF FOUND ITEMS (CALEA 1.2.4)

If, when conducting a frisk, an officer feels an object which is believed to be a weapon or dangerous instrument or an object that may contain such an item, the officer may reach into the person's clothing to remove the object.

Other possessions such as purses, brief cases, athletic bags, shopping bags will be removed from the person and be secured, out of reach of the person during the duration of the stop.

## 7.00.040 FIELD INTERVIEW REPORT (CALEA 1.2.3)

If a case report is not completed, stops will be documented by completing a Field Interview Report (FIR) which provides a record of the person's location, description, date and time of contact, and reason for the stop.

FIR's will be turned in on the date of the stop. A file of FIR's will be maintained by the Crime Analysis Unit.

FIR information will be entered into RMS. Information of interest will be included in the Crime Bulletin prepared by the Crime Analysis Unit.

## 7.00.050 THE MENTALLY ILL PERSON (CALEA 41.2.7) (updated 4/28/2011)

**Guidelines for recognizing a mentally ill person**
Dealing with people who are known or suspected to be mentally ill carries the potential for violence. Officers should exercise special skills and abilities to effectively deal with the person. Officers are not expected to make a judgment of the mental or emotional disturbance but rather recognize behavior that is potentially destructive and/or dangerous to self or others.

There are many behaviors associated with people suffering from mental illness. In RCW 71.05.020 a mental disorder is described as: “Any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions.”

Behavior of a mentally ill person may include one or more of the following: (41.2.7a)

- Incoherent or disorganized speech
- Delusions or false beliefs
- Talking or laughing to one’s self
- Rapid, uninterruptible speech
- Jumping from topic to topic when talking
- Staring blankly or not moving for long periods of time
- Unreasonable fears
- Loss of memory or confusion
- Rapid mood swings
- Feeling watched or followed
- Hearing commands from the television or radio
- Hearing, smelling, or seeing things that are not there

These behaviors may be changed or intensified by the use of alcohol, illicit drugs or the failure to take prescribed medications.

Not all mentally ill persons are dangerous while some may represent danger only under certain circumstances or conditions. Officers may use several indicators to determine whether an apparently mentally ill person represents an immediate or potential danger to himself or others. These include the following:

- Availability of weapons
- Threatening statements by the person
- Past history of violence
- The amount of control the person exhibits over their emotions

**Dealing with the Mentally Ill**

If during a street contact, interview, or arrest, an officer determines a person may be mentally ill and a potential threat to himself and/or others, or may otherwise require law enforcement intervention, the following responses are recommended: (41.2.7c,d)

- Request for back-up

- Take steps to calm the situation. Where possible, eliminate the emergency lights and sirens, disperse crowds, assume a quiet non-threatening manner when approaching or conversing with the individual.

Where violence or destructive act have not occurred, avoid physical contact, and take time to assess the situation.

- Move slowly so as not to excite the person. Provide reassurances that you are there to help and that s/he will be provided with the appropriate care.
- Ask the person what is bothering them. Relate your concern for him/her, allow them to vent their feelings.
- Don't threaten the person with arrest. This will only create more stress and potential aggression.
- Avoid topics that may agitate the person and guide the conversation toward subjects that help bring the individual back to reality.
- Always attempt to be truthful with a mentally ill person. If the person becomes aware of a deception, s/he may withdraw from the contact, may become hypersensitive or retaliate in anger.
- If a mentally ill person starts to become combative, remove any dangerous weapons from the immediate area and restrain the individual if necessary, Using restraints on mentally ill persons can aggravate their aggression. Officers should be aware of this fact, but should take those measures necessary to protect their safety.

All commissioned officers and professional staff who may come in contact with the public receive initial training on dealing with the mentally ill during their basic law enforcement academy or initial employee training (41.2.7d) and additionally at least every three years. (41.2.7e). Lateral officers will receive initial in-service training prior to their release from FTO. All training is documented in the employee's training file located in the Personnel Services Unit.

**Types of contact**

Non-criminal: generally three types of dispositions result from non-criminal contact; 1) detention for involuntary treatment 2) referral for contact by mental health professions, or 3) no action (because none is necessary).

1) Involuntary treatment- Per RCW 71.05 the following grounds are necessary for an officer to take a person into custody and through the mental health professionals (MHP) order a 72-hour detention:
A. Danger to others- threats or attempts to harm another person or behavior that places a person in fear of sustaining harm such as making serious threats to kill others or engaging in behavior that places others at risk of serious bodily injury.
B. Danger to self- threats or attempts to commit suicide or harm one's self-All suicide attempts and/or threats shall be taken seriously. Officers will provide for medical treatment (in the field or an emergency room).
C. Danger to property- substantial loss or damage to property of others.
D. Grave disability- behavior which results in the person in danger of physical harm because s/he is unable to provide for his/her basic needs of health and safety. Some examples would be: suffering from extreme dehydration or malnutrition, unable to care for basic health needs, wandering in traffic.

Officers may take persons into custody if the incident requires immediate action. Otherwise, officers should call for an evaluation in the field by the on-duty MHP. This can be done through the Crisis Clinic at (866) 427-4747. TTY/TDD for the deaf at (206) 461-3219. Transportation to a hospital should be arranged by ambulance. Officers will complete a case report documenting the incident and the reasonable belief the person met the criteria for involuntary commitment. The officer may be requested to testify at a detention hearing within three working days of the incident if the individual refuses to remain in treatment voluntarily.

An officer may also be requested to assist a MHP in the field by taking a person into custody for evaluation and treatment based on a written or oral order made by the MHP. An officer may also be requested to take a person into custody through a written notice signed by a MHP and a magistrate authorizing the officer to take a person into custody.

2) Referral for treatment
For the person who does not exhibit behavior that meets commitment criteria and is willing to enter voluntary treatment, the officer can make a phone referral and/or arrange for a crisis outreach. The officer should place a call to the Crisis Clinic at (866) 427-4747 and have the supervisor call the appropriate on-call agency. The officer will document this type of contact through a case report.

3) Treatment Refused/no action
If an officer contacts a person s/he believes to be mentally ill but the person refuses aid, the Crisis Clinic is available to review the facts of the situation. The Crisis Clinic may have some resource suggestions to assist the person. The officer will document this type of contact through (at a minimum) a FIR.

**Criminal Contact** (41.2.7c)
Officers contacting mentally ill persons who have committed a crime generally have two possible dispositions: 1) arrest and booking 2) arrest and release. Alternatives to arrest (Department Manual 5.00.120, CALEA 1.2.6) should be considered to ensure the best treatment options are used and to keep those with mental illness out of incarceration if feasible. This is for misdemeanor suspects only.

Felony suspects generally should be booked. Please see directives addressing Prisoner transport (Department Manual 24.00.020, CALEA Chapter 71)

**Medical Inquiry and Response** (CALEA , 41.2.7b, 72.6.3c&d)

During booking, each prisoner will be observed closely for apparent medical problems or injuries, and questioned concerning current illness, injury, medication and treatment. The prisoner's responses, or lack thereof, and the booking officer’s observations will be recorded in the arrest report.

During booking, each prisoner will be observed and any visible body deformities, trauma markings, bruises, lesions, jaundice, or obvious physical limitations will be documented in the case report.

If a prisoner appears mentally ill and either incapacitated or a danger to self or others, a Mental Health Professional will be consulted to determine if the prisoner should be transferred to Harborview Hospital or if s/he can be detained in the King County Jail. Any prisoner appearing to be under the influence of drugs shall be questioned as to what type of drug they have ingested and their condition shall be monitored closely. If necessary, the prisoner shall be transported to Overlake Hospital or Harborview Medical Center for examination by a qualified medical professional prior to being booked and placed in detention.

If the suspect is refused by King County Jail due to their mental illness related behavior, the suspect should be taken to Harborview Crisis Triage Unit. The CTU staff will attempt to stabilize the prisoner’s behavior while treating any immediate medical problems. The CTU will permit a police hold, if officers indicate it so on the mental health contact report form, and speak to the staff of the CTU in person regarding their request. (41.2.7b)

## 7.00.060 DEAF AND HARD OF HEARING PERSONS (updated 02/2007)

It is the policy of the Bellevue Police Department to ensure that a consistently high level of service is provided to all community members, including those who are deaf or hard of hearing. This Department has specific legal obligations under the Americans with Disabilities Act and the Rehabilitation Act. To carry out these policies and legal obligations, the Department instructs its officers and employees as follows:

- People who identify themselves as deaf or hard of hearing are entitled to a level of service equivalent to that provided hearing persons.
- The Department will make every reasonable effort to ensure that its officers and employees communicate effectively with people who have identified themselves as deaf or hard of hearing.

- Effective communication with a person who is deaf or hard of hearing involved in an incident whether as a victim, witness, suspect, or arrestee is essential in ascertaining what actually occurred, the urgency of the matter, and type of situation.
- Various types of communication aids known as “auxiliary aids and services” are used to communicate with people who are deaf or hard of hearing. These include use of gestures or visual aids to supplement oral communications; an exchange of written notes; use of a computer or typewriter, use of assisted listening devices (to amplify sound for person who are hard of hearing); or use of qualified oral or sign language interpreters.

The type of aid that will be required for effective communication will depend on the individual’s usual method of communication, and the nature, importance and duration of the communication at issue.

In many circumstances, oral communication supplemented by gestures and visual aids, an exchange of written notes, use of a computer or typewriter, or use of an assisted listening device may be effective. In other circumstances, qualified sign language or oral interpreters are needed to communicate effectively with persons who are deaf or hard of hearing. The more lengthy, complex and important the communication, the more likely it is that a qualified interpreter will be required for effective communication with a person whose primary means of communication is sign language or speech reading, for example:

- If there has been an incident and the officer is conducting witness interviews, a qualified sign language interpreter may be required to communicate effectively with someone who primary means of communication is sign language.
- If a person is asking an officer for directions to a location, gestures and an exchange of written notes will likely be sufficient to communicate effectively and a sign language interpreter is often not required.

To serve each individual effectively, primary consideration should be given to the communication aid or service that works best for that person. Officers must ask persons who are deaf or hard of hearing what type of auxiliary aid or service they need. Officers should defer to those expressed choices, unless there is another equally effective way of communicating, given the circumstances, length, complexity, and importance of the communication, as well as the communication skills of the person who is deaf or hard of hearing.

The Department is not required to provide a particular auxiliary aid or service if doing so would fundamentally alter the nature of the law enforcement activity in question, or it would cause an undue administrative or financial burden. Only the City Manager or his designee may make this determination. For example:

- If the City has limited financial resources and providing a particular auxiliary aid would cost a large sum of money, the City Manager may determine that it would be an undue financial burden (note: the city’s budget as a whole must be considered). In this situation, the most effective means of communication that does not involve an undue burden must be used.

The input of people who are deaf or hard of hearing who are involved in incidents is just as important to the law enforcement process as the input of others. Officer must not draw conclusions about incidents unless they fully understand and are understood by all those involved, including persons who are deaf or hard of hearing.

People who are deaf or hard of hearing must never be charged for the cost of an auxiliary aid or service needed for effective communication.

**PROCEDURE:**

**On-call Interpretive Services**

The Department will maintain a list of sign language and oral interpreting services that are available (on-call 24 hours per day) and willing to provide qualified interpreters as needed. Each of these services will be

chosen after having been screened for the quality and skill of interpreters, its reliability, and other factors such as cost. The Department will update this list annually.

A qualified sign language or oral interpreter, is one who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary. Accordingly, an interpreter must be able to sign to the deaf individual (or interpret orally to the person who does not use sign language) what is being said by the hearing person and to voice to the hearing person what is being signed or said by the deaf individual. The interpreter must be able to interpret in the language the deaf person uses (e.g., American Sign Language or Signed English) and must be familiar with law enforcement terms and phrases. Because a qualified interpreter must be able to interpret impartially, a family member, child, or friend of the individual who is deaf may not be qualified to render the necessary interpretation because of factors such as professional, emotional, or personal involvement, or considerations of confidentiality. Additionally, although a “qualified” interpreter may be certified, a certified interpreter is not necessarily “qualified,” if he or she is not a good communications match for the deaf person (e.g., where the deaf person uses Signed English and the interpreter uses American Sign Language) or the situation (e.g., where the interpreter is unfamiliar with law enforcement vocabulary). Certification is not required in order for an interpreter to be “qualified.”

**TTY and Relay Services**

In situations when a non-disabled person would have access to a telephone, officers must provide persons who are deaf or hard of hearing the opportunity to place calls using a text telephone (TTY, also known as a telecommunications device for deaf people, or TDD). Officer must also accept telephone calls placed by persons who are deaf or hard of hearing through the Telecommunications Relay Service.

**Effective Communications Techniques**

Officer must review and have a working knowledge of the *Guide for Law Enforcement Officer When in Contact With People Who Are Deaf or Hard of Hearing,* a copy of which can be located at the following link: J:\Legal Info and LEDs This document reviews how officers should communicate effectively in the types of situations officers will encounter. These situations include:

- Issuing a non-criminal or motor vehicle citation.
- Communicating with a person who initiates contact with an officer.
- Interviewing a victim or critical witness to an incident.
- Questioning a person who is a suspect in a crime.
- Making an arrest or taking a person into custody.
- Issuing Miranda Warnings to a person under arrest or in custody.
- Interrogating a person under arrest or in custody.

**Types of Auxiliary Aid and Services**

Officers must utilize the following auxiliary aids, when available, to communicate effectively:

- Use of gestures
- Use of visual aids
- Exchange of written notes
- Use of computers or typewriters
- Use of assisted listening devices
- Use of teletypewriters (TTY’s)
- Use of qualified oral or sign language interpreters.

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## 8.00.010 SEARCHES (CALEA 1.2.4)

Absent a warrant, all searches are unreasonable unless shown to be within one of the following exceptions to the warrant requirement:

### ❖ Incident to Arrest

The basic rule for this exception is set forth in the **Arrest with/without Warrants** policy.

### ❖ Consent

A consensual search is valid if all persons present with authority over the premises consent to it. A person sharing control over any area may give permission to search the area if he or she is the only person of authority present. If other persons with control over the premises are present at the time the police are about to conduct the search, their consent is required. When one party consents to a warrantless search but another who has equal use and control of the premises objects, the consent is invalid.

### ❖ Plain View

A plain view exception to the warrant requirement applies when fruits of a crime come into view of the officers **lawfully** searching in connection with another crime or for another purpose, or who otherwise has a right to be where they are.

The fruits of a crime located in plain view may be retained and used in prosecution of the crime to which they relate if the officer is already lawfully in the constitutionally protected area.

### ❖ Exigent Circumstances

Police must have specific and articulable facts along with reasonable inferences to believe an exigency exists, such as destruction or removal of evidence or perhaps preparation to violently resist, normally based upon:

1. Prior information reasonably leading to the belief that a suspect has resolved to act in a manner which would create the need to enter without waiting, or

2. Confrontation with some sort of sound or activity alerting police to the possible existence of an exigency justifying immediate entry

### ❖ Warrantless Search of an Individual

When circumstances require that a physical search of an individual be conducted, a thorough “hands on” search for weapons, evidence, contraband, etc., will be performed.

Verbal requests of an individual to “empty their pockets” or “visual searches” will not suffice as a search in this context.

For purposes of officer and prisoner safety, evidence integrity, and accurate reporting requirements, it shall be understood that when a physical search of an individual has taken place, and is so communicated verbally or in written form, a physical search will have been performed.

Pat-down/Frisk for Weapons
The narrow scope of the Terry exception permits the officer to briefly detain, for limited questioning, a person whom they reasonably suspect of criminal activity and to frisk the person for weapons if they have reasonable grounds to believe the person to be armed and presently dangerous.

**There is no automatic right to do a pat-down/frisk; there must be a reasonable suspicion of weapons or danger**.

The suspicion of dangerousness must focus particularly on the individual to be searched, not simply on the area in which the individual is found.

A pat-down protective search may be made before placing or transporting any person in a patrol vehicle. An arrest is not necessary.

### ❖ Protective Sweep

A protective sweep during an in-home arrest is allowed **when** the searching officer possesses a reasonable belief based on specific and articulable facts which, taken together with rational inferences from those facts, would warrant a reasonably prudent officer in believing that the area to be swept harbors an individual posing a danger to those on the arrest sweep.

A protective sweep extends only to a cursory inspection of those spaces where a person may be found, lasting no longer than is necessary to dispel the reasonable suspicion of danger, and in any event no longer than it takes to complete the arrest and depart the premises.

For more information refer to the policies on **Warrantless Residential Entry**.

## 8.00.020 SEARCH WARRANTS

Search warrants issued by King County Superior Court are valid throughout the state. Search warrants issued by a district court are valid only in the county of issuance. Each warrant will have a time requirement for service included within.

Officers who need a search warrant for property in another county will obtain it through the appropriate court.

Use of telephonic search warrants will follow current practices dictated by the King County Prosecutor and/or current court ruling.

## 8.00.030 VEHICLE SEARCHES (updated 08/31/2010) (CALEA 1.2.4)

### ❖ Arrested Person

After officers have made a custodial arrest of a motor vehicle occupant – including searching the arrestee's person – and have secured the arrestee in handcuffs in a patrol car, and while the vehicle is still at the scene of the arrest, officers may not automatically search the vehicle. A vehicle search may only be conducted if it is pursuant to a search warrant or justified under an exception to the search warrant requirement.

### ❖ Non-arrested Occupants of the Vehicle

Even if there is a lawful custodial arrest of one of the occupants of the vehicle, the officer may not search the possessions of any non-arrested occupants if the officer knows the items belong to non-arrested occupants, unless there is an independent, objective, and articulable basis that a non-arrested occupant is dangerous.

### ❖ Impound inventory

Refer to 22.00.160.

## 8.00.040 STRIP SEARCHES (CALEA 1.2.8)

Strip and/or body cavity searches may be necessary for agency safety and security or to seize evidence of criminal activity. These searches are highly intrusive and will be conducted within the limits of legal authority, out of public view, and with due regard for human dignity.

### General Provisions

Strip searches and body cavity searches will be conducted in a professional manner which protects the prisoner's dignity to the extent possible.

A strip search or body cavity search, as well as pre-search undressing or post-search dressing, will occur at a location made private from the observation of persons not conducting the search.

A strip search or body cavity search will be performed or observed only by persons of the same sex as the person being searched, except for licensed medical professionals as indicated below, or when necessary to conduct the search or to assure the safety of the prisoner or any person conducting the search.

When a strip search or a body cavity search of a prisoner is conducted, it should include a thorough visual check for birthmarks, wounds, sores, cuts, bruises, scars, injuries, "health tags."

All visible injuries will be photographed.

Physical markings and "health tag" identification will be recorded and made available to medics/physicians in the event the prisoner is given medical care/treatment while in BPD custody.

Persons conducting a strip search or body cavity search will not touch the person being searched except as reasonably necessary to effectuate the search of the person.

### Strip Search

No strip search will be conducted prior to the prisoner's first court appearance unless there is reasonable suspicion that the person has on his or her person evidence of a crime, contraband, fruits of a crime, things otherwise criminally possessed, a weapon, or other things by means of which a crime has been or reasonably appears about to be committed.

No strip search will be authorized or conducted unless a thorough pat down search, a thorough metal detector search, and a thorough clothing search, where appropriate, do not satisfy the safety, security or evidentiary concerns of the Department.

A written record of any strip search will be maintained with the crime/arrest report concerning the person strip searched and will contain the following information:

- The name and personnel number of the officer conducting the strip search and of all others present or observing any part of the strip search; and
- The time, date and place of the strip search; and
- Any weapons, criminal evidence, other contraband, or health condition discovered as a result of the strip search;
- The name of the supervisor authorizing the strip search; and
- The specific facts constituting reasonable suspicion to believe the strip search was necessary

**Body Cavity Search**

Search warrant and authorization will be required.

No body cavity search will be conducted except pursuant to a valid search warrant.

No search warrant for a body cavity search will be sought without prior approval of the on-duty Watch Commander or senior Patrol supervisor.

Before any body cavity search is authorized or conducted, a thorough pat down search, a thorough electronic metal detector search, and a thorough clothing search, where appropriate, must be used to search for and seize any evidence of a crime, contraband, fruits of crime, things otherwise criminally possessed, weapons, or other things by means of which a crime has been committed or reasonably appears, about to be committed.

No body cavity search will be authorized or conducted unless these other methods do not satisfy the safety, security, or evidentiary concerns of the Department.

Only licensed medical personnel may conduct body cavity search/conditions.

Any body cavity search will be performed at a medical facility under sanitary conditions and conducted by a physician, registered nurse, or registered physician's assistant, licensed to practice in the state, who is trained in the proper medical process and the potential health problems associated with a body cavity search.

- Observers

When a body cavity search is conducted by a licensed medical professional of the opposite sex, an observer of the same sex as the prisoner will be present. Whenever possible a police officer of the same sex as the prisoner shall observe for evidentiary purposes.

A person upon whom a body cavity search is to be performed may have a readily available person of his/her choosing present at the time the search is conducted. However, the person chosen will not be a person being held in custody.

- Search Report

The officer requesting the body cavity search will prepare and sign a report, which will include:

1. A copy of the warrant and any supporting documents required; and
2. The name and sex of all persons conducting or observing the search; and

3. The time, date, place, and description of the search; and

4. A statement of the results of the search and a list of any items removed from the person as a result of the search.

The body cavity search report will be maintained with the crime/arrest report concerning the person searched.

# CHAPTER 9

# UNBIASED POLICING

(updated 7/11/2011)

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## 9.00.010 UNBIASED POLICING (CALEA 1.2.9)

### Department Policy

The Bellevue Police Department affirms its commitment to unbiased policing and to establish procedures that serve to ensure the community and Department employees that we are providing service and enforcing laws in a fair and equitable manner. The confidence and respect of the public for the Police Department are dependent on all members of the Police Department treating all people fairly and without prejudice.

The use of any bias in enforcement activities is detrimental to effective law enforcement and may lead to allegations of violations of Constitutional rights of the citizens we serve, undermine legitimate law enforcement efforts, and lead to claims of civil rights violations. Additionally, demonstrating bias alienates citizens, fosters distrust of law enforcement by the community and invites media scrutiny, legislative action and judicial intervention. The use of bias in the Department's law enforcement activities is strictly prohibited.

Race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or national origin will not be a motivating factor for conducting any law enforcement action including social contacts.

### Law Enforcement Actions

All investigative detentions, traffic stops, arrests, searches, and seizures of property by officers will be based on a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the U.S. Constitution and Article I. Section 7 of the Washington State Constitution. Officers must be able to articulate specific facts, circumstances and conclusions which support probable cause or reasonable suspicion for the law enforcement action taken.

No person shall be singled out or treated differently as a consequence of their race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or national origin.

Except as provided below, Officers shall not;

- Consider race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or national origin in establishing either reasonable suspicion or probable cause

- Consider race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or national origin in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search

- Consider that a person 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.

Race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or national origin, or motorcycling can never be used as the sole basis for reasonable suspicion or probable cause, provided that officers may take into account the reported race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, national origin, or motorcycling of a specific suspect or suspects when acting in good faith, based on credible or reliable information known to the officer at the time that links specific suspected unlawful activity to a particular individual in the same way they would use specific information regarding age, height, weight, etc., about specific suspects.

In an effort to prevent perceptions of bias, officers shall utilize the following strategies when conducting contacts, investigative detentions, traffic stops, arrests, searches and seizures of property. Officers shall:

- Be courteous, polite and professional
- Introduce themselves and explain to the person the reason for the contact as soon as practical, unless providing this information will compromise the investigation or the safety of officers or other persons. In vehicle stops, this information should be provided before asking for their driver's license, vehicle registration, proof of insurance, or other identification
- Ensure that the length of the detention is no longer than necessary to take appropriate action for the known or suspected offense as well as any offense which is legitimately discovered during the course of the investigation
- Ensure that the purpose of reasonable delays is explained to the person(s) contacted.
- Answer any questions the citizen may have, including explaining options for the disposition of a traffic citation, if relevant.
- Provide name and badge number when requested, verbally, in writing or on a business card
- If the reasonable suspicion for the stop is dispelled or the stop was made in error, the officer will explain why the error was made and apologize for any inconvenience.

**Training**

Training shall be provided to all Department personnel on topics that can be associated with the practice of unbiased policing as the need is identified. Relevant topics can include, but are not limited to: Ethics, field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination and legal issues that relate to these topics.

**Review and Analysis**

An annual review of bias based policing complaints will be done by the Office of Professional Standards. The Chief may assign a Command Staff employee to conduct a review and analysis to determine if there is any disparate impact to any of the above identified community groups or members. Resources for conducting the review are citations, FIRs, complaints and other Department documents that may indicate a bias based policing practice is occurring. Citizen concerns should also be considered when conducting the analysis.

**Violations**

Violations of this policy shall be investigated under the Department's Internal Discipline Procedure and, if sustained, shall result in disciplinary action consistent with the Department's progressive discipline policy. All personnel shall immediately report any incident of suspected bias based policing to their command officer who shall initiate an appropriate inquiry into the incident. Any complaint alleging bias will be investigated by the Office of Professional Standards.

# BELLEVUE POLICE DEPARTMENT MANUAL

## CHAPTER 10

## SEXUAL HARASSMENT/UNLAWFUL HARASSMENT

(updated 10/20/2010)

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### 10.00.010 SEXUAL HARASSMENT/UNLAWFUL HARASSMENT (CALEA 26.1.3)

**Definitions 6/2006**

**Sexual harassment** is defined as "unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature" when:

- Submission to such conduct is made either explicitly or implicitly as a term or condition of the individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment

**Other forms of unlawful harassment** means conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment because of race, creed, color, national origin, sex, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person.

**Department Policy** (updated 06/2006)

Sexual harassment or other unlawful harassment of any employee by any other employee of the Bellevue Police Department is prohibited and will not be tolerated. Sexual harassment and other unlawful harassment has a negative impact on morale, motivation, and job performance. It results in increased absenteeism, turnover, tension and loss of productivity. It is inappropriate, offensive and potentially illegal.

Sexual harassment is a form of unlawful discrimination under the provisions of Title VII of the 1964 Civil Rights Act and RCW Chapter 49.60, the Washington State Law Against Discrimination.

**Notification of Sexual and Other Unlawful Harassment**

Any employee who believes that she (or he) is encountering sexual harassment, or other unlawful harassment, or any employee who observes a situation, which may be sexual harassment or other unlawful harassment of another employee, is strongly encouraged to seek immediate assistance from his/her supervisor, another supervisor if the reporting employee alleges that their supervisor is involved in the harassing behavior, and/or the City's Human Resources Department. No discipline shall result from such reporting action.

It is the responsibility of all supervisory employees to report all cases of observed sexual or other unlawful harassment to their Section Commander immediately so that corrective action can be taken.

## Investigation and Discipline

Because of the sensitive nature of the problem of sexual harassment and other unlawful harassment for all persons involved, any report of sexual harassment or other unlawful harassment will be investigated immediately and confidentially in accordance with City guidelines and the Department's policy on internal discipline.

Action will be taken to protect all parties involved from further harassment, retaliation or false accusations. Appropriate disciplinary action will be taken for sexual or other unlawful harassment based on the severity of the offense.

# BELLEVUE POLICE DEPARTMENT MANUAL

## Chapter 11

## STANDARDS OF CONDUCT

## RULES AND REGULATIONS

(updated 10/20/2010)

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### 11.00.010 STANDARD OF CONDUCT (CALEA 26.1.1)

The Bellevue Police Department values its employees and promotes effective discipline. The Department believes this to be a positive procedure. The standards of conduct in this manual apply to all personnel of the Bellevue Police Department.

Employees will not engage in any activity which constitutes conduct unbecoming an employee or which constitutes neglect of duty.

Failure of an employee either willfully, or through negligence or incompetence, to perform the duties of his/her rank or assignment, or violations by an employee of any policy, procedure, rule, regulation, order or memorandum having the effect of a rule, regulation or order, may be considered sufficient cause for discharge, demotion, suspension, or other penalty.

Specific information on how violations of Department Rules and Regulations are processed will be found in policies concerning Discipline/Complaints/Internal Investigation elsewhere in this manual.

### 11.00.020 ABSENCE FROM DUTY

Every employee who fails to appear for duty, including scheduled training, at the date, time, and place specified, without the consent of a supervisor, is "absent without leave." All employees will report any unscheduled absence from duty in the following manner, and such absence specifically includes sick leave.

The employee will be responsible for contacting a supervisor at least two hours (four hours for civilian employees covered by Union contract) in advance of his/her scheduled duty time, and advise the supervisor of his/her necessity for being absent. (Incapacitating injury, sudden illness, or other emergency circumstances will be sufficient cause for departure from the above two-hour (four-hour) requirement.)

Where provisions for relief of the absent employee are necessary for sufficient shift coverage, the respective supervisor will make such personnel reassignment as the situation demands.

### 11.00.030 ACCEPTANCE OF BAIL

Employees will not accept money as bail or in payment of a fine, except as specifically authorized by the Department, and in every instance a written receipt will be provided.

### 11.00.040 ADDRESS AND TELEPHONE NUMBERS

The Department requires that all employees provide the Chief's office with their full name, their current residential street address, their residential telephone number where they can receive calls and/or record incoming messages at all times, and the name of a person to be notified in case of emergency. Any changes to this information must be reported, in writing, to the Chief's office within 24-hours of the change, whether the employee is working or on leave. An employee on leave may provide the notice via telephone and provide written notice upon their return to work. The Chief of Police may authorize a deviation from this rule to

permit use of a cellular phone, pager, and/or voice mail on a case-by-case basis. Employees requesting an exception to this rule shall do so in writing.

## 11.00.050 ASSIGNMENTS AND REPORTS

Employees will promptly carry out Department business, and promptly and truthfully submit such reports as are required in the performance of their duties.

## 11.00.060 ASSISTANCE (CALEA 12.1.4)

All employees will provide any necessary or required assistance to another employee, and all commissioned officers are required to take appropriate action toward aiding a fellow employee exposed to danger or in a situation where danger may be impending.

**Responding to Calls** (CALEA 82.2.2)

Commissioned employees of the Department will respond without delay to all calls for assistance from citizens. Emergency calls take precedence; however, all calls will be answered as soon as possible, consistent with normal safety precautions and vehicle laws. Except under the most extraordinary circumstances, or when otherwise directed by a supervisor, no employee will fail to answer any phone or radio call directed to him/her.

All employees will attend to requests, telephone calls, messages, etc., from the public quickly and accurately, avoiding necessary referral of the request to other employees or sections.

**Cooperation with Other Public Agencies**

Employees will cooperate with other city departments, with outside police agencies, and will give aid and information as such organization may be entitled to receive consistent with Department policy.

## 11.00.070 ASSISTING CRIMINALS OR VIOLATORS

Employees will not communicate in any manner, either directly or indirectly, any information which might assist a person suspected of criminal or quasi-criminal acts to escape arrest or punishment, or which may enable them to dispose of or secrete evidence of unlawful activity, money, merchandise, or other property unlawfully obtained.

## 11.00.080 COMPENSATION FOR DAMAGES SUSTAINED OFF DUTY

Employees who have received salary from the City for injury sustained off duty, or illness, will notify the Chief of Police of any intent to seek, sue, solicit, or accept compensation as damages for such illness or injury. This notice will be filed before any action is taken. It must include the facts of the claim and the name of the respondent.

## 11.00.090 COMPENSATION FOR DAMAGES SUSTAINED ON DUTY

Employees will not seek, in any way, nor accept from any person, money or other compensation for damages sustained or expenses incurred by them in the line of duty, without first notifying the Chief of Police in writing.

## 11.00.100 COMPROMISING CRIMINAL CASES

Employees will not engage in any of the following conduct:

- Interfere with the service of lawful process

- Interfere with the attendance or testimony of witnesses through coercion, bribery, or other means
- Take any action which will interfere with the efficiency or integrity of the administration of criminal justice
- Having knowledge of such interference, fail to inform a supervisor

## 11.00.110 CONDUCT TOWARD SUPERVISORS, SUBORDINATES AND ASSOCIATES

Employees will treat supervisors, subordinates and associates with respect. They will be courteous and civil at all times in their relationships with one another. When on duty and particularly in the presence of the public, supervisors will be referred to by rank.

1. Employees, both on and off-duty, shall avoid associations which compromise the integrity or operations of the Bellevue Police Department. This rule shall not apply to associations occurring in the performance of official duties.

2. The Bellevue Police Department believes that it is in the employees' and the Department's best interest to keep business and professional relationships separate from personal relationships. It is imperative that the Department strive at all times to prevent the reality or appearance of impropriety. Supervisors might create the perception of a conflict in their professional responsibilities if they directly supervise a subordinate with whom they have a marital, domestic partnership, familial, or dating relationship (Relationship).

3. The Bellevue Police Department will not knowingly assign employees who are family members, spouses, domestic partners or in a dating relationship to work assignments where one employee will directly supervise, appoint, remove, discipline the other or where one employee will evaluate or audit the work of the other.

4. Any supervisor directly in the chain of command of an employee who is a family member, spouse, domestic partner or in a dating relationship with a higher ranking supervisor in that chain of command will report any performance and or disciplinary issues of that employee directly to the Office of Professional Standards rather than through their normal chain of command.

5. If a relationship arises or exists between a supervisor and a subordinate as described in 3 or will exist with the appointment, reassignment or transfer of a supervisor or subordinate, the parties involved shall immediately notify the appropriate Deputy Chief. Failure to report such a Relationship may subject the involved employees to discipline.

6. The Deputy Chief may order a non-disciplinary change of assignment to remove the real or perceived appearance of conflict caused by a Relationship between a Supervisor and a subordinate. Typically, the Supervisor will be the employee re-assigned. If a transfer results in a loss of pay or benefits to a represented employee, the employee may grieve the transfer for just cause under the applicable collective bargaining agreement. If a transfer results in a loss of pay or benefits to an unrepresented employee, the employee may appeal the transfer under the City of Bellevue Policy and Procedures Manual.

7. **Definitions:**

a. Dating: means a social relationship of a romantic nature.

b. Domestic Partnership: means two people have a close personal relationship, and share the same regular and permanent residence.

c. Family member: means wife, husband, son, daughter, mother, father, brother, sister, grandfather, grandmother, in-laws and or any other relative living in the home of the employee.

d. Relationship: means a marital, domestic partnership, familial, or dating relationship

e. Supervisor: means a person of higher rank or a person who is continuously responsible for training and/or evaluations, this includes field-training officers.

## 11.00.120 COOPERATION

All employees are strictly charged with establishing and maintaining a high spirit of cooperation within the Department.

## 11.00.130 COURTESY

Employees will at all times be courteous and civil to the public and to one another. They will be orderly, attentive and respectful, and will exercise patience and discretion in the performance of their duties. Employees will avoid harsh, violent, profane or insolent language and will strive to remain calm regardless of provocation to do otherwise. Upon request, employees will supply their name and identification number in a courteous manner.

## 11.00.140 CRIMINAL INFORMATION AND SELF-ASSIGNED INVESTIGATIONS

Employees will not withhold any information on criminal activity, or undertake self-assigned investigations at any time.

## 11.00.150 CRITICISM

Employees will not publicly criticize or ridicule the Department, its policies, procedures, rules or regulations, or other employees, by talking, writing, or expressing in any manner; where such a talking, writing, or other expression is:

1. Defamatory
2. Unlawful
3. Tends to impair the operation of the Department by interfering with its efficiency
4. Made with reckless disregard for truth or falsity
5. Interferes with the ability of supervisors to maintain discipline

## 11.00.160 DEPARTMENT ORDERS (CALEA 12.1.3)

No supervisor or commander will knowingly issue any order which is in violation of any law, regulation, policy or procedure.

### Issuing Orders

Orders will typically follow the chain of command in descending order. However, at times it may be necessary for a ranking authority to issue an order that by-passes rank structure. For example, a Captain issues an order to a Lieutenant through an officer. The officer then contacts the Lieutenant and advises him of the order. The Lieutenant is required to obey the order, even though it is coming from (relayed by) an officer.

Orders from supervisors to subordinates will be in clear, understandable language, civil in tone, and issued in pursuit of departmental business.

**Obedience to unlawful order**

No employee is required to obey any order which is contrary to federal or state law, or local laws. Responsibility for refusal to obey rests with the employee, and he/she will be required to justify his/her action.

An employee receiving an unlawful order will, at first opportunity call the conflict to the attention of the person issuing the order. If the order is not withdrawn, the employee will report in writing to the Chief of Police, through the appropriate chain of command. The report will contain the facts of the incident and the actions taken or not taken.

Employees who obey an unlawful order without notifying the issuer or who refuse to obey a lawful order are subject to appropriate disciplinary action.

**Obedience to Unjust or Improper Orders**

An employee receiving an unjust or improper order will, at first opportunity, call the conflict to the attention of the person issuing the order. If the order is not withdrawn, the employee must first obey the order to the best of their ability and then may proceed to object to the unjust or improper order pursuant to departmental regulations.

**Reports and Appeal – Unlawful, unjust, or improper Orders**

An employee receiving an unlawful, unjust, or improper order will, at first opportunity, report the situation in writing to the Chief of Police through the appropriate chain of command. The report will contain the facts of the incident and the action taken. Appeals for relief from such order(s) may be made at this same time.

**Conflicting Orders**

Upon receipt of an order conflicting with any previous order or instruction, the employee affected will advise the person issuing the second order of this fact. Responsibility for countermanding the original order or instruction will then rest with the individual issuing the last order. If so directed, the latter command will be obeyed first. Orders or instructions will be countermanded, or conflicting orders will be issued, only when reasonably necessary for the good of the Department.

## 11.00.170 DUTY RESPONSIBILITIES (CALEA 12.1.3)

Employees will maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions.

All employees will perform their duties as required or directed by law, a departmental rule, regulation, policy, procedure, or proper authority.

Employees will, at all times, respond to the lawful orders of a supervisor and other proper authority, as well as calls for assistance from citizens.

The administrative delegation of the enforcement of certain laws and ordinances to particular units of the Department does not relieve employees of other units from the responsibility of taking prompt, effective action within the scope of those laws and ordinances when the occasion so requires.

Employees assigned to special duties are not relieved from taking proper actions outside the scope of their specialized assignment when necessary.

**11.00.175 FALSE INFORMATION** (updated 10/20/2010)
No employee will give or offer false information, or provide false reports (either verbal or written) to a supervisor, or while engaged in or conducting any departmental or police-related business.

**11.00.180 GENERAL RESPONSIBILITIES**

Within the city of Bellevue employees of the Department, based upon their individual assignment and authority, will at all times take appropriate action to:

1. Protect and preserve life and property

2. Preserve and enhance the peace and safety of the community

3. Enforce all municipal ordinances and federal and state laws coming within their assigned jurisdiction.

**11.00.190 DEPORTMENT**

Employees, whether on duty or off duty, will not commit any act tending to bring reproach or discredit upon the Department or the City of Bellevue.

**11.00.200 IMPARTIAL ATTITUDE** (updated 10/20/2010)

All employees will remain completely impartial toward all persons coming to the attention of the Department.

Employees on duty or off duty, identified as a Department member, will not speak derisively of any race, religion, creed, color, national origin, sex, honorably discharged veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability.

**11.00.210 INCURRING DEPARTMENT EXPENSE**

Employees will not knowingly and intentionally incur any departmental expense or liability without the approval of a Section or Division commander, except when necessary under emergency circumstances.

**11.00.220 IDENTIFICATION AS POLICE OFFICER**

Except when impractical or unfeasible, or where the identity is obvious, Police Officers will identify themselves by displaying their badge or identification card before taking official action.

**11.00.230 INSUBORDINATION** (CALEA 12.1.3)

Failure or deliberate refusal of any employee to obey a lawful order given by a supervisor, or open disrespectful conduct towards a supervisor, will constitute insubordination.

**11.00.240 JUDGMENT RESPONSIBILITIES**

Employees will, at all times, exercise caution and good judgment. Employees will observe safe practices in the discharge of their duties to avoid injury to themselves and others, or unwarranted damage to property and equipment.

## 11.00.250 KNOWLEDGE OF LAWS AND REGULATIONS

Every employee is required to establish and maintain a working knowledge of all laws and ordinances in force in the City, and all regulations, rules, policies and procedures of the Department. In the event of improper action or breach of discipline, it will be presumed that the employee was familiar with the law, order, regulation, policy or procedure in question.

## 11.00.260 LOITERING

All employees on duty or in uniform will not enter and unduly remain on the premise of a tavern, theater, or other public or private place except in the performance of departmental duties or business.

## 11.00.270 LOYALTY

Employees will maintain a loyalty to the Department and its employees as is consistent with the law and Department policies, procedures and regulations.

## 11.00.280 MEALS AND BREAKS

Section Commanders may establish procedures which will allow employees to have specified meal periods and break times, in accordance with current labor contracts.

An employee's failure to take a meal period or break time where sufficient time is available and/or is not available due to police activity requiring attention, will not constitute grounds for a claim for paid overtime or compensatory time.

Employees are not permitted to use the meal period or break time to leave early or arrive late at their work assignments.

Police Officers may suspend their duty for a 30-minute lunch period and two 15-minute breaks, subject to call and modification by a supervisor or other competent authority.

Police Officers will clear their meal period or breaks with communications before taking them.

Police Officers will monitor the police radio during meal periods or breaks when on-duty and are responsible for handling calls for service. Officers will be prepared to respond to emergency calls.

Officers may leave the City for meal periods, but only with the permission of their supervisor; provided the meal is at the officer's private residence and the residence is within 5 miles from the City limits.

No more than two marked police units and three uniformed officers (excluding supervisors) are allowed to take concurrent meals or breaks at any one eating establishment. This section applies to off-duty officers who have assigned, marked take-home vehicles.

Arrangements for meal periods and breaks during unusual circumstances such as emergency operations will be approved by the incident commander or supervisor.

## 11.00.290 MEETINGS BY UNIFORMED PERSONNEL IN MARKED CARS

Gatherings of more than two marked patrol cars and three uniformed officers, other than those required for operational needs, will be avoided. When officers find it necessary to meet to conduct police business, they should avoid attracting undue public attention by having the fewest number of units meet and minimizing the time together.

## 11.00.300 NATIONAL COLORS AND ANTHEM

Employees in uniform will render full military honors to the national colors and anthem at appropriate times. When wearing a hat a salute is required, otherwise placing the right hand over ones heart is appropriate.

## 11.00.310 OBEDIENCE TO LAWS AND REGULATIONS

Employees will observe and obey all federal and state laws, municipal ordinances, and orders, regulations, rules, policies and procedures of the Department.

## 11.00.320 OFF DUTY POLICE ACTION

### Off-Duty Service Requirements

Off-duty police officers will perform necessary police services in the City of Bellevue whenever the public safety will so require.

It is recommended that police officers carry an authorized firearm when off duty and within the City limits. Police officers will not carry a firearm when involved in any situation where he/she may be likely to, or will consume intoxicating beverages.

### Reporting

Any police officer using their police authority while off duty will immediately report the incident to a Patrol Watch Commander. The Watch Commander will require any officer who exercises police authority while off duty to complete an officer's report by the end of the next business day or in accordance with policy and procedures.

## 11.00.330 PERFORMANCE RESPONSIBILITES

When on duty, employees will devote their entire time and energies to the duties and responsibilities of their assignment. While a high level of performance or a continuous effort towards improved and increased performance should be the goal of every employee, a standard level of reasonable quality performance (as judged by previous experience or by the activity of other employees performing similar duties) will be considered minimum acceptable performance. Sustained performance below this minimum level, which cannot be satisfactorily explained, will be grounds for disciplinary action.

## 11.00.340 PERSONAL PREFERMENT

No employee may seek the influence or intervention of any person outside the Department for purposes of personal preferment, advantage, transfer, or advancement.

## 11.00.350 POLITICAL ACTIVITY

Personal involvement in partisan political activity will not be allowed during an employee's duty hours.

## 11.00.360 PROHIBITED ACTIVITY, ON-DUTY

Employees are prohibited from engaging in the following activities while on duty, with the exceptions as noted:

1. Sleeping, loafing, idling

2. Recreational reading (except at meals)

3. Carrying any article which distracts from the proper performance of official duty

4. Drinking intoxicating beverages (except in performance of any official duty, and then, only with the specific consent of a supervisor - and never in uniform)
5. Gambling, unless to further a police investigation

## 11.00.370 PUBLIC APPEARANCE REQUESTS

With exception of matters pertaining to labor relations, all requests for public speeches, appearances, presentations, and attendance at conventions as official representatives of the Department will be routed to the employee's Division Commander for approval and processing.

## 11.00.380 QUESTIONING REGARDING ASSIGNMENT

Employees in doubt as to the nature or details of their assignment or responsibilities will seek such information from their supervisor or commander by going through the chain of command.

## 11.00.390 RECOMMENDING ATTORNEYS AND BAIL BOND BROKERS

Employees will not suggest, recommend, advise, or otherwise counsel the retention of any attorney or bail bond broker to any person coming to their attention as a result of official business.

## 11.00.400 RELIEF FROM DUTY

When an employee is assigned to an area or duty, it will be that employee's responsibility to remain in that area or on that duty until properly relieved.

## 11.00.410 REPORTING FOR DUTY

Unless otherwise directed, employees will report for duty at the time and place specified by the appropriate Command Officer, properly uniformed and equipped. They will give careful attention to orders and instructions.

## 11.00.420 REPORTING VIOLATIONS OF LAWS

Employees knowing of other employees violating any law or Department rule, regulation, policy or procedure will report same, in writing, to the Chief of Police through the appropriate chain of command.

## 11.00.430 RESPONSE TO EMERGENCIES FROM OFF DUTY STATUS

Employees off duty will report for duty immediately upon receipt of notification in compliance with the directions given them at the time of notification.

In the event of a widespread disaster (i.e., major earthquake) and the loss of life and severe damage to property is obvious and telephone contact is not possible, all police officers will report for duty as soon as possible.

Essential employees unable to reach the Police Station or other designated location or who have not been contacted by telephone will attempt to contact the Department as soon as practical and report their status by calling the Records Unit.

## 11.00.440 SOLICITING, GIFTS, GRATUITIES, FEES, REWARDS, LOANS, AND/OR DONATIONS

### Soliciting

Employees, on or off duty will not, **under any circumstances**, solicit any gift, gratuity, loan, or fee - where there is any direct or indirect connection between the solicitation and their departmental employment except as indicated below under **Donations**.

Employees will not solicit or accept free admission to any event requiring paid admission, for themselves or others, except in the line of duty.

### Acceptance of Gifts, Gratuities, Fees, or Loans

Employees, on or off duty will not accept (either directly or indirectly) any gift, gratuity, loan, fees, or any other thing of value arising from or offered because of their employment, or any activity connected with said employment. Employees will not accept any gift, gratuity, loan, fee, or other thing of value, the acceptance of which might tend to influence directly or indirectly the actions of said employee or any other employee in any matter of Department business; or which might tend to cast an adverse reflection on the Department; nor receive any gift or gratuity from other employees, junior in rank, without the express permission of the Chief of Police.

### Other Transactions

Employees are prohibited from buying or selling anything of value from or to any suspect, witness, defendant, or prisoner - in any case which has come to their attention, or which arose out of their departmental employment - except as may be specifically authorized by the Chief of Police.

### Rewards

Employees will not accept any gift, gratuity, or reward (in money or other consideration) for services rendered in the line of duty to the community or to any person, business, or agency - except by lawful salary or that which may be authorized by law.

### Disposition of Unauthorized Gifts, Gratuities

Any unauthorized gift, gratuity, loan, fee, reward, or other thing falling into any of these categories, coming into the possession of any employee by any means - will be forwarded to the Office of the Chief, together with a written report explaining the circumstances connected therewith.

### Commercial Testimonials

Employees will not permit their names or photographs to be used to endorse any product or service which is, in any way, connected with or alludes to their position or employment with the Department, without the permission of the Chief of Police.

### Donations

Employees, regardless of assignment, will not solicit or accept donations, which could reasonably be interpreted by the public as capable of influencing the employee's judgment in the discharge of official duties.

No donation of any kind will be converted to the private use of any employee.

No donation will be accepted unless designated for a specific purpose related to a Department sponsored or approved program.

Employees assigned to the Community Services Unit may communicate with members of the public concerning the needs of their specific programs. However, specific requests for specific donations are prohibited, (i.e.: do not go to a person or group for the sole purpose of asking for funds or goods).

Exceptions may be made for Department approved fund raising events.

Acceptance of any donation must be approved by the Chief of Police and in accordance with current City Administrative Order and Department Policy.

**Monetary Donations**

All monetary (cash, check, etc.) donations, regardless of the amount, are governed by the procedures outlined in Policy/Procedure No. 5, “City Acceptance of Monetary Donations” which is contained in the Finance Department’s Policies and Procedures Manual.

Employees will not accept a monetary donation without first insuring that acceptance of the donation meets all requirements of the Finance Department’s policy/procedure and that the appropriate documentation, including the City Donation Agreement, is completed.

All monetary donations will immediately be transmitted to the Finance Department with the proper documentation.

**Non-Monetary Donations**

Non-monetary donations are anything of value that is not monetary, including perishable and nonperishable items.

All non-monetary donations will be reported to the City Manager’s Office via the Department chain-of-command as non-monetary donations occur. Use the City Donation Agreement to report such donations.

In completing the City Donation Agreement, do not state a monetary value of the donated property, only a brief description.

Donation Report forms will be retained by the Section Commander accepting the donation.

Donations of vehicles or other equipment of significant value will likely require the execution of a City Donation Agreement and/or other contract between the donor and the City.

## 11.00.450 SUBVERSIVE ORGANIZATIONS AND MEMBERSHIPS

No employee will knowingly become a member of or be connected with any subversive organization, except when necessary in the performance of duty - and then only by the authorization of the Chief of Police. "Subversive organization" means any organization on the Subversive List of the Attorney General of the United States.

## 11.00.460 TRAINING

All employees will attend in-service training and other assigned training. Unexcused absence from training will be considered an absence without leave. Any commissioned employee absent from full duty (including light duty) for four months or more will report to the Personnel Services Section for updated training on the first day of return to full duty.

## 11.00.470 USE OF ALCOHOL

### Intoxicants on Department Premises

Employees will not bring into or keep any intoxicants on departmental premises except when necessary in the performance of an official task. Intoxicants brought into departmental premises in the furtherance of an official task will be properly identified and stored according to current policy/procedure.

### Consumption of Intoxicants

Employees will not, at anytime, be intoxicated while on duty, and will not consume intoxicants while off duty to the extent that evidence of such consumption is apparent when reporting for duty. A breath test reading of .01% or the refusal of an employee to submit to a breath test examination may be cause for immediate suspension.

## 11.00.480 USE OF DRUGS

### Drug, Narcotic, Prescriptive and Non-Prescriptive Medications

The personal possession or use of any drugs, narcotics, or other controlled substance by an employee, except in accordance with medical prescription, is strictly forbidden.

It will be the responsibility of the employee who receives any medication or any prescription for medication to inquire of the physician, dentist, or other medical authority issuing same as to the effects of such medication on his/her ability to safely perform his/her duties as a police employee. If the nature of the medication is such that it will or may create a safety hazard while on duty, and be continuous in its effect through or into the employee's next tour of duty, he/she will report same in writing as soon as practical to his/her supervisor, who will determine whether to continue the employee's present assignment, reassign the employee to temporary duty or relieve the employee from duty until such time as detrimental effects of the medication no longer exist.

It will be the responsibility of the employee consuming non- prescriptive medications to review cautionary warnings for potential side effects. If the nature of the medication is such that it will or may create a safety hazard while on duty, and be continuous in its effect through or into the employee's next tour of duty, he/she will report same in writing as soon as practical to his/her supervisor who will determine whether to continue the employee's present assignment, reassign the employee to temporary duty or relieve the employee from duty until such time as detrimental effects or the medication no longer exist.

Continued use and/or misuse of non-prescriptive medications may be cause for administrative review, referral to consultative medical authority, or disciplinary action.

## 11.00.490 USE OF TOBACCO

Employees may use tobacco products while on duty provided they exercise discretion and good judgment so as not to offend others. Under no circumstances will tobacco products be visible to the general public or in the mouth while in direct contact with the public. Smoking or other use of tobacco products is prohibited in police buildings, all marked police vehicles and in unmarked police vehicles with multiple occupants. Tobacco products will be properly disposed of and under no circumstances thrown from a vehicle or deposited on the ground.

## 11.00.500 OFFICER INVOLVED DOMESTIC VIOLENCE (updated 06/2005)

The purpose of this policy is to establish clear procedures, protocols and actions for investigating, reporting and responding to domestic violence when an incident involves a Bellevue Police Department sworn employee or a sworn employee from another agency.

Public confidence in law enforcement is important to our ability to maintain public safety. The public must trust that law enforcement employees are held to the standards of the law regarding domestic violence. Therefore, the agency will:

1. Promptly respond to allegations of domestic violence by an employee according to this policy and all applicable laws.
2. Give primary consideration to protection of the victim of domestic violence and enforcement of the laws.
3. Respect the due process rights of all employees, according to applicable legal precedent and collective bargaining agreements.
4. Expeditiously report and conduct thorough investigations into any allegation of a law enforcement employee involved in domestic violence.
5. Train employees and seek to educate their families about domestic violence and avenues for assistance.

**Definitions:**

**Domestic violence** as defined in RCW 10.99 includes two elements: first, a relationship between the perpetrator and the victim defined in RCW 10.99.020 (3), and second, that a criminal act has occurred as defined in RCW 10.99.020 (5).

**Domestic violence advocate** refers to an individual with professional credentials in the dynamics of battering, advocacy and victim safety.

**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 chapter 36.28 RCW.

**Employee** means any person currently employed with a law enforcement agency and specifically includes volunteers.

**Agency Actions:**

- Provide pre-hire screening procedures reasonably calculated to disclose whether an applicant for a sworn employee position has a history of domestic violence or child abuse allegations or has been subject to a protective order.
- Maintain ongoing and meaningful relationships with victim advocacy groups and other domestic violence professionals in the community.
- Provide education to department personnel on the dynamics of interpersonal violence.
- In response to observed behavior or at the request of the employee, the department will provide information of programs under RCW 26.50.150 (State certified batterer's treatment) and may recommend intervention services to employees.
- Reported acts of domestic violence will be investigated administratively and criminally as appropriate. Administrative investigations may be conducted by the Office of Professional Standards or through agreements with other law enforcement agencies. Applicable legal precedent and collective bargaining agreements will be honored.
- Provide information to employing law enforcement agencies as soon as possible after a domestic violence report involving a sworn employee.

- Provide information on this domestic violence policy to employees and make it available to employee families and the public.
- Provide victims of domestic violence by agency employees an agency point of contact to assist the victim through the investigative process.

- Provide victims of domestic violence by agency employees contact information about public and private nonprofit domestic violence services and information regarding relevant confidentiality policies related to the victim's information.
- Respond to department employees who are alleged to be victims of violence by sworn employees of the agency. Safety concerns and domestic violence services information will be reviewed with the alleged victim employee.
- Provide for appropriate sanctions when it is found that an employee has committed an act of domestic violence.
- Consider whether to relieve a sworn employee of agency-issued weapons and identification as well as suspending law enforcement powers pending resolution of an investigation. *(Department Manual 14.00.140, Temporary Relief from Duty)*
- All completed criminal investigations of domestic violence committed by a sworn employee shall be promptly forwarded to the appropriate prosecuting authority for a charging decision.

**Employee Actions:**

- Employees are entitled to seek assistance through the employee assistance program, employee peer counselors, chaplains or psychological professionals.
- Employees who become aware of an allegation of a domestic violence crime allegedly committed by a sworn employee must immediately report to a supervisor or the Office of Professional Standards. Failure to report may subject the employee to disciplinary action. *(Standards of Conduct 11.00.420, also Department Manual 14.00.070 Internal Complaints*)
- 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.
- Employees should be alert to the likelihood of victim or witness intimidation and shall immediately notify a supervisor or the Office of Professional Standards.
- Employees are expected to fully cooperate with the investigation of allegations under this policy <u>but only</u> as requested by a supervisor, the Office of Professional Standards or court subpoena.
- When a law enforcement agency responds to a call in which a sworn employee is alleged to have committed an act of domestic violence, <u>the involved employee must immediately report</u> that police response to a supervisor. Represented employees have a right to a Guild Representative at this time but may not delay the reporting to secure one.
- When an employee becomes the subject of an investigation for child abuse or neglect, or has previously been investigated for <u>founded</u> allegations of child abuse or neglect, or is currently or has previously been subject to any order under RCW 26.44.063 (Child Abuse/Neglect), 10.99 (DV-Official Response), 10.14 (Harassment) or 26.50 (DV Prevention Act), that employee must immediately report the fact directly to the Office of Professional Standards. Orders issued under 26.09 (Dissolution of Marriage) are NOT included.

**Supervisory Actions:**

- Supervisors should strive to be aware of behaviors in their subordinates that could be indicative of domestic violence.
- All agency supervisors are required to see that domestic violence incidents are properly recorded and processed according to this policy.

**General Incident Response:**

- Notification of any incident of domestic violence involving any law enforcement officer requires:
    - **A prompt response**
    - **Full investigation**
    - **A complete written report by this agency**
    - **Notification to the employing agency.**

- Patrol response to the scene of domestic violence involving law enforcement officers requires on scene supervisory presence. *(Department Manual 15.00.070 Supervisory Accountability)*
- All incidents of domestic violence by agency personnel require notification through the chain of command to the Chief of Police. *(Department Manual 14.00.080 Chief of Police Notification)*
- The Office of Professional Standards shall notify the applicable agency head of incidents of domestic violence by other law enforcement agency sworn employees.
- In the event of a report of domestic violence alleged to have been committed by the agency head, prompt notification will be made to the employing entity's chief executive officer, or, in the case of an elected Sheriff, the County's Prosecutor.

**Patrol Response to an Incident within Bellevue PD Jurisdiction:**

- A patrol officer responding to an incident described as domestic violence involving a law enforcement officer shall request a supervisory response to the scene.
- A thorough investigation shall be conducted in compliance with *Department Manual Chapter 5.00.040 Domestic Violence.*
- The primary officer shall inquire 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.
- A copy of the report should be forwarded to the Domestic Violence Unit and the Patrol Commander. Access to the report should then be restricted or physically secured, except as mandated by law.

**Patrol Supervisor Response:**

- A patrol supervisor shall respond to the scene of any domestic violence incident occurring inside the City of Bellevue, involving a sworn law enforcement employee regardless of the employing agency.
- The patrol supervisor shall ensure command notification.
- The patrol supervisor shall coordinate the investigation for incidents alleged to have occurred inside the City of Bellevue.
- The supervisor will document their actions by writing a report.
- The supervisor will provide a DV Resource Booklet and a copy of this policy to the victim.

**Command Officer Response:**

- The command officer notified of an incident covered by this policy will ensure that the Chief of Police is notified promptly of such incident. *(Department Manual 14.00.080 Chief of Police Notification)*
- The on duty or on-call command officer shall respond to the scene of any domestic violence incident occurring inside the City of Bellevue, involving a sworn law enforcement employee regardless of the employing agency. Upon arrival s/he shall take command of the scene.
- For incidents involving Bellevue sworn employees:
  - Whether or not there is an arrest made, the command duty officer will make a decision regarding the officer's department-issued weapons. Consideration should be given to other agency equipment and inquiries made about personal weapons that may be secured for safekeeping. In the case of an arrest, removal of the weapon is recommended. *(Department Manual 14.00.140 Temporary Relief from Duty)*
- For incidents within the City of Bellevue involving sworn employees of other law enforcement agencies:
  - The command officer will ensure command notification of the employing agency.
  - The command officer will ensure that assistance has been offered with removing weapons, police powers, etc.
  - The command officer will ensure that the department provides appropriate reports and any other requested documentation to the employing agency.

- If an arrest is made, the command duty officer or his designee shall contact that jurisdiction prior to custody transport and request authorization to seize that employee's duty weapons or arrange for the employing agency to do so.

**Domestic Violence Advocate:**

- When appropriate, the Domestic Violence advocate will review the report and coordinate with the investigative unit.
- Will coordinate with the appropriate prosecutor's office regarding charging and prosecution.
- The domestic violence advocate will coordinate with the appropriate community based advocacy organization to assist with victim safety concerns and obtaining protective orders.
- Selection of the court based domestic violence advocate will be made with consideration given to avoid any possible conflicts of interest.

**Victim Point of Contact**

- The single point of contact for victims of domestic violence involving a Bellevue Police Officer shall be the Captain of the Office of Professional Standards. In the event that the OPS Captain is not available, the Captain of the Personnel Services Unit will assume this responsibility. This individual will:
- Inform the victim of the following public disclosure laws and policies of the department:
  - Victim access: The Office of Professional Standards may release information from the criminal or administrative investigation to the victim or his or her authorized agent pursuant to RCW 10.97.070.
  - All other Requests. The Public Disclosure Act governs release of information from either the criminal or administrative investigation. The Records Unit in consultation with the Police Legal Advisor shall process requests for the criminal investigation. The Police Legal Advisor shall process requests for information from the administrative investigation.
  - The Public Information officer shall handle all media requests in conformance with Department Manual Chapter 12.00.010.
- Work with community resources and advocacy agencies to make available to the victim:
  - Information on how to obtain protective orders and/or removal of weapons from his or her home.
  - A copy of this policy and Information about public and private domestic violence advocacy resources.

**Administrative Process:**

- The agency will observe all other appropriate policies and procedures generally applicable to investigation of alleged officer misconduct. The department will respect rights of the accused employee under applicable collective bargaining agreements and case law.
- Administrative investigations will be conducted through the Office of Professional Standards or by an outside agency as directed by the Chief of Police.
- The department may make appropriate restrictions to assignments, law enforcement powers, building and records access and consider administrative reassignment and/or leave. *(Department Manual 14.00.130 Preliminary Protective Action)*
- Agency employees may be ordered to undergo a fitness for duty evaluation prior to any disposition, depending on the circumstances and in accordance with administrative policy and applicable collective bargaining agreements and civil service standards. *(Department Manual Chapters 14.00.140 and 17.00.170)*

# BELLEVUE POLICE DEPARTMENT MANUAL

## CHAPTER 12

## DISSEMINATION OF INFORMATION

(updated 10/20/2010)

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### 12.00.010 PUBLIC INFORMATION FUNCTION (CALEA Chapter 54)

In order to provide an orderly flow of information between the Department and the media, the public information function is assigned to the office of the Chief of Police. Public Information duties include:

- Assisting news media personnel in reporting routine news stories
- Being available to respond to a major incident when requested by an incident commander to assist in timely and accurate dissemination of releasable information that will not impede police operations
- The preparation and distribution of departmental news releases

All news releases will be coordinated through the Public Information Officer (PIO) if available, or through the on-duty Watch Commander in the PIO's absence.

At the direction of the Chief of Police, the PIO will arrange for, and assist at, news conferences.

**Press Releases**

The PIO will make all significant news releases and will maintain contact with the media via the recorded press line. The press line will have information updates each business day as necessary and will also be updated on weekends when deemed necessary. The information will be made available to media sources on an equal basis.

In the event that the PIO is not available, the on-duty Patrol Watch Commander or the on-duty senior Patrol supervisor will provide the media with any information deemed appropriate for release.

If both are unavailable, the media may contact NORCOM where information requests will be relayed to the PIO or designated contact. If an alternate contact has not been designated, NORCOM will relay the information request to the on-call Watch Commander or the senior Patrol supervisor on duty.

### 12.00.020 RELEASING DEPARTMENT INFORMATION

Employees will not release official information outside the Department except as provided in this manual or as required by law or competent authority. Specifically, information contained in police records, other information ordinarily accessible only to employees, names of informants, complainants, witnesses, victims, or other persons known only to officials, are considered confidential.

The first officers to arrive at the scene of an emergency situation shall quickly determine the scope of the situation in order to make sound decisions. Proper notifications to government agencies, public utilities, and the news media in the event of emergencies, unattended deaths, and major traffic problems are an essential part of the process.

The procedures and criteria for the release of agency records are mandated by RCW 10.97, RCW 42.17, RCW 13.50, and RCW 46.52. Policy for releasing Criminal History Record Information can be found later in this Chapter. All Records personnel will be familiar with these laws and records will be released accordingly.

**Release to the Media** (CALEA 54.1.1)

Consistent with the Public Disclosure Law (RCW 42.17), the Criminal Records Privacy Act (10.97), laws regarding privileged communications (RCW 5.60.060), and Department procedures and regulations, the Department will take all necessary steps to insure prompt and impartial disclosures of information to the media with the following exceptions:

- When, in the opinion of the Department representative, such release would prejudice the outcome of an investigation. This is not, however, to be used as a device to withhold information from the media that might not be legitimately confidential, critical to the success of an investigation, necessary for the protection of persons, statutorily exempt or privileged.

- When, in the opinion of the Department representative, such release would prejudice the outcome of court proceedings

- When such release is prohibited by law or the information sought is statutorily protected or privileged

- When, in the opinion of the Department, such release would prejudice the safety, rights, and/or privileges of persons identified in investigations

- When such release would be likely to cause public hysteria or panic

- Information which, in the opinion of the PIO or appropriate supervisor, relate to incidents which may or have resulted in a claim against the City or Bellevue or one of its employees. Requests for such information are to be directed to the Police Legal Advisor.

**After Criminal Charges have been filed**

After a person has been charged with a crime, **but before trial**, it is appropriate to disclose to the media the following information concerning the defendant:

- The defendant's name, age, residence, employment, marital status, prior criminal convictions and similar background information. There should be no restraint of biographical facts other than accuracy, good taste and judgment.

- The substance or text of the charge (e.g., "Assault I", "Arson II")

- The identity of the investigating and arresting agency and the length of the investigation

- The circumstances immediately surrounding an arrest, including the time and place of arrest, resistance, pursuit, possession and use of weapons, and a description of items seized at the time of arrest. These circumstances can be edited, where necessary, to protect persons requesting nondisclosure.

The identity of the complaining party, or any victim/witness, will be dealt with on a case by case basis. The identity may be released if the complainant victim/witness has not requested confidentiality and/or non-disclosure and has voiced no objection to being identified after being advised of the media inquiry.

**Non Disclosure Prior to Trial**

Prior to trial, employees will not disclose to the media the following information concerning a defendant:

- Opinions about a defendant's character, guilt or innocence
- Admissions, confessions or the contents of a statement or alibi attributable to a defendant
- References to the results of investigative procedures, such as fingerprints, polygraph examinations, ballistic tests, or laboratory tests
- Statements concerning the credibility of anticipated testimony of prospective witnesses
- Opinions concerning evidence or argument in the case whether or not it is anticipated that such evidence or argument will be used at trial

**Photographs**

The media may take photographs of a defendant while in a public place, but a defendant will not be posed by an officer for the benefit of media photographers.

With the permission of a supervisor, officers may release to the media the photograph of a wanted subject to encourage public help in making an apprehension.

All requests by media representatives for Department photographs of a person sought for or charged with the commission of a crime will be directed to the Public Information Officer.

Department photographs of an individual will not be released to the media unless a valid law enforcement function will be served.

**Release of Initial Crime Reports**

Initial crime reports include:

- The case/crime report form, and
- The case data check sheet, and
- Those supplementary reports written by the initial responding officer to explain the circumstances of the incident

Initial Crime Reports **do not** include:

- Supplementary reports detailing follow-up investigations, or
- Written statements signed by victims, complainants, witnesses or suspects, or
- Affidavits for warrants of arrest/search, or
- Arrest/detention reports

An initial crime report cannot be released to the media without the authorization of the Records Supervisor, Acting Records Supervisor, or the PIO.

Before authorizing release of an initial crime report to the media, the Records Supervisor or Acting Records Supervisor will:

- Ascertain whether the report is precluded from disclosure; if not,
- Verify that the report includes only those documents identified above.
- Edit as necessary, notifying PIO of release
- Note date, time, and fact of release in case file.

**Response to Media when Crime Reports are Unavailable**

Employees will respond to media inquiries in a courteous, professional manner. If an employee is confronted with questions or probes of a confidential nature, the matter will be referred to a supervisor

If a news release has been prepared, it may be immediately released to media representatives. The inquiring media representative may also be directed to the recorded press line. If further information is requested, the media representative should be referred to the Watch Commander or the senior Patrol or Traffic supervisor on duty, dependent upon the type of incident.

When a news release is not yet available, the media representative should be informed of the type of incident and the general location (i.e., assault in Somerset, car prowl in Eastgate, malicious mischief in Crossroads). If further information is requested, the media representative should be referred to the PIO or, in the PIO's absence, the Watch Commander or the senior Patrol or Traffic supervisor on duty, dependent upon the type of incident.

**Daily Recap**

Inquiries by members of the media for information contained in the Daily Recap are to be screened by the on-duty Records Supervisor, keeping in mind that the Recap is not a public record and that it may contain information which could prejudice the rights and/or privileges of persons identified herein.

**Media Access to Incidents** (CALEA 54.1.3)

Entrance to any area wherein evidence could be destroyed or compromised will be denied temporarily to members of the media.

Media entry will be expedited if and after the evidence is protected and media entry will not interfere with the investigation.

If the incident takes place on private property, members of the media are not allowed access except with the approval of the owner.

Members of the media must establish their identification as bona fide representatives of one or more of the following public news services:

- Newspaper
- Magazine
- Radio – Television
- Wire Service

If a long-term investigation is involved, the Commanding Officer may, at his/her discretion, give consideration to arranging a guided tour for the members of the media, if there are no known hazards.

Members of the media should be alerted to any known hazards at the incident location and be advised that they will be responsible for their own safety in all cases.

In incidents where a perimeter has been established, such as barricaded person, a major fire, or a natural disaster, access by media will be at the direction of the on-scene Commander. In no case will access be allowed if it compromises the safety of personnel.

The Department and the City of Bellevue accept no responsibility for media use or publication of information disclosed by the Department. Members of the media bear all responsibility for its proper publication to avoid unnecessary harm or embarrassment to victims or other innocent parties.

**Ongoing Criminal Investigations**

Any release of information to the news media regarding an ongoing criminal investigation, an unusual occurrence, or a confidential agency investigation/operation will be coordinated through the PIO.

The authorization to release such information will be made only after being reviewed by the Chief of Police and the concurrence of the Police Legal Advisor.

## 12.00.030 DISSEMINATION OF JUVENILE RECORDS (CALEA 82.1.2)

Juvenile records are statutorily divided into two major categories:

- Records relating to the commission of juvenile offenses which includes law enforcement Investigative records into the commission of a criminal offense by one or more juveniles

- Records **not** relating to the commission of juvenile offenses. This second category includes reports BPD obtained from other juvenile justice or care agencies during the course of BPD's investigation of a juvenile offense such as CPS reports, medical reports, psychological or other counseling reports.

Both categories of juvenile reports are statutorily **confidential** and their dissemination varies depending upon whether they relate to the commission of juvenile offenses.

Case reports and records relating to the commission of **juvenile offenses** will **not** be released except to other criminal justice agencies as follows:

- The other agency is pursuing an investigation or case involving the subject juvenile

- The other agency has been assigned the responsibility of supervising the subject juvenile

All requests for case copies for the purpose of criminal defense must be referred to the King County Prosecutor's Office.

Juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released to the prosecutor and defense attorney upon request and **after** a criminal charge has actually been filed.

Juvenile offense records of any adult convicted of a crime and placed under the supervision of the Department of Corrections will be released upon request to DOC.

Juvenile offense records will be released when directed by court order.

**Information** taken from but **not including** a juvenile offense report may be released as follows:

- Victims of crime or their immediate family may be provided with:

  1. The identity of the alleged or proven juvenile offender alleged or found to have committed a crime against the victim;

  2. The identity of the alleged or proven juvenile offender's parent, guardian or custodian; and

  3. The circumstances of the alleged or proven crime.

Except for the statutorily authorized release of relevant or necessary information regarding sex offenders (juvenile or adult), information concerning a juvenile offender or his/her family may be released to the public **only** when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

Records **not** relating to the commission of juvenile offenses are confidential and will **not** be released except to other juvenile justice or care agencies and only when the other agency:

- Is pursuing an investigation or case involving the subject juvenile, or

- Has been assigned the responsibility of supervising the subject juvenile.

Records **not** relating to the commission of juvenile offenses may be made available for review upon request by the subject juvenile, his or her parents, the juvenile's attorney, and the parent's attorney. **BPD may withhold the release of this information, unless otherwise directed by order of a court, when:**

- BPD determines that providing access to the information is likely to cause severe psychological or physical harm to the juvenile or his or her parents, or

- The information consists of medical or counseling records obtained by BPD from CPS, DSHS or a medical care provider and their disclosure must be handled by CPS, DSHS or the medical care provider with the informed consent of the juvenile.

**Information Identifying Child Victims of Sexual Assault**

Information identifying child victims under age eighteen who are victims of sexual assaults is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator.

Information identifying the child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault.

Prior to releasing any CHRI, information identifying a child victim of sexual assault will be deleted except as set forth above.

## 12.00.040 SEXUAL OFFENDER NOTIFICATION

Department will respond to sexual offender notices issued by the State of Washington in a manner consistent with the law, (RCW 4.24.550, 4.24.555, 9.94A.153, 9.95.145, 13.40.217, 10.77.207, 71.05.427, 71.09.120), the interests of the community and the needs of law enforcement.

Dissemination of information concerning “sex offenders”, as defined by RCW 9.94A.030, is governed by RCW 4.24.550 which provides that public agencies are authorized to release relevant and necessary information regarding sex offenders to the public when release of the information is necessary for public protection.

Public notices regarding sex offenders require prior review and authorization by the Chief of Police or his/her designee.

All State sex offender notices received by the Department will be sent to the assigned Crime Analysis Unit detective, who will review each notice to determine:

- The types of notice received, (i.e., escape, release, parole, discharge, residence registration, etc)
- The potential threat posed to the community
- The approximate duration of the offender’s stay in the City
- The extent of supervision required by the Department of Corrections (DOC) and/or the Department of Social and Health Services

If the notice indicates that the named offender will be in the City under supervision for 48 hours or less the Crime Analysis Unit (CAU) detective will classify the notice for Level I law enforcement circulation and distribute the notices within the Department as follows:

- Deputy Chief, Operations Division
- Operations Section Commander
- Traffic Unit Commander
- Records Unit
- Violent Crimes Supervisor
- Fraud Crimes Supervisor
- The Department Public Information Officer

If the notice indicates that the subject will be in the City more than 48 hours and/or that the subject will not be supervised while in the City, the CAU and/or an assigned detective will conduct any additional required investigations. A copy of the State notice and all additional information will be forwarded to:

- Deputy Chief, Operations Division
- Investigations Section Commander
- Patrol Section Commander
- Violent Crimes Supervisor
- Fraud Crimes Supervisor
- Traffic Unit Commander
- The Department Public Information Officer

- Records Unit
- NORCOM - for entry into CAD premise file

The CAU and/or an assigned detective who receives a sexual offender release and risk classification notice from the State will review that notice for the following facts and information:

- Whether the offender is physically present in the community or in route
- The offender's complete and accurate criminal record (local, regional, state and national)
- The DOC end of sentence review, including the pre-sentence investigation concerning the offender
- Any and all information available through the Department of Social and Health Services, or the DOC concerning the offender's criminal, counseling or treatment history and any available pre-sentence/prerelease investigations
- The offender's current or prospective residence in the City and its proximity to schools, playgrounds, parks or other areas where the presence of "victim population" is likely.
- The nature of the offender's past sex offenses, such as:

  1. Whether they involved young children or other persons
  2. Whether violence was involved in past offenses
  3. Whether weapons were employed in past offense
  4. Any other available information (notwithstanding that other available information may be "confidential" or "privileged"), which can be weighed by the Department in assessing the danger that the subject's presence in the community poses to the general public

The CAU and/or an assigned detective will report the results of their investigation to the Investigations Section Commander, the Department Legal Advisor and the Department PIO as soon as all required offender history, and the offender risk classification, is received from the releasing agency. (Releasing agencies may include the Department of Corrections, the Juvenile Rehabilitation Administration and the Indeterminate Sentence Review Board).

The Investigations Section Commander, Legal Advisor, and Violent Crimes Supervisor will review the Department's investigative results to determine:

- If the investigation demonstrates that the inquiries set forth above have been made and are reasonably complete
- Whether the investigation discloses a significant need to reassess the assigned risk classification as provided by the releasing agency. A reclassification of an offender's risk level will be determined by the Investigations Section Commander and the Legal Advisor. If a different risk classification is assigned by this Department, the releasing agency will be notified of the new risk classification and the supporting reasons will be provided.
- If the investigation reasonably substantiates the offender's potential for recidivism and therefore his/her continuing threat to the community

The following levels of notice dissemination have been adopted by the Washington Association of Sheriffs and Police Chiefs and will be used as a guide in the community notice efforts of the Department:

- **LEVEL I - INTERNAL/OTHER LAW ENFORCEMENT AGENCIES**

  Maintain the information within the Department and disseminate the information to other appropriate law enforcement agencies. A photograph of the offender may be included.

  Level I information will be disseminated to Department units and other appropriate law enforcement agencies.

  Notifications for Level I sex offenders may include the release of 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 offender resides.

  Level I dissemination will be conducted by the Crime Analysis Unit.

- **LEVEL II - SCHOOLS/NEIGHBORHOOD GROUPS LIMITED PUBLIC NOTICE**

  This includes the actions within Level I. Also notifications for Level II sex offenders may include public and private schools, child day care centers, family day care providers, businesses and organizations that serve primarily children, women, or vulnerable adults, neighbors and community groups near where the offender is regularly found (school or work). These groups will be responsible for their individual dissemination. A photograph of the offender may be included.

  Following authorization by the Chief of Police, or the Chief's designee, information to be disseminated will be forwarded to the Community Station Supervisor for Crime Prevention. The Crime Analysis Unit, Crime Prevention Unit detectives, Community Station officers, the PIO and volunteers will conduct Level II dissemination.

  Level II dissemination must be authorized and approved by the Chief of Police or his/her designee.

- **LEVEL III - PRESS RELEASE/GENERAL PUBLIC NOTICE**

  This includes Level I and II. Also, the public at large may be notified through specific releases. Level III is the highest level of notification and may include a photograph.

  Level III dissemination must be authorized and approved by the Chief of Police or his/her designee.

  Level III dissemination will be conducted by the PIO. The Legal Advisor will be available to assist the PIO in the preparation of Level III dissemination. Those resources, units and employees utilized for Level II offender dissemination will also assist in Level III notification dissemination as may be required.

Based upon their review and analysis of the investigative data, the PIO, Legal Advisor and Violent Crimes supervisor will make a recommendation to the Chief of Police regarding the appropriate level of public notice based upon the risk that the offender is reasonably believed to pose to the community.

In making the recommendation to the Chief of Police, the PIO, Legal Advisor, and Violent Crimes supervisor will:

- Select the most appropriate level of public notice dissemination based upon the available investigation information; and the 1997 WASPC model policies for disclosing information; and

- Provide, for the Chief's consideration, documentation explaining/supporting their recommendation regarding the appropriate level of public notice dissemination.

Level II and III public notices may include, but are not limited to:

- The fact of the offender's presence in the City, including the name of the neighborhood in which the offender resides
- The offender's criminal record
- A description of those persons (by age, sex, other characteristics) who have been victimized by the offender in the past
- A photograph of the offender

Level II and III notices may be published and distributed on flyers to schools, childcare facilities, neighborhood groups and multi-family residential complexes.

Only Level III general public notices will be disseminated in the form of a press release. Press releases may be distributed to schools, childcare facilities, neighborhood groups and multi-family residential complexes. Level III press release notices may also be released on the Department's Web Page. The approval of the Chief of Police must be received prior to Web Page dissemination.

A routine copy of the one page (face sheet) Department of Corrections Release Notification Form will be maintained in the Records Unit and, after conviction data is verified and any necessary deletion of particularly sensitive material is completed, made available to the news media and the public.

Making the DOC release notifications available to the news media is not intended to constitute a specific Department press release, but is instead intended to provide public record information to the news media and the public in a standardized and readily accessible manner.

## 12.00.050 CRIMINAL HISTORY RECORD INFORMATION (CHRI) (CALEA 82.1.7)

Dissemination of criminal history record information (CHRI) is strictly controlled by State law and City policy. The Department and all of its employees shall comply with the rules of dissemination of CHRI and to the procedures associated with this policy.

In order to reasonably assure the security of criminal history records, the Department must place restrictions on the facilities and system operating areas (whether for computerized or manual systems) and the content of files and systems documentation and upon direct access thereto by Department personnel.

### CHRI File Information

Criminal History Record Information is information containing:

- An individual's name
- The date and place of arrest, charge or detention
- Any disposition of arrest, charge or detention
- The name of the arresting and/or charging agency

CHRI includes:

- Information generated or collected by and stored or maintained by BPD
- Information properly obtained by BPD from another agency and retained for Department use, including federal, state, or local rap sheets

Non-conviction data is all CHRI relating to an incident which has not led to a conviction or other disposition adverse to the subject and for which proceedings are no longer actively pending. Non-conviction data includes:

- Police decisions not to charge or refer a case to the prosecutor
- Prosecutorial decisions not to charge
- Dismissals (except dismissals following probation, suspension, or deferral)
- Acquittals
- Arrest information more than one year old with no related disposition and with respect to which the prosecutor will not certify in writing that proceedings are still pending

A deferral prosecution does not become non-conviction data until there is a final decision to dismiss charges or not to prosecute.

Conviction Record is all CHRI relating to an incident which led to a conviction other disposition adverse to the subject.

Conviction or other disposition adverse to the subject means any disposition of charges except:

- A decision not to prosecute
- Dismissal
- Acquittal
- Except when the acquittal is due to a finding of “not guilty by reason of insanity” pursuant to chapter 10.77 RCW and person was committed pursuant to chapter 10.77 RCW

A dismissal after probation, suspension, or deferral is a disposition adverse to the subject.

**Criminal Justice Agencies**

A Criminal Justice Agency is:

- A court
- A local, state or federal agency which administers criminal justice pursuant to statute or executive order; and includes subunits of non-criminal justice agencies if the subunit allocates a substantial part of its annual budget to and has as its primary functions its administration of criminal justice.

The following agencies are considered criminal justice agencies:

- Washington State Patrol, including the State Identification Section

- Foreign, state and local governmental law enforcement, prosecutorial and correctional agencies or departments
- Courts at any level, if they exercise criminal jurisdiction
- Adult Corrections Division of the Department of Social and Health Service, including institutions and probation and parole services, and appropriate certified subunits
- The Board of Prison Terms and Paroles
- The Office of Information Systems of the Department of Social and Health Services, and any other agency that collects, stores, and disseminates CHRI
- An agency or subunit that has been certified as a criminal justice agency by the Washington State Patrol (WAC 446.20.060)
- Enforcement Division of the Liquor Control Board
- Department of Labor and Industries - Crime Victims Compensation Unit
- State Fire Marshal

**Administration of Criminal Justice**

Administration of Criminal Justice is the performance of any of the following activities relating to accused persons or criminal offenders:

- Detection, apprehension, detention
- Pretrial release, post-trial release, prosecution
- Adjudication, correctional supervision, rehabilitation

This term also includes Criminal Identification activities - the collection, storage, and dissemination of CHRI - and the compensation of victims of crime.

This term does not include crime prevention activities as a sole function of criminal defense activities.

Disposition means the formal conclusion of a criminal proceeding at whatever stage it occurs in the criminal justice system.

Processed by the Criminal Justice System includes the entire period of time and all proceedings from arrest through correctional supervision and final discharge from parole or any other final disposition.

**Dissemination of Criminal History Record Information (CHRI)**

Dissemination means disclosing CHRI or its absence to any person or agency outside the Bellevue Police Department (BPD). Dissemination includes:

- Confirming the existence or nonexistence of CHRI
- Disclosing CHRI to the subject thereof

Dissemination does not include:

- Furnishing CHRI to personnel of any criminal justice agency which jointly participates with BPD in the maintenance of a single record-keeping department
- Furnishing CHRI by one CJA to another for the purpose of processing a matter through the criminal justice system
- Reporting an event to a record-keeping agency for the purpose of maintaining the record

All CHRI pertaining to an arrest, detention, indictment, information, or other formal criminal charge made after December 31, 1977, will not be disseminated without a statement of disposition unless:

- A disposition, having occurred within 10 days prior to dissemination, has not been reported to BPD Records Unit; or
- Said disposition was received by BPD Records Unit within 72 hours prior to dissemination

Providing the criteria established in this procedure are met, the following CHRI may be disseminated without restriction:

- Conviction records (state rap sheets may only be disseminated in other criminal justice agencies for criminal justice purposes)
- Information pertaining to an incident for which a person is currently being processed by the Criminal Justice System

If the fact that a conviction is on appeal is known to Department Records Unit personnel, such information will be included in any dissemination as explained above.

CHRI including information concerning a felony or gross misdemeanor will not be disseminated without first making inquiry of the Washington State Identification Section (WSIS) to obtain most current and complete information available, except where:

- Information is needed for the administration of criminal justice for which time is of the essence and the WSIS is technically or physically unable to respond within the required time; or
- The information requested is within the direct knowledge of BPD Records Unit (Bellevue PD case and we have most current information); or
- The information requested is contained in a summary sheet issued by the WSIS to BPD Records Unit not more than 30 days prior to dissemination; or
- The information is contained solely with BPD Records Unit files and is disseminated pursuant to statute, executive order, court rule, or court order; or
- The information is for the express purpose of research, evaluation, or statistical activities based upon information maintained in BPD files and is obtained under contract with BPD

CHRI including information concerning a misdemeanor will not be disseminated without first making inquiry of the District Court to obtain the most current disposition information available.

CHRI including non-conviction data may be disseminated to:

- Another criminal justice agency
- Implement statute, ordinance, executive order, or a court rule, decision or order which expressly authorizes or directs that non-conviction data be available or accessible for a specific purpose
- Individuals and agencies pursuant to our contract with a criminal justice agency to provide services related to the administration of criminal justice.
- Individuals and agencies pursuant to contract for the express purpose of research, evaluative, or statistical activities.
- Any agency certified as a criminal justice agency by the Washington State Patrol

The following information may be given to persons who verify in writing that they have suffered physical loss, property damage, or injury that is compensable through civil action:

- The identity and last known address of the person(s) suspected of being responsible for the loss, damage or injury, without regard to suspects' age, and regardless of whether charges have been filed, declined or dismissed
- Unless release of information would interfere with an ongoing criminal investigation, disclosure of identifying information, including photographs of suspects, will be made in any action where the victim/plaintiff alleges a violation of RCW 9A.50.020 (Interference with a health care facility)

Disclosure of some investigative information to a victim does not establish a duty to disclose additional information except as compelled by legal process.

**Records Unit Responsibilities**

It will be the responsibility of the commander of the Records Unit to assure that adequate records are maintained by BPD relative to the dissemination CHRI. Such records will include, but not be limited to the following:

- To whom the CHRI was disseminated
- Date of dissemination
- Subject of the CHRI
- A brief description of information disseminated.

The Records Unit will retain such dissemination records for not less than one year.

**Records Unit Files** (CALEA 82.1.1, 82.1.2)

The Records Unit maintains separate records and criminal history files for adults and juveniles. The Records Unit separates files as mandated by state statutes RCW 40.14, Preservation and Destruction of Public Records; RCW 13.50 Juvenile Records Access; and RCW 10.97, Washington State Criminal Records Privacy Act. Copies of all state statues are maintained in the Records Unit.

Information contained in the criminal history files is stored electronically within the RMS system. Paper records are stored numerically and chronologically. All juvenile files are identified by electronic tagging or clearly readable stamp indicating "Juvenile."

The destruction or expungement of juvenile records is covered by state law, RCW 13.50, RCW 10.97, and elsewhere in this Chapter of the policy manual.

Photographs of juvenile suspects are captured digitally and individually stored in the RMS system. Photographs of juvenile suspects taken via 35 mm camera are maintained in a manual file reserved exclusively for juvenile photos, and maintained by the Records Unit.

Fingerprints of juveniles will be dispersed as follows, per Process Control Number (PCN) guidelines:

- One set sent to Washington State ID
- One set sent to King County AFIS
- Two sets filed with the juvenile's CHRI packet that is kept in Records

Juvenile photographs and fingerprints will be maintained as the result of an arrest involving criminal investigations.

Only authorized law enforcement agencies or entitled social service agencies will be allowed access to these items. (Reference RCW 13.50)

The Records Unit is responsible for maintenance of the CHRI packets. Expungement of prints, photos, or materials of identification will occur on order of a competent court and/or state law. (Reference RCW 13.50)

**Records Access**

No personnel of a non-criminal justice agency will be granted access to CHRI without first obtaining security clearance from the Administrative Services Section Commander.

Direct access to CHRI facilities and system operating areas by Department employees is restricted to those authorized persons designated by the Administrative Services Section Commander. The Records Unit is located in a secured area on the second floor of City Hall. Access is by key card or by authorized escort only. Key card usage is tracked through the card key control computer. Processed case reports are kept in the secured Records Unit area. Original case files shall not be removed from the Records Unit without authorization by a Records supervisor or designee. Personnel who need to review a case can request a copy of the case from a Records Specialist. Highly sensitive and/or large files may be checked out for a period not to exceed 48 hours with the approval of a Records Supervisor or designee. The employee requesting the materials must acknowledge receipt of the material by signing a “check-out” log which will be placed into the file jacket.

Access to all computerized records is controlled by assigned security levels. All authorized personnel must have been given access through an authorized password. Only authorized personnel have the ability to enter records into the RMS computer system. Only certain personnel have the ability to modify and/or delete records.

All personnel who have access to Police Department records have gone through an extensive background investigation.

The current and previous year's offense, arrest, and accident reports are maintained in a Records file room. Each report is filed sequentially by year and identifying number.

Records other than those listed above are stored in archives in the property room for a period of 10-years, and then purged according to State law. Major crimes cases are kept indefinitely.

## Personnel Security

Any person seeking employment in or assignment to the Administrative Services Section, or seeking authorization for direct access to criminal history records maintained by Administrative Services, may be required to submit to any or all of the following:

- Fingerprinting
- A polygraph exam
- Background Investigation

## Records Security

The Department's Criminal History Records Information (CHRI) system will be designed and operated in accord with procedures which will:

- Reduce the possibility of physical damage resulting from fire, water, power failure or other natural or manmade disaster
- Reduce the possibility of physical damage to the information resulting from unauthorized access
- Prevent modification, destruction, access, change, purging or overlay of CHRI information by unauthorized personnel
- Prohibit computerized inquiry, record updates, or destruction of records from any terminal other than those authorized to perform CHRI functions
- Assure that purging or destruction of records is limited to authorized personnel, and CHRI system refuse is transferred or destroyed under reasonable secure conditions to effectively guard against unauthorized availability
- Use operations procedures in computerized systems to detect and store unauthorized attempts to penetrate any Department CHRI system, program or file which procedures are known only to authorized Department employees with responsibility for CHRI system security.

The Records Unit shall comply with the Privacy and Security Provisions as mandated by state statute; RCW 10.97, Washington State Criminal Records Act; RCW 13.50, Juvenile Records Access; RCW 40.14, Preservation and Destruction of Public Records; RCW 42.17, Disclosure of Public Records; and RCW 46.52.080, Confidentiality of Reports. Copies of statutes are maintained in the Records Unit by the Records Supervisor.

## Personal Review of CHRI

Any person who believes he/she is or may be the subject of CHRI maintained by BPD Records Unit may, by appropriate request, review such CHRI. This right to access and review of CHRI does not include information contained to intelligence, investigative or similar files, or any information not defined as CHRI.

Requests for review of CHRI are to be made in writing on a form provided at BPD Records Unit during normal business hours by the person whose file is subject to review. The requesting person must provide suitable identification as determined by the commander of the Records Unit.

An appointment will be made for the review of the requested CHRI during normal business hours within ten working days from the date of the request.

The subject of CHRI must appear in person to review the CHRI. However, he/she may be accompanied by counsel, an interpreter, or other appropriate person.

CHRI being reviewed may not leave the immediate control of the Records Specialist providing the information.

No person may retain or mechanically reproduce any non-conviction information, except for the purpose of challenge or correction. In order to obtain a copy of such non-conviction data for the purpose of challenge or correction, the subject must first state in writing his/her belief that the information regarding him/her is inaccurate, incomplete, or maintained in violation of law.

**Deletion of Non-conviction CHRI**

CHRI consisting solely of non-conviction data is subject to deletion from BPD Records Unit files which are available and generally used to respond to criminal history inquiries or otherwise identifying individuals.

Non-conviction CHRI may be subject to deletion if:

- It is maintained in the type of file identified above; and
- Two years or longer have elapsed since the CHRI became non-conviction data as a result of the entry of a disposition favorable to the defendant; or
- Three years have passed from the date of arrest or the issuance of a citation or warrant for an offense for which a conviction was not obtained.

Non-conviction CHRI will not be deleted if:

- The disposition of the record was a deferred prosecution or similar diversion of the alleged offender which has not become non-conviction data; or
- The subject of the record has had a prior felony or gross misdemeanor conviction; or
- The subject of the record has been arrested or charged with another crime in the intervening period; or
- The subject of the record is a fugitive; or
- The case is under active prosecution according to current written certification by the prosecuting attorney

Deletions of non-conviction CHRI will not be made except at the written request of the subject of such CHRI.

Any record may be deleted or modified by court order pertaining to a particular case, individual, or event. All such court orders will be referred, with a copy of the record concerned, to the Department Legal Advisor prior to taking any action on the subject record.

Upon notification from the Legal Advisor, The Records Unit will take such action as the court order directs unless the Legal Advisor requests that the record be forwarded to his/her office for purposes of appeal.

**Challenge of CHRI**

All challenges to CHRI are to be reviewed by the Administrative Services Section Commander before either correction or refusal is made.

CHRI maintained by BPD Records Unit may be challenged on the basis of accuracy, completeness or legality of maintenance, in whole or in part by the subject thereof. All challenges will clearly identify the CHRI challenged and will be:

- Made during normal business hours
- Submitted on forms provided by BPD

If the CHRI being challenged originated from another Washington law enforcement agency, BPD Records Unit will:

- Supply the subject with the address of the agency
- Forward a copy of the challenge to the originating agency(s) along with a copy of the challenged CHRI
- Check BPD records to ensure that the CHRI is correctly recorded

If BPD originally submitted or generated the CHRI being challenged, it will:

- Acknowledge receipt of the challenge within 10 business days of receipt thereof; and
- Within 10 business days of acknowledgment, amend the CHRI found to be inaccurate, incomplete, or maintained in violation of law; or
- Inform the subject challenging the CHRI in writing of BPD's refusal to amend, its reasons therefore, and the procedures for review of the refusal

If BPD, as originating agency, corrects or amends challenged CHRI, it will:

- Provide to the subject the names of all non-criminal justice agencies or person to which the incorrect CHRI was disseminated; and
- Disseminate the corrected or amended CHRI to every recipient of the incorrect CHRI within one year prior to the date of the challenge

If BPD Records Unit determines that it has generated significant unchallenged and inaccurate CHRI, it will correct the same and:

- Disseminate corrected CHRI to every recipient of the erroneous CHRI within the preceding one year; and
- Disseminate corrected CHRI to the subject thereof

**Review of Refusal to Amend CHRI**

The subject of challenged CHRI which BPD Records Unit has refused to amend or correct may request review of said refusal to the Chief of Police. All requests for review must be made in writing and within 20 days of the subject's receipt of the refusal.

The Chief of Police will make a final determination of the challenge within 30 days from the date review was requested unless the review period is extended an additional 30 days for good cause. The subject of the challenged CHRI will be notified in writing of the decision of the Chief of Police.

## 12.00.060 EMPLOYEE REFERENCES (updated 09/2005)

It is the intent of the Bellevue Police Department to disclose accurate information about a former or current employee to a prospective employer or employment agency at the request of the employer or employment agency. Unless specifically authorized in writing by the Chief of Police, no other person may provide personnel information on behalf of the Bellevue Police Department.

The Commander of Personnel Services Unit or specifically authorized person may disclose information relating only to the following: (1) the employee's ability to perform his or her job; (2) the employee's diligence, skill, or reliability in carrying out job duties; or (3) illegal or wrongful acts committed by the employee when related to job duties.

**PSU Captain:**

- Receives and responds to requests upon receipt of appropriate waiver.
- Records the name of requestor or entity to whom disclosure was made.
- Retains copy of requestor/entity for two years. Sends the original to Human Resources for placement in the employee or former employee's personnel file.

**Employee Seeking Employment Reference:**

- Shall designate the PSU Captain as the sole authorized agent to disclose personnel information.
- May request an alternate agent by sending a written request via PSU to the Chief of Police.
- May list other employees as personal references only.

**Employee Receiving Reference Request:**

- Unless otherwise authorized in writing by the Chief of Police, shall forward any and all professional personnel requests to the PSU Captain for processing.
- Must request written authorization from the Chief to respond on behalf of the department. If authorized, shall notify the PSU captain of the name of the requestor or entity.
- May respond as a personal reference. Employees responding as a personal reference:
    a. Do so on their own and outside the scope of their employment.
    b. May not disclose confidential or private department information or records.

# BELLEVUE POLICE DEPARTMENT MANUAL

## CHAPTER 13

## VICTIM/WITNESS ASSISTANCE

(updated 10/20/2010)

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### 13.00.010 VICTIM/WITNESS ASSISTANCE (CALEA Chapter 55)

The Department will assist victims and witnesses of crimes within its jurisdiction consistent with their role in the investigation or prosecution. The Department will strive to assure that the personal rights and safety of the victim or witness are protected by its actions.

**Victim/Witness Advocacy**

The Department will conduct any victim/witness assistance practices in accordance with Washington State Law as specified in the following:

- Revised Code of Washington - Chapter 7.68 entitled "Victims of Crimes-Compensation, Assistance"
- Revised Code of Washington - Chapter 10.99 entitled "Domestic Violence-Official Response"
- Washington Administrative Code - Chapter 296-30 entitled "Rules for the Administration of the Crime Victim Compensation Program"

**Policy/Procedure Development**

Through analysis of the appropriate questions in the community survey conducted by the Department, the Department will identify and develop a plan to address unmet victim/witness needs. This information will be shared with appropriate human services agencies as necessary.

**Providing Assistance** (CALEA 1.1.3)

Department personnel will, when providing victim/witness assistance, give full consideration to victim/witness rights. Referrals will be made when requested or as necessary depending on the needs of the victim. The Department will work in cooperation with social agencies as needed to provide victim/witness services in an expedient and confidential manner. The Department will assist recognized and licensed or approved social service diversion programs as time and resources permit.

Areas encompassed by these programs include, but are not limited to:

- Drug abuse
- Domestic violence
- Juvenile delinquency
- Salvation Army Voucher Program
- Working with the Juvenile court system for social services referrals
- Working with school district counselors for social services referrals

- Working with counselors with Youth Eastside Services and troubled youth
- Parks Department and social service agency summer camp programs.
- Providing meeting room space to Eastside Domestic Violence advocates
- Providing a representative to the City's Human Services Committee
- Coordinating interviews for child sexual assault victims with Eastside Sexual Assault Center for Children

The Department will inform the public and media about available victim/witness assistance services when requested. Release of information will be accomplished through the office of the Public Information Officer.

**Information Sharing**

If analysis of customer survey data related to victim/witness services indicates a need to meet with local and/or regional government associated with victim/witness advocacy, a Department representative appointed from the Investigations Section will initiate contact to address the following issues:

- Sharing of accurate, up-to-date victim/witness advocacy information
- To solicit suggestions or learn of procedures used by other agencies that may be useful in delivering victim/witness services
- To obtain recommendations to improve delivery of victim/witness services

**Assistance When Victim/Witness is Threatened or Intimidated**

The Department will render assistance to victims and witnesses who have received threats. If assistance is not reasonable for the Department to provide, other measures may be taken which may include arranging placement in a "Safe Home", expediting a referral to another law enforcement agency, or contacting a victim's advocate with the King County Prosecutor's office or social service agency. The Violent Crimes Unit will attempt to contact the victim of all domestic violence incidents where an arrest has been made. The contact should be made within 24 hours of the reported domestic violence incident if possible.

The Legal Advocate will provide victim information in obtaining any necessary court orders such as:

- Order Prohibiting Contact (RCW 10.99.050)
- Order for Protection (RCW 26.50.07
- Anti-Harassment Order (RCW 9A.46)

**Victim/Witness Support - Arrest/Post Arrest of Suspect**

Upon arrest and during post-arrest processing of a suspect, the Department will attempt to notify the victims and witnesses of community sensitive crimes of the suspect's arrest, charges and the arrestee's custody status and changes thereto including the release of the suspect if it is known to this agency.

Security and confidentiality of victim/witness files and records will be preserved in accordance with state law.

## 13.00.020 OFFICER RESPONSIBILITY - VICTIM/WITNESS PROGRAM

Victims and witnesses sometimes ask for assistance information before an investigation has occurred. The Department will have available a victim/witness assistance information resource on a 24-hour basis through NORCOM, the Records Unit and field supervisors' office. The Police Records Unit will be available provide information during standard business hours.

When officers come into contact with a victim, officers will provide their business card which includes a 24-hour Department phone number where the victim/witness may leave a message for the officer. Officers should attempt to provide referral phone numbers the victim might need, or be able to direct the victim to a resource for obtaining such numbers. Resource information can be found in the "Where to Turn" directory published by King County Health and Human Services, available in the Records Unit, and from a field supervisor.

If a victim/witness is not in immediate need and has Internet access, officers may refer them to **http://www.crisisclinic.org**, a 24-hour Internet resource for human services information within King County. The Crisis Line also operates a telephone line available 24/7. This number is available to the public at (206) 461-3222.

### Victim/Witness Support -- Initial Investigation

Victim/witness information will be provided by officers responsible for conducting an initial criminal investigation.

The information should be case-specific and include:

- Information which identifies those agencies capable of delivering the necessary services for counseling, medical attention, compensation programs, or victim advocacy
- Information relating to a course of action if the victim is threatened or intimidated by the suspect
- The case report number and information on how the case will be processed
- Telephone number(s) to be called to report additional information and/or receive information regarding case status

### Victim/Witness Support -- Follow-Up Investigation

In situations where the follow-up investigator initiates victim/witness assistance, the investigator should address:

- Periodic follow-up with victims and witnesses to ensure that appropriate and needed assistance is provided
- Procedures involved in prosecution and their roles, provided this information will not compromise the case
- Scheduling line-ups, interviews, and other required appearances at the victim's or witness's convenience and providing transportation if necessary
- Facilitating the return of property taken as evidence when possible
- Rendering assistance contacting a victim/witness advocate if warranted. The King County Prosecutor's Victim/Witness Advocacy Program may also be used as a resource to assist in advocacy

In domestic violence cases the officer will provide the victim the resources to contact the Department Legal Advocate assigned to the Violent Crimes Unit.

## 13.00.030 DEATH/INJURY NOTIFICATIONS (CALEA 55.2.6)

### Scene Investigation

When officers are called to investigate any criminally caused, suspicious or unattended death (not in the presence of a medical doctor or medical care facility) the officer in charge of the scene will ensure that:

- His/her supervisor and an investigations supervisor are aware of the incident
- The King County Medical Examiner's office is notified

Unless relieved by a supervisor or investigator of the responsibility, the officer in charge will coordinate custody and care of the body (or bodies) with the Medical Examiner's office, and the deceased's family, if present.

### Next of Kin

Notification of next of kin will generally be the responsibility of the Medical Examiner's office, but should be coordinated with their office to avoid errors or confusion.

Notifications of next of kin shall be broken down into two classifications:

- City of Bellevue Incidents

Whenever possible, City of Bellevue death notifications shall be conducted by the medical examiner's office in charge of the deceased person's body. From time to time, however, the Department may be called on to assist with personal notification.

Department personnel will make every effort to deliver such notifications in person. Officers will attempt to determine the effect of the notification and provide the necessary support resources such as relatives, friends, and/or clergy.

Officers shall not make any notifications as requested from parties whose identity cannot be otherwise confirmed without approval of the shift supervisor.

If only minor injuries are involved, notifications may be done by phone. These can be completed by an officer or through NORCOM at an officers' request.

Officers should attempt to provide necessary support services for the next of kin or relatives of deceased and seriously injured or seriously ill persons whenever necessary.

The release of information to the media concerning the identification of deceased persons will be the responsibility of the Medical Examiner's office. Media inquiries will be directed to their office in Seattle or through the Department's PIO.

- Notifications Requested by other Agencies

When the Department receives requests for notification from another law enforcement agency, governmental agency, medical facility (or doctor), or relative located outside the immediate area, Department personnel will,

whenever possible, deliver such notifications in person. When possible, officers will attempt to determine the likely effect of the notification and provide the necessary support resources such as friends, relatives, and/or clergy.

When needed, officers should attempt to provide information relating to necessary support services for the next of kin or relatives of deceased, seriously injured, or seriously ill persons.

Officers should not make any death notification requested by parties whose identity cannot be confirmed without approval of an on-duty supervisor.

# BELLEVUE POLICE DEPARTMENT MANUAL

## CHAPTER 14

## DISCIPLINE/COMPLAINTS/INTERNAL INVESTIGATIONS

(updated 10/20/2010)

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### 14.00.010 DISCIPLINARY SYSTEM (updated 4/09) (CALEA 26.1.4)

The Bellevue Police Department recognizes the importance of discipline as a tool to promote morale and professional improvement. Discipline is the responsibility of each individual within the Department. A well-disciplined police force is one that voluntarily and willingly abides by all established written directives. The Bellevue Police Department has established a disciplinary system to provide consistency throughout the Department. The disciplinary system is in conformance to the collective bargaining agreements and the Civil Service Commission Rules and Regulations.

The purpose of discipline is to place a person on notice that conduct is unacceptable and to set forth expectations. The below listed factors shall be considered when recommending discipline based on the progressive continuum:

- The seriousness of the incident
- The circumstances surrounding the incident
- The employee's past disciplinary record
- Past treatment of similar conduct by similar employees
- The employee's past work performance
- The actual overall impact of the incident on the organization

**Serious Misconduct**

Certain behavior has been identified to be so serious in nature that, if verified, will result in more serious discipline, up to and including termination. The behaviors are:

- Harassing behavior – as described in the Code of Conduct and the Sexual Harassment Standards.
- Abuse of authority
- Insubordination
- Dishonesty
- On duty or off duty behavior that causes a significant lack of trust in our agency

**Supervisory Corrective Actions** (updated 07/20/2010)

Corrective action is an attempt on the part of the supervisor to achieve a willing modification of behavior through encouragement and coaching. Examples of corrective actions include counseling, training, and

professional assistance. Corrective action often achieves better results than discipline and should be considered in those situations that are minor in nature if the involved employee shows a genuine willingness to cooperate. Corrective actions also include rewarding proper conduct with recognition, praise, and support.

Minor behavior issues may be addressed at the supervisory level with additional training and/or counseling. Documentation should be maintained in the employee's supervisor's file for review and inclusion in the employee's next regular performance appraisal.

Multiple/repetitive behavior issues require notification of a Section Major before training/counseling can continue. The Majors and the Office of Professional Standards shall ensure consistency within the Department.

## 14.00.030 SUPERVISORS ROLE IN DISCIPLINE (CALEA 26.1.5)

Supervisors have an important role in affecting discipline and may be responsible for making disciplinary recommendations. The supervisor must be intimately familiar with department philosophies, principles, and practices. It is incumbent upon the supervisor to explain performance expectations clearly to employees, observe performance and be aware of any performance or behavioral issues and address them appropriately.

Supervisors are expected to actively enforce the written directives of the Bellevue Police Department. All investigations shall be conducted without personal or professional bias and in accordance to other provisions of this Manual of Standards, the City of Bellevue Employee Guidelines, and applicable collective bargaining agreements.

## 14.00.040 APPEAL PRACTICES (CALEA 26.1.6)

Appeals of discipline shall follow the practices set forth in the applicable collective bargaining agreement, the Civil Service Rules and Regulations, and/or the City of Bellevue Employee Guidelines.

## 14.00.050 TERMINATION OF EMPLOYEE (CALEA 26.1.7)

Only the Chief of Police or his/her designee may terminate an employee. The "Notice of Intent to Discipline" for an employee to be terminated will include the below listed information:

- A written statement citing the reason for termination
- All information required by either the collective bargaining agreements or applicable State and Federal law
- The effective date of the termination
- A referral to Human Resources for the status of retirement and other benefits after dismissal

**Standards Investigation Special Practices**

During an internal investigation, the Chief may require:

- Photographing of an employee
- Fingerprinting of an employee if sufficient prints are not on file

- Alcohol or drug testing procedures if a supervisor has reasonable suspicion to believe an employee is under the influence of alcohol or illegal drugs.

- Inspection of property belonging to the City of Bellevue if the investigator has a reasonable suspicion that evidence of work-related misconduct will be found. Property includes, but is not limited to, vehicles, desks, computers, files and storage lockers.

Except as provided above, an employee may volunteer, but can not be required to:

- Participate in an interview using an instrument for detection of deception

- Provide statements of financial disclosure.

- Alcohol or drug testing or other medical examination

- Participate in a line-up or show up

## 14.00.060 MAINTENANCE OF DISCIPLINARY RECORDS (CALEA 26.1.8)

### Location

Written discipline records are maintained in the Office of Professional Standards. A copy of the final discipline record is maintained in the employee's personnel file in Human Resources.

### Retention

The Office of Professional Standards retains the record for six years unless it is a record of serious misconduct as defined above. Records of serious misconduct are retained until further order of the Chief of Police.

The Human Resource Personnel File retains the record according to state law and city policy unless the Chief of Police grants the employee's request to purge the record from the Personnel File. Employees may submit a written request for the record to be purged from the Personnel File if:

- It is a written reprimand and three years have expired with no additional sustained violations.

- It is more severe discipline and five years have expired with no additional sustained violations.

### Use

Records of discipline may not be used in any future decisions related to the employee's performance, promotion, or other career development consideration after three years have expired with no additional sustained violations.

Records of discipline may be used in future discipline:

- If less than three years have expired since the discipline was imposed,

- If it is serious misconduct as designated by this policy, or

- Upon the agreement of the employee, Union, or Guild (such as a last chance agreement)

## 14.00.070 COMPLAINTS

A complaint can come from **any** external or internal source and must be either an allegation of circumstance(s) amounting to a specific act or omission, which if proven true would amount to employee misconduct or violation of policy; or an expression of dissatisfaction with a policy, procedure, practice, philosophy, service level or legal standard of the agency.

A disagreement over the validity of a traffic infraction or criminal citation is **not** a complaint. Such disagreements should be directed to the proper Court having jurisdiction in the matter.

**Public Information** (CALEA 52.1.4)

A "Office of Professional Standards" pamphlet is available to anyone upon request and is displayed in public areas of the Department. This pamphlet explains the process to be followed when anyone wishes to register a compliment, concern, or complaint with the Department. There is also similar information on the Department website.

**Receiving External Complaints** (CALEA 52.1.1, 52.2.4)

A complaint from a member of the public may be presented to the agency in person or by telephone, letter, fax, or electronic mail. When a person indicates that he or she desires to make a complaint, that complaint **must be taken.** No employee shall attempt to discourage, interfere or delay an individual from making a complaint. Every effort shall be made to facilitate the making of the complaint by ensuring that the process is convenient, courteous and prompt.

The following procedure will apply to receiving external complaints:

- The complainant shall be immediately referred to an available supervisor, preferably the involved employee's immediate supervisor. If the receiving supervisor is the subject of the complaint, the information shall be referred to another supervisor. The supervisor receiving the complaint shall gather as much information as possible. The complainant will be given the name and contact numbers of the employee taking the complaint and/or the Office of Professional Standards.

- If a supervisor is not immediately available, the employee receiving the complaint shall record as much of the information as possible and will further handle the complaint as described in the above paragraph. The employee receiving the complaint will advise a supervisor as soon as possible for immediate follow-up and contact.

- When the complaint is received by mail, email, website, or fax, the complaint should be forwarded to the Office of Professional Standards for initial review. The Professional Standards Lieutenant will promptly notify the person making the complaint that it has been received and the name and contact numbers of who is responsible for handling the complaint.

- Complainants shall **not** be required to: appear in person; go to another section of the Department or to the Office of Professional Standards to lodge a complaint; make another trip at another time to lodge a complaint; prepare their own Complaint Form; or be compelled to participate in certain investigatory techniques such as the polygraph to have their complaint accepted. However, if the complainant is extremely disrespectful to an employee or under the influence of intoxicants to such a degree that it is difficult to take a complaint, the employee can give the complainant the complaint form and self addressed envelope to fill out and return at their earliest convenience.

Failure by any employee to record an allegation or inquiry or properly process it in accordance with provisions of this policy is considered a violation of policy.

**Internal Complaints**

Department employees and particularly supervisors who become aware of another employee possibly involved in violations of law, Department policies, regulations, or other directive are required to report those violations. Employees will do so by contacting their immediate Supervisor (or other Supervisor if their direct Supervisor is the one committing the alleged violations). The reporting employee will be required to complete an Officer's report and/or a memo and may be required to provide a written statement to the supervisor. The Supervisor will evaluate and process the internal complaint the same as an external complaint.

**Evaluating and Processing Complaints** (CALEA 52.1.1)

After gathering the initial information, the Supervisor receiving the complaint will advise the Office of Professional Standards of the details of the complaint. The Office of Professional Standards will determine what investigative action will be taken.

Complaints of serious violations including criminal acts will be investigated by the Office of Professional Standards. Criminal Investigations will be coordinated through the Office of Professional Standards, but may be conducted by the Investigations Section.

The Supervisor will:

- Prepare a memo to the Chief of Police via the chain of command requesting authorization for a Formal Standards Investigation.

- Notify the Chief of Police immediately if the allegation is serious enough that the involved employee should be relieved of duty pending completion of the investigation.

**Malicious Complaints**

If an employee is falsely accused of misconduct in the performance of their law enforcement duties, and sufficient proof exists to verify that the complaint is malicious, the Department may assist the employee in seeking a civil remedy against the complainant.

## 14.00.080 NOTIFICATIONS (CALEA 52.2.4)

**Complainant Notification**

To ensure an open and credible complaint investigation process, the complainant(s) shall be notified of the status of the investigation. It shall be the responsibility of the assigned investigator to ensure that this communication with the complainant takes place.

The following information shall be provided to the complainant regarding the status of their complaint:

- Once a determination has been made about what type of investigation will be assigned (i.e. Informal standards, etc) the complainant will be advised of the name and contact numbers of the person assigned to conduct the investigation, the process, and the expected timeline.

- If the investigation is delayed beyond 30 days, the complainant shall be advised of the delay.

- At the conclusion of the investigation, the complainant shall be informed of the final outcome via telephone, letter, fax, or e-mail as deemed appropriate by the investigator.

## 14.00.090 INTERNAL INVESTIGATIONS (CALEA 52.1.1, 52.1.3, 52.2.3, 52.2.5) & (52.2.6)

### ❖ Dissatisfaction with Service

This investigation involves a complaint received regarding the quality of service delivery. These complaints include concerns regarding customer service or the nature of department practices. A disagreement over the validity of a traffic infraction or criminal citation is **not** a complaint. Such disagreements should be directed to the proper Court having jurisdiction in the matter. These complaints will be documented on a complaint report, approved by a Captain, and forwarded to the Office of Professional Standards (OPS) for logging in the complaint tracking system. At the conclusion of the investigation, the complainant shall be informed of the final outcome via telephone, letter, fax, or e-mail as deemed appropriate by the investigator. These investigations should normally be concluded and forwarded to OPS within 20 days of receipt of the complaint by a supervisor.

### ❖ Incident Reviews

Incident Reviews shall be conducted on incidents involving use of force, pursuits, vehicle collisions, and loss/damage of department equipment. These reviews are done by a supervisor and approved by the Commander of the section/unit. These reviews ensure the employee is complying with department policies and procedures, rules and regulations, and provide a means of identifying a need for corrective measures. If the initial review of the incident indicates a possible violation of department standards, the review will be re-classified and assigned as either an Informal or Formal Standards Investigation. Incident Reviews should normally be completed within ten days of the incident prompting the review.
The Supervisor completing the review may provide notification via electronic mail to the Department Command Staff and the Office of Professional Standards. This email should be sent immediately after the review is completed. The Office of Professional Standards will prepare annual reports to the Chief regarding the number, types, and outcomes of Incident Reviews that have been received.

**Chief of Police Notification** (CALEA 52.2.2)

All complaints that are to be investigated as possible Standard Investigations shall be routed to the Office of Professional Standards through chain of command by the Supervisor or Commander.

If the complaint involves a serious allegation the Office of Professional Standards shall be notified within 24 hours of receipt. If the Chief has not already been notified, the Office of Professional Standards shall inform the Chief of Police as soon as possible.

The Chief will be notified of Informal Standards Investigations through bi-weekly meetings with the Office of Professional Standards The Office of Professional Standards will also provide the current status information of other ongoing investigations during this meeting.

### ❖ Standards Investigations

The following investigations involve an allegation that if sustained would be a violation of Department standards or other written directive:

## 1. Informal Standards Investigations

Informal Standards Investigations will be conducted for minor alleged violations. The maximum action for sustained findings is a written reprimand. These investigations will generally be done by the involved employee's immediate supervisor, but may be done by OPS at the direction of the Chief of Police if deemed to be complex, sensitive, or connected to a formal standards investigation. If the involved employee has a disciplinary history within the applicable period, the investigation may be handled as a Formal Standards Investigation by OPS.

In order to initiate a standards investigation, a Supervisor will prepare a memo to their Major via the chain of command detailing the conduct in question and requesting authorization for a Standards Investigation. Informal standards investigations may be authorized by a Major.

Allegations that may justify an **Informal Standards Investigation** may include but are not limited to:

a) Tardiness in reporting for duty

b) Failing to comply with personal appearance and equipment standards

c) Work performance issues

d) Complaints of a minor nature from citizens or other persons

e) Complaints of minor traffic violations

f) Discourteousness

g) Criticism of Department and employees

h) Improper language

## 2. Formal Standards Investigations

Formal Standards Investigations will be conducted for the more serious allegations and will be conducted by the Office of Professional Standards (or other person assigned by the Chief of Police). The person assigned to conduct a Formal Standards Investigation shall report directly to the Chief of Police.

In order to request a formal standards investigation, a Supervisor will prepare a memo to the Chief of Police via the chain of command detailing the conduct in question and requesting authorization for a Standards Investigation.

Allegations that may justify a **Formal Standards Investigation** may include but are not limited to:

a) Dishonesty

b) Excessive force

c) Criminal conduct, either on or off-duty

d) Improper entry into a residence or business

e) Pursuit / Emergency Driving in violation of Policy

f) Improper search of a person, vehicle, residence, or business

g) Improper arrest of a person

h) Insubordination

i) Serious demeanor violations

j) Serious rule infractions such as disrespect toward a supervisor, drunkenness on duty, sleeping on duty, abuse of authority, and neglect of duty.

k) Sexual, racial, or other harassment

l) Failure to take proper police action

m) Repeated policy/ procedure, rules and regulations violations that were previously handled as an Informal Standards investigation and subject employee already received a written reprimand within the previous three years

Any employee who is the subject of a Standards Investigation shall be notified that allegations have been made against them and that an investigation is being conducted. The notification shall contain the nature of the investigation and the information necessary to reasonably apprise the employee of the allegations, conduct or incident under investigation, the due date for completion, and the employee's rights and responsibilities relative to the investigation.

For formal standards investigations, the notification shall be in writing through the use of the Formal Standards Investigation Advisement form. The completed Advisement form shall be delivered to the employee within fourteen (14) calendar days of when the investigation was authorized by the Chief of Police.

For informal standards investigations, this notification can be made by the investigating Supervisor and will occur as soon as possible within 7 days of the start of the investigation.

Exceptions to notification requirements can be made if delivery is not physically possible, notification would prevent an effective investigation, or notification may place another individual at risk. Under any of these circumstances, notification shall be delivered as soon as reasonably possible.

Informal Standards Investigations will normally be concluded within 30 days after the date of assignment. Requests for an extension for completion due to extenuating circumstances should be coordinated through OPS and may be authorized by the Major of the involved employee.

Formal Standards Investigations will be completed as expeditiously as possible, normally within 45 days from when it was assigned for investigation. Extensions for completion due to extenuating circumstances can be authorized by the Chief of Police.

Upon completion, the supervisor shall forward the investigation and documents to the Office of Professional Standards through their chain of command.

**STANDARDS INVESTIGATION FINDINGS** (CALEA 52.2.8)

All allegations of misconduct contained in a Standards Investigation shall be concluded with one of the following:

- **Exonerated:** The incident did occur but the conduct or performance of the employee was found to be lawful and proper.

- **Sustained:** The allegation is supported by sufficient evidence to justify a conclusion that the alleged misconduct occurred.

- **Not-Sustained:** There is insufficient evidence to either prove or disprove the allegation(s).

- **Unfounded**: The investigation revealed that the incident or allegation(s) did not occur.

- **Exceptional**: The investigation was discontinued because the employee left the department, there was a settlement of the allegation, or there is a legal bar to completing the investigation.

- **Policy Review:** The investigation revealed a need for review of the department standard and/or training.

Informal standards investigations that result in a sustained finding will result in the employee receiving one or more of the following;

1) Coaching, Counseling, and/or Training;
2) Verbal Reprimand;
3) Written Reprimand (Written reprimands can be written by the involved employee's Supervisor, but must be reviewed and signed by the Chief of Police.)

Formal standards investigations that result in a sustained finding will result in the employee receiving one or more of the following;

1) Coaching, Counseling, and/or Training;
2) Verbal Reprimand;
3) Written Reprimand (Written reprimands can be written by the involved employee's Supervisor, but must be reviewed and signed by the Chief of Police.);
4) Suspension;
5) Disciplinary transfer;
6) Demotion;
7) Termination of employment.

Discipline is intended to change the behavior of the employee. The type of discipline imposed is dependent upon the factors provided earlier in this standard.

Notice of Intent to Discipline: Disciplinary actions involving economic loss can only be authorized by the Chief of Police. A notice of intended discipline will be provided to the employee whenever discipline will result in an economic loss. The employee will be provided an opportunity for a Due Process (Loudermill) hearing prior to the discipline in accordance with the City of Bellevue Employee Policies and applicable collective bargaining agreements.

## 14.00.100 INVESTIGATIVE CONDITIONS

All employees are required to cooperate fully with internal investigations. They are required to answer all lawful questions honestly and fully.

## 14.00.110 CRIMINAL INVESTIGATIONS

The need to conduct an independent criminal investigation may occur in connection with a Standards Investigation. If a separate criminal investigation involving an employee is initiated, the employee will be afforded all rights and privileges provided by State and Federal law.

## 14.00.130 PRELIMINARY PROTECTIVE ACTION (CALEA 52.2.7)

In most circumstances, an employee's job will not be affected during an investigation. It will not be assumed that an employee has engaged in misconduct merely because a complaint is made. However, in some situations it may be necessary to take precautionary measures to protect employee, City and community interests. These measures are not disciplinary and will only be in effect pending results of the investigation. If preliminary protective action is taken, the action will be documented and a copy provided to the employee.

These measures may include, but are not limited to, the following:

- Paid Administrative Leave: An employee may be placed on paid administrative leave.
- Transfer to Another Job Position: An employee may be temporarily removed from his or her job position and placed in another position within BPD. This action will not result in a reduction or loss of wages. This may include directing a uniformed employee to work in civilian clothing.
- Surrender Equipment: An employee may be ordered to surrender departmental equipment such as badges and/or weapons.
- Limit Communication: Communication may be limited by requiring that an employee have limited or no contact with another individual(s), not including their legal or Union representatives.

## 14.00.140 TEMPORARY RELIEF FROM DUTY (CALEA 52.2.7)

The Chief of Police grants the Deputy Chiefs, Commanders, and Supervisors the authority to temporarily relieve an employee from duty with pay under the following circumstances:

- The employee is unfit for duty due to physical or psychological reasons (i.e., under the influence of drugs, alcohol, or extreme emotional distress)
- The employee refuses to follow lawful orders or directions (insubordination).
- An employee is being disruptive to the workplace.
- The employee has been accused of serious misconduct.

If an employee is relieved from duty, the Chief of Police shall be notified through the chain of command. The person relieving the employee from duty shall complete a memorandum to the Chief of Police explaining the circumstances and action taken. The memorandum and any associated reports shall be completed as soon as possible and before going off duty.

The employee relieved of duty will be instructed to report to the Deputy Chief (or designee) of their respective section, at the appointed time. Relief from duty may then be extended with the approval of the Chief of Police.

## 14.00.150 DISCIPLINARY SYSTEM DATABASE (CALEA 52.1.2)

The Office of Professional Standards is responsible for the maintenance of the Disciplinary System database. This database will be used to track all complaints received by the Department, completed Incident Reviews, and Standards Investigations.

Additionally, the database will serve as an "early warning system" to help identify training needs of Department personnel.

This database will be accessible for entering and reviewing data by the Office of Professional Standards, the department legal advisor, the Deputy Chiefs and the Chief of Police. Security measures are established to document access to and retrieval of data.

The Office of Professional Standards will ensure that the information regarding each complaint, review, and investigation is properly entered into the database.

For purposes of progressive discipline, use of complaint tracking information in disciplinary action will be determined by the Chief of Police or the Chief's designee and limited to a moving three-year window.

Any employee may request, through their supervisor, to review the data stored in the database regarding complaints associated with their name.

## 14.00.160 CONFIDENTIALITY OF INVESTIGATIONS (CALEA 52.1.2)

The Office of Professional Standards is responsible for maintaining records of all documentation pertaining to Dissatisfaction with Service Complaints, Incident Reviews and Standards Investigations. The following practices shall apply in regards to these records:

- Investigative records will be disclosed in compliance with state law and court orders.
- Dissatisfaction with Service Complaints, Incident Reviews, and Standards Investigations shall be maintained in a numbered and orderly fashion in a secured area.
- A tracking number is assigned to each investigation to include the year (e.g., 04-001, 04-002 etc) and type (e.g. F/S, I/S, C,D/S).

The files maintained for Dissatisfaction with Service Complaints, Incident Reviews, and Standards Investigations shall be considered confidential in nature and are not to be viewed or discussed apart from official Department business.

The Professional Standards Captain must approve any viewing of files by personnel not assigned to the Office of Professional Standards, with the exception of the Chief of Police, Deputy Chiefs, or Department Legal Advisor.

## 14.00.170 PROFESSIONAL STANDARDS ANNUAL REPORT (CALEA 52.1.5)

Information gathered by the Office of Professional Standards regarding internal investigations will be compiled, analyzed, and made available to employees and the public.

An annual report shall be completed at the end of each calendar year by the Professional Standards Unit. This report will compile and analyze the data and content of the internal investigations conducted each year.

The report shall contain the following information:

- Numbers and types of investigations

- Types of findings and any discipline issued
- Indications of trends or patterns of investigations and findings
- Training accomplished or recommended
- Manual of Standards implications

The annual report information shall be summarized and made available to employees for review and training. The information shall also be made available, upon request, to the public and the media with the assistance of the Public Information Unit.

## 14.00.180 WAIVER OF DUE PROCESS RIGHTS

After a Standards Investigation has been authorized, the Chief of Police may authorize an offer for corrective action to be taken as a settlement in lieu of a Standards Investigation. This offer will only come from the Chief of Police at his/her discretion, and is not meant to routinely substitute for a Standards Investigation.

This settlement will be made in a written and signed form entitled, "Waiver of Due Process Rights". If accepted, the BPD, the employee involved, and if the employee is represented, the Guild/Association, will agree that, without further investigation, one of the following findings will be entered as a disposition depending on the facts of the initial investigation:

1. Sustained
2. Not Sustained
3. Exonerated
4. Withdrawn

Corrective Action for a sustained finding will be taken in the form of coaching/counseling/training; verbal reprimand; written reprimand; or a suspension.

In addition, the following terms and conditions will apply:

1. All parties will agree to this process in lieu of an investigation.

2. Neither the employee nor the involved Union will file a grievance or appeal of the sanction imposed regarding the allegations.

3. The terms of this Waiver will not establish a past practice and shall not form a labor relations precedent of any kind.

4. The subject employee will waive his/her right to a Loudermill/Due Process hearing in this case.

5. The subject employee as well as the Guild/Association will understand that the Waiver does not preclude the Bellevue Police Department from using the discipline imposed as part of the progressive discipline process in considering future discipline, as appropriate.

6. The subject employee and the Guild/Association will have a reasonable opportunity to read the entire Waiver and discuss its contents and meaning with a representative of their choosing.

7. The waiver of due process rights will be a free and voluntary act on the part of the subject employee.

8. The Waiver will become effective upon date of all final signatures.

9. The Chief of Police may withdraw the authorization for the Waiver of Due process at any time prior to the signing of the Waiver of Due Process form.

# BELLEVUE POLICE DEPARTMENT MANUAL

## CHAPTER 15

## AUTHORITY AND COMMAND

(updated 10/20/2010)

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### 15.00.010 DEPARTMENT AUTHORITY

The Bellevue Police Department Is established by Bellevue Municipal Code 3.33 and is responsible for law enforcement services in the city of Bellevue.

**Chief of Police** (CALEA 12.1.1)

The Bellevue Chief of Police is appointed following the city of Bellevue Municipal Code. The Chief is empowered to assign officers to exercise law enforcement powers and enforce state laws and city ordinances. The Chief also defines the rank and duties of officers, makes promotional appointments, and may take disciplinary action up to and including removing employees for cause.

**Accountability and Responsibility** (CALEA 11.3.1 &.2)

The Chief of Police is ultimately responsible for the performance of the Department. However, authority is empowered to each employee through, or by the virtue of, their commission, position, and/or rank. Employees are responsible for the use of this authority given to them by the laws of the State of Washington and ordinances of the City of Bellevue.

Authority and responsibility may be delegated. However, the ultimate responsibility remains with the delegating authority. Any employee who delegates responsibility will assure that that commensurate authority will accompany the responsibility. Responsibility becomes shared due to delegation yet employees are held accountable for their individual actions.

All employees who have had authority delegated to them will be held answerable for the use of authority and likewise be held accountable for the failure to use it. This will be measured through the performance evaluation process.

Supervisors will be held accountable for the performance of the employees under their immediate supervision. Although supervisors may delegate the actual performance of a given task, supervisors cannot rid themselves of the responsibility or accountability for the accomplishment of assigned tasks.

**Oath of Office** (CALEA 1.1.1)

Each employee hired to function as a police officer will, prior to being commissioned, be required to take an oath of office to enforce the laws of the city of Bellevue, uphold the U.S. Constitution and Constitution of the State of Washington, and to abide by the Code of Ethics as adopted by the Department.

The Commander of the Personnel Services Unit will arrange for all newly hired police officers to take an oath of office and be sworn in prior to assuming their duties as commissioned officers. The Personnel Services Unit will maintain an oath of office record including the date, time, place, and administering official. The oath of office will be administered by the Chief of Police or the Chief's designee.

## 15.00.020 DEPARTMENT JURISDICTION (CALEA 2.1.1)

The Bellevue Police Department is the agency with primary territorial jurisdiction (RCW 10.93.020) within the Bellevue city limits and has the primary responsibility to conduct all police activity within its borders as defined by federal, state, and local law.

### Concurrent Jurisdiction (CALEA 2.1.2)

The City of Bellevue is a city of crossroads. It has interstate highways and state and county roads that cross city boundaries. Direct enforcement actions may be taken by Bellevue Police, King County Police, the Washington State Patrol, and federal law enforcement agencies.

A limited number of other agencies are given authority by the Chief of Police to act in a full or limited law enforcement capacity within the City. Chiefs and Sheriffs from other jurisdictions have also given consent to Bellevue Officers to exercise law enforcement authority in their jurisdictions. A list of these agencies receiving consent from Bellevue and giving consent to Bellevue is maintained by the Police Legal Advisor and is posted on the J: Drive. Original documents of consent are maintained in the office of the Police Legal Advisor.

Collisions on roads and streets within the corporate limits are investigated by the Bellevue Police Department unless it is an on-view situation by another agency. The exception to this applies to collisions on limited access highways (SR520, I-90), including freeway on and off ramps to and from the stop bars. Collisions occurring within these areas are investigated by the Washington State Patrol.

### Questions Regarding Jurisdiction

In any situation where a question arises concerning jurisdiction with another agency, the involved officer will make every effort to resolve the matter in the most professional manner possible. In situations where no agreeable solution is reached, a supervisor will review the situation for resolution. In the interest of service to the public, officers should remember - "**When in doubt, take the report**."

## 15.00.030 MUTUAL AID (CALEA 2.1.3) (updated 4/13/2011)

To provide emergency services when there is a depletion of Department resources, the Department has entered into Mutual Aid agreements with adjoining jurisdictions. The Department's legal advisor maintains a list of all mutual aid agreements.

Officers involved in any exercise of police authority outside the City of Bellevue, are bound by Bellevue Police Department policies, procedures, and regulations that limit Department officers in their exercise of the authority given by the Washington Mutual Aid Peace Officer Powers Act.

The Washington Mutual Aid Peace Officers Powers Act gives general authority to Washington Peace Officers who possess a certificate of basic law enforcement training or a certificate of equivalency authority to enforce state traffic or criminal laws throughout the state. Refer to the policy on **Police Authority outside City Limits** (15.00.040) for further information.

- **Requesting Mutual Aid**

In situations that require mutual aid assistance, any on-duty Bellevue police supervisor may request assistance from a neighboring agency. The request may be made either by direct contact with the agency or through NORCOM. Outside personnel responding to a Bellevue Police Department request will report to the Bellevue police supervisor in charge of the incident (Incident Commander). Maintaining radio communications between Bellevue police and other responding agencies will be coordinated by NORCOM. The Bellevue police supervisor will ensure appropriate documentation and reporting of the names and agencies of officers

that respond to a mutual aid request. Before the end of the shift in which aid was received, the supervisor shall report the mutual aid incident through the chain of command.

### ❖ Responding to a Mutual Aid Request

No officer shall respond outside the City of Bellevue to a request for mutual aid by another law enforcement agency without first being authorized by the on-duty Bellevue police supervisor. The supervisor shall designate how many (if any) units will be sent to provide mutual aid. With Command officer approval, a supervisor shall also respond to monitor the mutual aid being provided and to ensure direct supervision of Bellevue police personnel. If a supervisor is not available, a supervisor or Command officer will designate one of the responding officers as a “lead” officer. The Bellevue police supervisor will ensure any necessary reports are provided to the agency requesting mutual aid by the end of the shift in which the aid was provided. Before the end of the shift in which aid was provided, the supervisor shall report the mutual aid incident through the chain of command.

When the requesting agency does not border the City of Bellevue, officers shall not respond without receiving a specific request from the requesting agency and shall not respond without approval from a Bellevue police supervisor. If not requested at the mutual aid incident, officers should prepare to assist other agencies that will have diminished resource capabilities due to its support of the incident.

### ❖ Compensation

Compensation for expenditures incurred by agencies responding to a mutual aid request from Bellevue Police, if not previously arranged, shall be decided through an administrative review of the incident after the fact.

The Bellevue Police Legal Advisor and Administrative staff shall periodically review this policy and make changes as necessary.

## 15.00.040 POLICE AUTHORITY OUTSIDE CITY LIMITS

### ❖ On-Duty Response in Jurisdictions of Consent

Response to and/or exercising police authority in jurisdictions outside the City of Bellevue, which **have consented** to Bellevue Police Department's exercise of full law enforcement authority, are limited to:

1. Investigations arising out of crimes or infractions that are alleged to have occurred within the City of Bellevue. "Conducting investigations" **includes arrests without an arrest warrant** in jurisdictions outside the City of Bellevue where full authority consent has been given.

2. Search or arrest warrants can be served when they are pursuant to investigations arising out of crimes that are alleged to have occurred within the City of Bellevue or within the jurisdiction that has given full authority consent.

3. Transporting a prisoner

4. Fresh pursuit (restricted to Department policy on **Pursuits**)

5. Responses to a police officer needing help in a life-threatening situation. A police officer is authorized and has the duty to prevent death or serious injury to self, a fellow officer, or a member of the public by utilizing whatever force necessary, including the use of firearms.

6. Requests of King County to respond into unincorporated King County to an imminently life threatening crime when no County officer is available to respond

7. Requests of the Bellevue Fire Department for Police assistance in unincorporated King County

8. At the request for assistance by an adjacent jurisdiction or an officer thereof.

   This type of response will be at the discretion of the shift supervisor. Adjacent jurisdictions are Redmond, Kirkland, Mercer Island, Medina, Washington State Patrol, and Clyde Hill. (Unincorporated King County is not included within the content of this paragraph; response to King County requests will be governed as specified in 6 and 7 above).

9. Requests for special unit responses (K-9, Bomb Squad) into jurisdictions in which letters of full consent exist will be according to existing policies, procedures, and rules.

Exercise of police authority during the above nine incidents is limited to that which is necessary to effectively perform the requested task.

### ❖ On-View Incidents

Response by uniformed officers in marked units and on-duty detectives in civilian clothing and in unmarked vehicles to an on-view incident occurring outside the City of Bellevue in jurisdictions which letters of full consent do exist is limited to situations that:

1. Pose a threat of death or serious injury to the officer, another officer, or a member of the public

2. Place the officer in a position to affect the arrest and/or prevent the escape of a person who is known by the officer to have committed a dangerous felony, when not securing the person's immediate arrest would resulting an unacceptable risk to the public safety

Response to any other on-view incident is limited to notification of the proper agency. An officer may, but has no duty to, observe the incident until that jurisdiction arrives, communicate by radio with responding units, protect the scene, and render necessary emergency care (i.e., collision scenes).

### ❖ Off-Duty Involvement in Jurisdictions of Consent

Off-duty police officers shall use discretion when becoming involved in any law enforcement action. Off-duty officers **will not** become involved unless the situation involves public or personal safety, or a life threatening issue.

### ❖ On-Duty Response in Jurisdictions that have NOT Consented

Response to and/or exercise of police authority within jurisdictions outside the City of Bellevue which **have not consented** to Bellevue Police Department's exercise of full law enforcement authority in their jurisdiction are limited to:

1. Investigations arising out of crimes that are alleged to have occurred within the City of Bellevue can be conducted. "Conducting investigations" **does not include arrests without an arrest warrant** in jurisdictions outside of the City of Bellevue where no full authority consent has been given.

2. Search or arrest warrants pursuant to investigations arising out of crimes which are alleged to have occurred within the City of Bellevue may be served

3. Transporting a prisoner and when such exercise of police authority is in direct relationship to the custody of that prisoner

4. Fresh pursuit (restricted to Department policy allowed pursuits)

5. A police officer is authorized and has the duty to prevent death or serious injury to self, a fellow officer, or a member of the public by utilizing whatever force necessary, including the use of firearms.

6. Off-duty enforcement is authorized only in life threatening incidents.

Response to any other on-view incident is limited to notification of the proper agency. An officer may, but has no duty to, observe the incident until that jurisdiction arrives, communicate by radio with responding units, protect the scene, and render necessary emergency care (i.e., accident scenes).

Special units (K-9, Bomb Squad) will not respond, except when assisting BPD on-duty officers in situations specified above.

Special Investigations Unit will not respond and/or exercise police authority except as indicated in situations specified above.

- **Reporting**

RCW 10.93.030 requires that an officer exercising the powers authorized above shall report such action in a timely manner, after the fact, to the law enforcement agency with primary territorial jurisdiction. Notice should be given prior to the exercise of police powers whenever practical.

## 15.00.041 TRANSPORTING DEPARTMENT ISSUED FIREARMS OUT OF STATE

Commissioned employees do not have law enforcement authority outside the State of Washington, even if on department business. Any law enforcement outside the State of Washington is outside the scope of duties, except if granted by a court order or from a foreign jurisdiction.

Transporting a department issued firearm while out of state may be approved under the following circumstances:

- If the uniform is required to be worn (except when alcohol may be consumed)
- If the firearm is required for training approved by the Department
- If the firearm is evidence subpoenaed by another jurisdiction
- If the situation leads the commissioned employee and his/her supervisor to believe a firearm is needed (circumstances must be specifically outlined in a memo to the Chief of Police)

The firearm must be properly stored and secured when not on the employee's person.

All applicable state and federal regulations will be followed. This specifically includes FAA and TSA rules and the applicable state and local laws on carrying, possession, and civilian use of force. The commissioned employee is responsible for learning the applicable laws in the other jurisdiction(s).

A request for authorization to carry a department issued firearm out of state, or to be armed while flying, must be submitted in writing to the Chief of Police via the Chain of Command and include:

- The laws and policies dictating the use of firearms for the jurisdiction in question
- The employee's acknowledgement that s/he has no law enforcement authority outside the State of Washington.

Authorization to carry does not authorize law enforcement use. It does permit the commissioned employee to use the department issued firearm in compliance with the other jurisdiction's laws for civilians.

A request to be armed while flying must also include documentation that the employee has attended the TSA required training class "Law Enforcement Officers Flying Armed." Requests for authorization will not be approved without this proof of attendance.

Once approved to be armed while flying, the employee is responsible for contacting the Records unit to have a NLETS message sent to TSA. The response to this message will contain a unique identifier which is required on the day of travel. Employees are responsible to ensure that requests are submitted with sufficient time to allow the request to be reviewed and the NLETS message to be sent. The TSA suggests that messages be sent at least 24 hours prior to travel.

This policy does not prevent off-duty commissioned employees from carrying their personal firearm out of state in accordance with state and federal laws.

## 15.00.050 CHAIN OF COMMAND - COMMAND PROTOCOL (CALEA 12.1.2)

The Chief of Police has the authority to designate which deputy chief follows him in order of succession of command. When the Chief of Police is absent or otherwise unavailable, and no decision has been made, the succession of command is as follows:

- Senior Deputy Chief of Police
- Next Senior Deputy Chief of Police
- Command officers in descending order of rank and seniority of rank.

Major incidents or emergencies will normally be under the direction of the Chief of Police or the Chief's designee.

The chain of command will be followed whenever possible by each member of the Department. Employees will strive to operate within the Chain-of-Command and to keep their supervisors informed as to their activities.

When two or more officers are dispatched to, or are present at any activity, the primary unit assigned to respond will assume control of the situation until it is concluded or until properly relieved by a more senior officer.

The arrival of a more senior or superior officer will not be considered as an implicit assumption of command unless such assumption is communicated by the senior or superior officer. A superior officer present at an incident, who does not assume command, is not relieved of the responsibility for the proper handling of that incident.

The presence of a lieutenant may be requested by any officer at the scene of an incident. Upon arrival, the lieutenant will evaluate the scene and assume command as deemed necessary. The lieutenant may request the presence of a command-level officer.

## 15.00.060 UNITY OF COMMAND (CALEA 11.2.2)

To ensure unity of command, clearly defined lines of authority have been drawn to ensure each employee is accountable to only one supervisor at any given time. Also, each organizational component is under the direct command of only one supervisor.

Whenever a senior employee gives an order to any subordinate employee not attached to their unit or assignment, that senior employee must exercise care that such an order does not unnecessarily conflict with those of the commanding officer of that division or section to which the member is assigned.

Whenever orders, so given, require the employee receiving the order to leave their regular assigned post or duty, the senior employee giving such order will, as soon as practicable, inform such subordinate's commanding officer of the action taken.

When more than one supervisor is working and there exists potential for an employee to receive direction from more than one supervisor, the employee will follow the guidelines set forth in the policy on **Department Orders** in this manual.

In all matters relating to policy and procedures, rules and regulations, employees will strive to resolve them with their immediate supervisor prior to consulting the next higher rank.

**Note:** An employee's direct supervisor is the supervisor that the employee is working for on any given day of work.

In situations involving personnel of different functions engaged in a single incident, the ranking supervisor present from the organizational component responsible for the incident shall be deemed to have supervisory control.

When an incident or emergency involves more than one division, and/or more than one section, the overall command will be assigned to the commander, or their designee, of the Division/Section initiating the Department action.

Nothing in this procedure is designed to inhibit the Department's open door policy or inhibit employee suggestions or feedback. Employees responsible for a specified function or functions will have input in the formulation of procedures designed to accomplish those functions and Departmental goals.

No civilian personnel have line authority over any sworn police officers of this Department.

## 15.00.070 SUPERVISION ACCOUNTABILITY (CALEA 11.2.1 &.2 11.3.2 & 12.1.2)

The Department relies upon its first-line supervisors and command officers to monitor, supervise, and manage day-to-day police operations and field activities. Supervisors and command officers shall be responsible for responding to specific incidents and are held accountable for taking appropriate actions and notifications according to policy, procedure, rules and regulations of this Department.

The Department recognizes Police Lieutenants and Records Supervisors as the first level of supervision within this Department. These supervisory positions have the responsibility to guide, direct, evaluate, motivate, and train personnel under their supervision. Records Leads, and Patrol Corporals are given supervisory responsibility as directed by a supervisor.

The authority vested in the various supervisor and command ranks of the commissioned and noncommissioned personnel are equal to their parallel counterparts. (Example: A Police Lieutenant and a Records Supervisor are first-line supervisors, and as such are equal in rank). When it is necessary to determine the authority of one person over another, the supervisor who has primary responsibility for the function in question will prevail if the situation has immediate impact upon that supervisor's primary responsibilities.

### Supervisory Responsibility

It is the supervisor's responsibility to plan the work of personnel in an orderly manner, delegate authority and responsibility when appropriate, and to follow the progress of task assignments to a satisfactory completion. To help achieve effective direction, coordination, and control, supervisory personnel shall be accountable for the performance of employees under their immediate control.

The on-duty patrol shift supervisor, or supervisor of the primary officer assigned, if more than one supervisor is on duty, will respond to the following incidents:

- Homicide or serious injuries to the victim of a crime
- Incidents involving suspicious, accidental, or unattended death
- Kidnapping
- Armed Robberies
- Burglaries in progress
- Incidents involving sniping, barricaded subject's and/or hostages held
- Incidents involving missing children or missing senior adults
- Motor vehicle collisions that result in death or serious injury, and reportable accidents that involve any police vehicles (exception - when an on-duty Traffic Supervisor responds)
- Incidents involving the discharge of a firearm by an officer, other than firearms training. When possible a supervisor will respond to the scene prior to permitting the shooting of an animal
- Bombing or bomb threats with a device located. Specific procedures for handling bomb-related incidents are located in the Department's **Unusual Occurrences Manual**
- Vehicle pursuits
- Labor disputes
- Any incident where a supervisor deems his/her presence may be required, is directed to respond by a superior officer, or at the request of an officer at the scene

The supervisor will notify an on-duty or on-call Captain or other designated command staff person to update them on the incident as soon as safely possible after arrival.

The supervisor will take command of an incident, if necessary. Otherwise, the supervisor will monitor the actions of all officers at the scene and will administer guidance or corrective actions as required, to assure the successful completion of the incident.

**Command Responsibility**

Commanding officers are responsible and accountable for all aspects of their command. Within policy guidelines and legal constraints, a command officer has authority to direct and coordinate assigned personnel and allocate resources to achieve organizational goals and objectives.

The on-duty or on-call Patrol Command Officer, typically a Captain, will respond and take command of the following incidents:

- Officer involved shooting
- Barricaded or hostage incidents
- Homicide
- Kidnapping
- Fatality or serious injury traffic collisions involving police personnel. The Traffic Section has investigative responsibility
- Incident of civil disaster or disorder
- The arrest of any law enforcement officer, government or City of Bellevue employee
- The suspicious, accidental or unattended death of any City of Bellevue employee within the City limits
- Incidents involving the hospitalization of an on-duty Bellevue Police Officers
- Any incident where the Captain deems his/her presence may be required, is directed to respond by a superior officer or at the request of an officer at the scene of an incident

The command officer will initiate notifications via the chain of command, if necessary, and assist with arranging for additional staffing, specialty unit or PIO callouts.

If necessary, the command officer will take command of an incident. Otherwise, the commander will monitor the actions of the supervisor in charge at the scene and will administer guidance or corrective actions as required, to assure the successful completion of the incident.

If the actions of in-charge supervisor are inappropriate, the command officer will advise, counsel, correct, or reassign the affected officer(s).

## 15.00.080 SUPERVISOR/COMMAND NOTIFICATION RESPONSIBILITIES

Supervisory/Command officers are responsible for notifying the Chief of Police, via the chain-of-command, wherever one of the following incidents occurs:

**Note:** If specific command officers are unavailable, in the chain of command, the on-duty supervisor or commander will personally contact the Chief of Police.

- An officer or other Department employee is killed or injured sufficiently to cause hospitalization
- An immediate family member of an officer or other department employee is killed or seriously injured
- A Bellevue City official is killed or seriously injured, either here or elsewhere, and any other public official is killed or seriously injured in our jurisdiction
- The filing of a complaint of serious misconduct by an officer or other department employee
- The arrest of an officer or other Department employee, either here or elsewhere, and the arrest of any other police officer in the City
- Criminal accusation against a Bellevue City employee

- The arrest of a Bellevue City employee or a member of his/her immediate family
- Homicide or possible fatal injuries to the victim of a crime
- The death of a child under 18
- Kidnapping
- Bombing
- Sniping
- Barricaded person
- Hostages being held
- Shooting in which an officer of the Department is involved
- Death or serious injury resulting from a collision in which a police vehicle was involved
- A major civil or criminal disturbance requiring police response

**Additional Notification**

The Chief of Police is to be informed of anything not covered above which, in the judgment of a command officer, should be brought to his/her attention. Examples:

- Politically sensitive incident.
- Unusual or spectacular incident of high public interest

**15.00.090 NATIONAL GUARD ASSISTANCE** (CALEA 2.1.4 & 46.1.2)

Civil emergency, whether natural or manmade, may require the assistance of the National Guard. Should such circumstances arise, National Guard resources may be activated in accordance with the Washington Law Enforcement Mutual Aid Plan.

Prior to requesting National Guard assistance, the City Manager or designee will issue a written proclamation of a state of emergency in accordance with Bellevue Municipal Code.

Upon written proclamation of a state of emergency, the City of Bellevue's Emergency Preparedness Director will contact the King County Emergency Management Council, which will in turn coordinate the activation of the National Guard through the Governor's Office of the State of Washington. These procedures are outlined in the Washington State Comprehensive Emergency Management Plan maintained by the City's Emergency Preparedness Director.

Additional information regarding civil emergencies may be found in the Department's Unusual Occurrences Manual, the City of Bellevue's Emergency Preparedness Manual, and the King County Emergency Management Manual.

# BELLEVUE POLICE DEPARTMENT MANUAL

## CHAPTER 16

## DEPARTMENT MANAGEMENT

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### 16.00.010 ORGANIZATIONAL CHART (CALEA 11.1.1)

The organizational subdivisions within the span of control of the agency's chief executive officer are grouped by function and depicted in the Department organizational chart. The organizational Chart depicts levels of command, lines of authority, and positions established for the conduct of the work of the Department.

The organizational chart is kept on file in the Personnel Services Unit (PSU). The organizational chart, job descriptions, and functions are available to all employees through each Section Commander or directly from PSU.

The Organizational Chart will be updated as needed by PSU. All changes to the Department organizational chart must be approved by the Chief of Police or designee.

Requested changes to the organizational chart, due to reorganization or transfer of personnel, must be accompanied by an Executive Order explaining the transfer or reorganization, and a copy of the current organizational chart corrected to show the reorganization and placement of personnel.

Each revision of the organizational chart will display in the lower left hand corner the date (mm/dd/yyyy) of implementation or revision approved by the Chief of Police or designee.

Once PSU has updated the organizational chart, a copy will be sent to the Chief's administrative assistant for historical documentation.

The Personnel Services Unit Commander will distribute the organizational chart to all Command level employees in printed or electronic form with instructions to destroy pre-existing copies.

### 16.00.020 OFFICE OF THE CHIEF

The Chief of Police is appointed by and reports directly to the City Manager. The Chief of Police has overall authority and management responsibility of the Police Department. All personnel report to the Chief through the chain of command. The Chief is responsible for establishing and monitoring plans, goals, standards, and operating procedures for the department. The Chief of Police is also responsible for assuring the financial well-being of the department. The Chief of Police is the liaison between the City Council and the Department, and communicates city programs and policies to Department staff.

The Department structure consists of an Operations and Administrative Services Division. Employees within each Division report to a Deputy Chief. Each Deputy Chief reports directly to the Chief of Police.

The following organizational units are a part of the Office of the Chief:

- **The Office of Professional Standards**

Community trust and the credibility of the Bellevue Police Department are critical aspects of the mission of the Police Department. The Bellevue community should have full confidence in the ethics and integrity of the individuals they employ and entrust with their safety. The Office of Professional Standards was created to manage all of the complaints received by the Department and all of the internal investigations of Police Department employees.

The Office of Professional Standards consists of a Captain and a Lieutenant, who report directly to the Chief of Police. The Office of Professional Standards also has the responsibility of maintaining a disciplinary system database and the security of the internal investigation files. The information provided by the database will allow constant evaluation of the abilities of the department and the individual employees to ensure improvement and the highest levels of service.

### ❖ Public Information Function

The Public Information Officer is supervised directly by the Chief of Police. Command staff, Captains, and Lieutenants are to be used as back-up public information officers when the primary PIO is unavailable.

### ❖ Finance Manager

The Department's Finance Manager reports directly to the Chief of Police. The Finance Manager is responsible for performing cost control activities, monitors all fiscal operations of the department, and prepares the annual budget. The Department's Finance Manager is also responsible for coordinating development of the bi-annual budget and the updating of the Department's Strategic Plan, also known as the "Six-year Budget Plan."

### ❖ Command Staff

Two Deputy Chiefs of Police, one assigned to the Operations Division, the other to the Administrative Services Division, are responsible for planning, organizing, and directing the administration of their respective Divisions. Each Deputy Chief reports directly to the Chief of Police and assists the Chief in the department budgetary and planning requirements. The Deputy Chiefs of Police assists in developing department policies and procedures, and performs the Chief's duties during the Chief's absence.

The Deputy Chief of Operations supervises the Operations Section Commander. The Deputy Chief of Administrative Services supervises the Investigations and Administrative Services Section Commanders. All section Commanders hold the rank of Major. The Deputy Chiefs have command oversight of the department's budget process, providing direct input to the budgetary process through the Finance Manager. The Deputy Chief of the Administrative Services Division also acts as the Department liaison with the City's Internal Technology Governance Committee (ITGC).

Administrative Assistants support the missions of both the Divisions. Administrative Assistants report directly to the Chief of Police and Deputy Chiefs, and are confidential assistants within each Division.

## 16.00.030 OPERATIONS DIVISION

The following organizational units comprise the Operations Division:

### ❖ Patrol

Patrol is the largest workgroup within the Police Department. Patrol provides response to the majority of calls for service, and performs a substantial amount of investigative case follow-up.

Patrol Officers provide 24/7 emergency police services to citizens within the City's boundaries. Officers are assigned as the first contact on all crime prevention programs that occur in their assigned district. Each Patrol squad is supervised by a Lieutenant.

An Operations Commander oversees the day shift Patrol teams and supervises the Patrol Lieutenants assigned to day shift. One of three Patrol Watch Commanders (Captains) oversees day-to-day operations of

the Patrol and Traffic Units and supervises the Patrol Lieutenants (first-line supervisors) assigned to each squad/shift.

Patrol shall provide, but not be limited to, activities relating to:

- Proactive patrol directed at the prevention of criminal acts, vehicle related violations (including accidents), maintenance of public order, and the discovery of hazardous situations
- Inspectional services to determine compliance with various statutes including but not limited to liquor and gambling laws
- Community policing activities such as watch programs, and other problem solving strategies implemented in partnership with the community and other law enforcement, public, and private agencies
- Calls for service, both routine and emergency in nature, on a 24-hour basis
- Investigation of both criminal and non-criminal law violations within the City of Bellevue
- The arrest of criminal offenders
- Assisting the Washington State Department of Corrections in monitoring persons who reside within the city limits who are community custody inmates, as well as maintain a regular information exchange on other contacts with persons who are under D.O.C. supervision
- Sharing information between the Patrol component and other sections/units within the Department, as well as outside and other governmental agencies

Patrol incorporates the functions of community oriented policing and long-term problem solving into their daily assignments.

Patrol operates in squads led by supervisors. Each of these teams shall take an active role in solving problems within the assigned districts. The Patrol officers assigned to Patrol assist officers of the Traffic Unit and vice versa.

### Special Details

The Special Details group consists of the K-9/FTO/Downtown Squad, the SET Team, the Bicycles/Community Stations, and Crowd Control/Honor Guard. One Captain oversees this operational group.

The K-9 Unit is a sub-unit of the Special Details Unit supervised by the K-9/Downtown Squad/FTO Lieutenant.. The K-9 Unit is on call to respond to alarms, prowler calls, robberies, drug investigations, and other calls where a suspect is present and/or has just fled. The K-9 Unit is subject to call-out while off duty for this and other requesting departments.

All procedures and tasks required of Department canines and handlers are outlined in the **K-9 Unit Operation Manual**. The manual is the regulatory text for the K-9 Unit of this Department.

All FTO's are supervised by the K-9/Downtown Squad/FTO Lieutenant. The Lieutenant has responsibility for the development and oversight of the F.T.O. program and supervision of the FTO's. The Lieutenant reports to the Special Details Captain. All newly hired officers shall complete the Department's six-month FTO program after completing the State's basic academy.

### Traffic Unit

The Traffic Unit is administered by a Captain who reports to the Operations Section Commander (Major). The Traffic Captain shall be responsible for supervision of Traffic supervisors and assigned Traffic Officers.

The Traffic Unit provides specialized traffic-related services in support of Patrol units. The Traffic Unit will provide collision investigation and enforcement of traffic laws and regulations. The Traffic Unit shall be responsible for ensuring the safe movement of vehicular and pedestrian traffic. The Traffic Unit will provide, on an as needed basis, manual traffic control to alleviate traffic congestion in identified areas.

The Traffic Unit provides specialized services such as technical collision investigation, selective enforcement, operation of radar equipment, parking enforcement and traffic control, driving while intoxicated enforcement, traffic safety education, and liaison with public organizations and traffic safety groups.

The Traffic Unit shall be responsible for planning, analysis, inspection, and coordination of Department traffic activities. The Traffic Captain will be responsible for the completion of necessary monthly, quarterly, and yearly traffic reports.

### ❖ Investigations Section

The Investigations Section is responsible for initiating and following up on criminal investigations. The role and responsibility of the Section is to conduct preliminary, follow up, and special subject investigations, as conditions require. This process includes establishing information about criminal activity and the identification and apprehension of offenders. Variable duty schedules, established networks of communications and resources, and personnel expertise enable the Section to accomplish this function.

Personnel assigned to this Section who conduct investigations will be fully commissioned officers. Detective duties and assignments may be performed by officers from other sections/units as necessary. Detectives and any assigned support staff will be supervised by a Lieutenant who reports to a Captain.

#### Organized Crime and Vice Control

The Department, in its operation and administration, will attempt to suppress vice and organized crime. It will be the duty and responsibility of each individual officer to support the enforcement of organized crime and vice activities. While organized crime activities will be a primary responsibility of the Investigations Section, at the direction of the appropriate Commander, the Investigations Major will organize and initiate vice control operations and enforcement through the Eastside Narcotics Task Force.

#### Eastside Narcotics Task Force

A Bellevue Police Captain commands the Eastside Narcotics Task Force (ENTF), a multi-jurisdictional task force of commissioned officers who conduct proactive and investigative work to suppress narcotics activity and associated crime such as vice and organized crime. The ENTF Captain is supervised by the Investigations Major.

#### Criminal Intelligence

Intelligence information gathering will be conducted in accordance with standard and accepted Department practices and procedures explained elsewhere in this manual. Intelligence information collected through standard reporting procedures such as case crime reports and criminal information, and field information reports will be analyzed and disseminated through crime information bulletins and similar published reports. Intelligence information collected through informants and/or confidential sources may be used to supplement the information base.

### Crime Analyst

Crime Analysis is staffed by either civilian or commissioned personnel, and is responsible for providing analysis of crime statistics, patterns and trends, and publishing related documents and reports for other members of the department and public, when appropriate. The Crime Analyst reports to the Records Unit.

### Tactical Unit

The Tactical Unit consists of the SWAT Team and the Hostage Negotiations Team. Both Units are commanded by a Captain who answers to the Patrol Commander and Operations Deputy Chief.

❖ SWAT Team

The SWAT Team is a part time unit consisting of two team leaders and assigned officers. This is a volunteer assignment. The SWAT Team is used specifically for highly volatile situations such as arrests of violent suspects, hostage situations, barricaded persons, hazardous search warrants, and other similar incidents. Refer to the **Special Operations** policy for further information.

❖ Hostage Negotiations Team (HNT)

The Hostage Negotiations Team is a part time unit consisting of a Lieutenant and assigned officers. It is used to safely resolve hostage and barricaded persons situations, and other events in which their expertise would be required.

### Juvenile Unit (CALEA 44.1.2)

The Department is committed to development, implementation, and perpetuation of programs which are directed towards the prevention and control of juvenile delinquency. The resources committed in this effort are designed to hold juveniles responsible for their actions and yet direct them toward rehabilitative efforts, to protect society, and to prevent recidivism.

The Juvenile Unit will act as a liaison between the Department and all social agencies in the surrounding community. This will include identifying the various social agencies, knowing what the agencies have to offer and supplying this information to all concerned sections of the Department.

The Unit conducts periodic review of programs, policy and procedures concerning juveniles, participates with other elements of the Juvenile Justice System in similar matters, and encourages other elements of the system to comment on Department juvenile operations.

### Employee Responsibility (CALEA 44.1.1)

The responsibility of supporting, promoting, and implementing the department's juvenile function is shared by all members of the Department. Line officers assigned juvenile cases will investigate and follow up in accordance with current policies and procedures.

It is the responsibility of all employees involved in juvenile enforcement to be aware of policies and procedures concerning juvenile matters. All officers should maintain a working knowledge of the RCW as it pertains to juveniles.

### Violent Crimes Unit (CALEA 44.1.1)

The Department operates a Violent Crimes Unit dealing with the protection of children and the investigation of crimes committed by, and committed against children. The Department is committed to the development and continuation of programs designed to assist juvenile victims of crimes and to impact crime committed by juveniles. The unit is assigned to the Investigations Section working closely with all members of the Department to provide prompt investigation of incidents involving juveniles.

The Violent Crimes Unit consists of Investigations Section detectives and a Domestic Violence Advocate assigned to this specific task. This team investigates family crimes and coordinates services to victims of domestic violence and child abuse. If a runaway is gone for any length of time or has become a chronic runaway, Investigators will endeavor to locate the youth, insure the youth is not in any danger if they are returned to their home, and comply with all state and federal mandates concerning missing children.

The duties and function of the unit are as follows:

- Investigate allegations of Child Sexual and Physical abuse, Neglect and Child Sexual Exploitation
- Assist officers with matters relating to the filing of juvenile cases with the King County Prosecutor's Office (Refer to policies on **Juveniles** in this manual)
- Function as liaison with the King County Juvenile Court, Child Protection Services, and other governmental agencies as relates to juvenile matters

**School Services Unit**

The School Services Unit shall function as a clearing house for reports relating to Juvenile Runaways. The School Services Unit shall assist Crime Prevention officers in developing programs for presentation to all levels of school-age children.

The School Services Unit shall coordinate and implement reporting of missing juveniles to the Washington State Patrol pursuant to RCW 68.50.320 and provide referrals for parents and children to appropriate outside agencies to assist with reconciliation.

Personnel assigned to the School Services Unit will exchange information as necessary with the Juvenile Special Assault Unit.

**School Resource Officers** (CALEA 44.2.4)

The Department operates a School Resource Officer program (SRO). Officers assigned to this duty function as school liaison officers for the middle schools and high schools. The Department has an elementary school liaison program in which the School Services Unit (SSU) supervisor and the Department command staff (Captains and above) serve as liaisons to the elementary schools. The SSU supervisor also serves as the liaison to the Bellevue School District.

**Court Liaison Officer** (CALEA 44.1.3)

The Court Liaison Officer will act as a liaison between the Department and King County Juvenile Court to ensure that the juvenile Court policies and procedures are being adhered to by the Department.

## Crime Prevention

Crime Prevention program development will be the shared responsibility of all the members of the Department. In cooperation with the Investigations Section, Crime Prevention Detectives will coordinate the delivery of crime prevention programs and services to the community. The Crime Prevention Detectives are responsible for crime prevention programming and will receive the specialized training necessary to ensure program effectiveness.

**Community Oriented Policing** (CALEA 45.2.2 & .3)

The Department is committed to the community oriented policing philosophy. All employees are expected to be sensitive to concerns voiced by the community and to call to the attention of command staff potential problems, suggestions and/or recommendations for action involving matters affecting the Department's ability to provide quality law enforcement service to the community.

Reporting on the status of community relations shall be the responsibility of the Investigations Section Commander. All Department employees are responsible for conveying information of community concerns and potential law enforcement issues to their supervisor so the information may be collected, analyzed, and placed in the quarterly report submitted the Chief of Police by the Commander of the Investigations Section. This information can be transmitted in a memo, in a voice mail message, or by using the Department's E-mail system.

As part of the quarterly Section reporting process, the Chief of Police will receive a report regarding the concerns of the community. This report will be submitted via the Investigations Section Commander and, at a minimum, address the following:

- A description of current concerns voiced by the community
- A description of potential problems which may impact law enforcement activities within the community
- Recommendation(s) or action plans which address community or law enforcement concerns
- A statement of progress made towards addressing previously identified concerns

**Victim/Witness Assistance**

An Operations Captain, or his/her designee, assigned to the section will function as the Police Department liaison to those agencies that deliver victim/witness advocacy services on behalf of the City. Other responsibilities of this position include:

- Supervise and guide the activities of employees who come into contact with victims/witnesses
- Supervise non-sworn and volunteer employees involved in victim/ witness assistance efforts
- Communicating local law enforcement's interests in victim/witness advocacy issues on the local and state legislative level(s)

**Unusual Occurrence Planning** (CALEA 46.1.1)

The City's Director of the Emergency Preparedness Division is responsible for emergency services planning for the City of Bellevue.

The Deputy Chief of Police of the Operations Division or designee is responsible for coordinating the planning, review, and organizational readiness concerning law enforcement functions specified in the City's Emergency Preparedness Manual, Department Unusual Occurrences Manual, and Department Policy Manual. Implementation and field operations responsibility will be assigned to a designated Patrol Watch Commander or command level authority of another Division depending on the nature of the unusual occurrence.

Command-level employees are responsible to have emergency operations plans available to them while on duty. Plans may be kept in printed or electronic format. Unusual Occurrences Manual materials will be updated as needed by an employee assigned to the task by the Operations Deputy Chief or designee. Other emergency operations plans shall be updated as needed in conjunction with Federal, State, County, or City emergency preparedness requirements.

**Courts and Custody**

The Department employs uniformed, limited-commissioned staff to assist in the handling of prisoners. They are assigned to the Administrative Services Division and report to a Lieutenant supervising the Courts and Custody Unit. The Police Support Officers (PSO's) will assist Patrol by booking, transporting, and caring for all prisoners while they are on duty. They will be responsible for the maintenance and inspections of the holding facility and Patrol vehicles if so assigned. An Administrative Services Captain is assigned to oversee the Courts and Custody Unit.

**Holding Facility**

The Department operates and manages a temporary (up to six hours) holding facility for housing prisoners and suspects who are being detained. The supervision of security and daily operations of the holding facility is the responsibility of the Courts and Custody supervisor. In addition to their regular duties, PSO's have the duty of ordering and stocking general supplies for the facility. Refer to the policies on **Prisoners** (Chapter 24-1) for further information.

## 16.00.040 ADMINISTRATIVE SERVICES DIVISION

The Administrative Services Division, under the direction of a Deputy Chief of Police and supported by the Administrative Services Commander, is composed of the Records Unit; Property and Evidence function; an Administrative Systems Officer; the Recruitment function; the Training function;; the Police Systems Manager; the technical/research function;; and the budget, grants, and contract coordination function.

The following organizational units comprise the Administrative Services Division:

***Administrative Services Section**
***Investigations Section**

### ❖ Records Unit

The Records Unit is a component of the Administrative Services Section responsible for maintaining criminal and civil records. The Records Unit is managed by the Administrative Services Major and supervised by three civilian supervisors.

The Records staff is responsible for reviewing all submitted reports from the Patrol, Traffic, and Investigations Units for accuracy and completeness. From these reports, statistical information is recorded and reported.

All reports and records are maintained according to departmental standards and state law in order to provide security and authorized access. Records are maintained in alphabetical or numerical filing systems. (Reference RCW 10.97, 42.17, and 13.50.)

Records personnel will be responsible for records management, public fingerprinting when appropriate, and processing weapons permits. All requests for information from the Police Department will be managed and processed through the Records Unit in accordance with the Freedom of Information Act, State law, and Department policy.

Police Systems Manager

The Police Systems Manager works within the Records Unit. In addition to supervisory responsibilities within the Records Unit, this position is responsible for oversight of the department's technical systems.

❖ **Evidence Unit**

All evidence and found property items are the sole responsibility of the Property Supervisor, who reports directly to the Administrative Services Major. The Administrative Services Deputy Chief has overall responsibility for this function. The Property Supervisor is solely responsible for evidence and found property from the time of receipt from the submitting officer through disposition. All records, whether computerized or documentary, shall be kept in a secure/tamperproof condition to prevent removal or record manipulation. Refer to the **Evidence System** (Chapter 25) chapter for further information.

❖ **Accreditation Management** (updated 05/2007) (CALEA 33.5.4)

In order to maintain National Accreditation (Commission on Accreditation for Law Enforcement Agencies), the management of this function is assigned to the Commander of the Office of Professional Standards. All supervisors and command staff are responsible for the required reporting standards that are applicable to their assigned areas of supervision. The Commander of the Office of Professional Standards will be a Captain and this position will be rotating. Within one year of being assigned to the position, the Captain will receive specialized accreditation manager training. It is the responsibility of the Commander of the Office of Professional Standards, to ensure compliance with the policies and procedures that have been adopted. The Commander is also responsible for Internal Investigation oversight and other tasks as assigned in the job description. Any changes to the Department's policy manual can be recommended in writing by any department personnel and forwarded, through their supervisor, to the Office of Professional Standards.

❖ **Planning and Research** (CALEA 15.1.2)

The Deputy Chief of Police of the Administrative Services Division will have oversight for the planning and research function of the Department. They will seek input from the Operations Division Deputy Chief of Police for items affecting that Division. Other Command staff personnel and the Crime Analyst will assist with this function.

The planning and research function will encompass both administrative and operational planning. Areas of consideration include, but are not limited to:

❖ Technological advancement to assist in the areas of communication and criminal investigation

❖ Statistical analysis to plan for staffing and capital improvements

❖ Ongoing planning and assessment of the Department's commitment to the community policing philosophy.

- Dissemination of Analytical Reports (CALEA 15.1.3)

All analytical reports generated by the planning and research function will be distributed to Section Commanders and other affected units as required. Copies may be posted on Department bulletin boards and the Department's Intranet site. At the discretion of the Chief of Police, copies may be distributed to various city departments, Mayor and City Council, and interested external agencies (public and private).

- **Personnel Services Unit**

The Personnel Services Unit (PSU) is managed by a Captain who answers directly to the Support Services Major on all assignments except operations of Internal Investigations. PSU is responsible for employee recruiting, hiring, and training

## 16.00.050 OFFICE OF PROFESSIONAL STANDARDS (CALEA 52.1.3)

The Office of Professional Standards is established within the Chief's Office, under the direction of the Chief of Police for the purpose of receiving, recording, and investigating complaints against the Department or employee. The Office also maintains records of disciplinary actions against employees.

The Commander of the Office of Professional Standards is authorized to report directly to the Chief of Police regarding internal investigation matters and to provide all pertinent investigation information directly to the Chief of Police

**Records, Maintenance, and Security** (CALEA 52.1.2)

The Department maintains records of all internal affairs investigations, supervisory reviews, and complaints received against the Department and its employees. These records are maintained in the Office of Professional Standards in a secured file room. Additional, less detailed, records to track complaints are maintained electronically with security precautions (locked office, password protection of electronic files) by the Office of Professional Standards Commander.

IA Records are maintained according to the State records retention schedule. Purging of internal affairs records shall include disposal of only the investigation file(s) and does not include data collected to track complaints and complaint dispositions.

## 16.00.060 ASSIGNMENT OF PATROL SHIFTS (CALEA 41.1.1 & .2)

On-duty personnel must be available on a 24/7 basis to respond to police calls for service. The Department shall accomplish this through a staggered shift rotation within Patrol ensuring that there is an overlap from one shift to the next, providing uninterrupted service to the community.

Officers and Supervisors will be assigned to patrol squads and specific work shifts after participating in a shift selection process. The shift selection process is subject to modification each year depending on current staffing levels and experience levels of the officers within Patrol. Refer to each year's shift bid selection process memorandum for the most current information.

Factors considered during the assignment of squads and shifts include but are not limited to:

- Balancing the distribution of officer and supervisor experience

- Distribution of officers holding specialty jobs such as SWAT, FTO, Bomb Squad, and Evidence Technician

- Ensuring that officers and supervisors are exposed to varying calls for service (working days, nights, weekends, and weekdays) to increase experience levels
- Balancing the distribution of officers who have identified and documented performance deficiencies
- Balancing staffing levels to ensure adequate coverage of calls for service during peak work load days and times
- Consideration of officer and supervisor seniority

**Frequency of Shift Rotation**

Standard shift rotation occurs once each quarter of the calendar year, however, an officer may or may not have a change of working days and hours depending on the shift rotation assignment. Work days and days off are determined through the shift selection process and may change with shift rotation. Officers and Supervisors, who are members of the Bellevue Police Officers Guild, by contract will work four (4) consecutive 10-hour days each week. To ensure adequate coverage of calls for service on a 24-hour basis, shift rotations, work hours, and squad assignments may be adjusted by the Patrol Section Commander with a week's notice to the employee.

**District Assignments**

The City of Bellevue is divided into geographic districts. Each district is made up of smaller geographic neighborhoods that are based on the Crime Analyst's determination of service calls, and related data. Patrol districts are drawn based on the number of calls, population, geography, response times, and service requirements of the neighborhoods or business districts served. District re-evaluation and possible realignment is conducted as necessary by the Crime Analyst and command staff. District realignment serves to equalize calls for service load.

The Department utilizes a district system to balance the number of calls, and to keep emergency response times as low as possible. Districts are identified by call signs, which correspond to specific geographic area(s) within the city. Refer to the most recently issued Police District map.

The shift supervisor may adjust geographic district assignments to accommodate daily staffing levels and absenteeism. Daily shift and district assignments will be entered into the automated briefing schedule at the start of each shift. Shift assignment data will be transmitted to NORCOM.

All districts are served by officers who are assigned to work a district for a period of at least three months. However, due to staffing changes this assignment may be modified.

**16.00.070 ROLL CALL** (CALEA 41.1.2 & 33.5.2)

Roll call for Patrol Officers will occur at the beginning of each shift, when officers first report for duty. At roll call, Patrol supervisors will cover the following topics as necessary:

- Review previous activity recaps covering the squad's off-duty time
- Review officer safety information
- Provide other criminal information updates as necessary
- Conduct or oversee training discussions including legal updates
- Inspect the readiness of officers assigned to the shift

- Review district assignments
- Inspect officers' equipment, if warranted
- Review current policy, procedure, rules and regulations and new directives
- Review cases of interest, goal accomplishments, and patrol information
- Make necessary notifications concerning schedule changes, special events
- Provide training, counseling, feedback, motivation, and support to their squad as necessary

The squad supervisor will utilize other members of his/her squad to provide roll call training at regular intervals. This training includes legal updates, tactical or critical incident training, and other topics as assigned by Command staff or the squad supervisor.

## 16.00.080 CRIME ANALYSIS (CALEA 15.3.1)

The Crime Analysis function is the responsibility of the Investigations Section under the direction of the Section Commander. Crime Analysis is a critical function in the provision of quality law enforcement services to the community. Criminal information must be analyzed for activity trends and to ensure enforcement and investigation efforts are being utilized to their fullest.

The Crime Analysis Unit is responsible for the collection, collation, analysis, and distribution of crime data to aid operational personnel in executing crime control and prevention objectives. Specific tasks assigned to the crime analysis function may include:

- Identifying and analyzing methods of operation of individual criminals
- Providing crime pattern recognition
- Providing analysis of data from field interviews, victim, witness interviews and arrests

The Crime Analysis Unit accepts data from outside agencies as well as other sections of the Department and will distribute crime data as necessary. Crime analysis data is valuable as a tool to measure Department impact on crime, to assist in establishing budget requirements, personnel allocations, major crimes emphasis activities, crime prevention, long-range planning, and estimating future crime trends.

Crime analysis data elements are extracted from, but not limited to, the following sources:

- Data entered into the RMS computer from offense reports and citations by the Records Unit
- Investigative supplemental reports and field interviews entered into the computer by the Records Unit
- Cases of interest bulletins from the Investigations Section
- Suspect information bulletins generated by BPD personnel, other police agencies, and teletypes from other local/national law enforcement agencies
- Department memorandums
- WUCR (Washington Uniform Crime Reporting)
- Crime summary comparisons

- Intelligence Reports from other agencies
- Computer Aided Dispatch System (CAD)
- National Crime Information Computer (NCIC)
- Criminal History Record Information (CHRI)
- Homicide Intelligence Tracking System (HITS WA State Attorney Generals Office)
- Property crime data including all Commercial Burglaries, Residential Burglaries, MV Thefts, Attempted MV Thefts, and MV Theft recoveries from outside agencies, MV Prowls, Thefts and Malicious Mischief reports

Computer compilation of crime data and analytical conclusions are intended to produce the following results:

- Crimes by location
- Crimes by time of day, day of week
- Comparisons by incident characteristics and modus operandi
- Identification of developing patterns and trends
- General stolen property/suspect/ suspect vehicle description

The Crime Analysis Unit will generate weekly computer reports of crimes by reporting crime location, time of day, and day of week. These reports will be distributed to Operations Division line personnel. Specific current crime information (property loss, for example) can be produced at any time.

Crime analysis information is disseminated throughout the Department on a daily, weekly, monthly basis or upon request. All Department members have access to the data and reports from computer inquiry and distribution from Section sources.

Reports include, but are not limited to:

- Cases of interest bulletins/ Special Bulletins
- Suspect information bulletins
- Department memoranda
- Statistics and special reports generated from RMS data
- Registered Sex Offender files
- Shift briefing reports
- Intelligence bulletins from other agencies
- Verbal and email communication

Information developed through crime analysis may be released to sources outside the Department after review and approval by the Investigations Section Commander and the Police Legal Advisor with the permission of the originating agency/author.

Information concerning operational needs (e.g. known offenders, modus operandi, suspects, and investigative leads) must be carefully controlled. Printed information furnished to other law enforcement agencies must be clearly identified as coming from Bellevue Police Department with a notation that there should be no secondary dissemination.

Crime analysis data will be provided once a month to the Crime Prevention Detectives for purposes of identifying crime targets and reducing potential victimization.

The Crime Analysis Unit will furnish the Public Information Officer with specific crime information to enhance public information and generate community support.

Recipients of crime analysis information are encouraged to submit written comments to the Investigations Section Commander regarding the effectiveness of the information received. Recommendations for better utilization of the system should be submitted in writing. Analysis of feedback and evaluation of program effectiveness is the responsibility of the crime analysis function. This evaluation is continuous and ongoing.

Further input as to the benefit or criticism of crime analysis information will be received from discussions held during detective meetings, patrol briefings, weekly staff meetings, monthly supervisors meetings, and citizen surveys.

Each month, the Crime Analysis Unit will forward to the Chief of Police an analysis of crime patterns or trends as demonstrated by total Department offenses including monthly totals by crime, year to date totals by crime, and comparison figures with previous year by crime.

**Solvability Factors**

Crime analysis will identify similarities and patterns of crimes, screen and categorize suspects, and aid in assembling and categorizing specific crimes that may involve an offender. Analysis of criminal activity will be based upon, but not limited to, the following factors:

- Frequency of crime by type
- Geographic factors
- Temporal or chronological factors (date, time of day, day of week)
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Victim vehicle descriptors
- Modus operandi factors (suspects not identified, suspects identified, unsolved crimes, solved crimes)
- Physical evidence information (unique tools or instruments latent fingerprints suitable for comparisons, other crime scene evidence such as blood, hair, body fluids, etc).
- Problem oriented or community policing strategies, if any

The analysis of crime shall:

- Identify similarities among different offenses
- Reveal commonalties and patterns in the characteristics of current crime problems
- Assist in the screening and ordering of lists of suspects
- Aid in coordination of specific crimes that may involve an offender already in custody

## 16.00.090 SCHOOL RESOURCE OFFICER PROGRAM (CALEA 44.2.4)

The School Resource Officer Program is designed to permit students, parents, and faculty to become acquainted with law enforcement and to build mutual trust and understanding with the community. The program will demonstrate to parents and faculty the Department's commitment to proactive, intervention to prevent juvenile crimes and delinquency.

School Resource Officers (SRO's) are challenged with building a relationship between the Department and students that is based on trust and mutual understanding. They are required to be available on campus on a regular basis during school hours, attend some faculty meetings, and may voluntarily participate in after school activities such as sporting events.

SRO's provide informal counseling to individual students, groups, staff members, or parents who request or desire this help. They will also perform this function when requested to do so by an involved third party, when he or she has firsthand knowledge of
the need. Officers will also perform this role without being asked to when the need exists.

### Delinquency Prevention

SRO's will be primarily tasked with insuring the safety of the students and staff at their assigned school. They may also assist in providing or facilitating class instruction on a variety of topics, like Firearms Safety, Date Rape, and Criminal Law. SRO's may temporarily be reassigned to Patrol, or another division, during the summer months when school is not in session.

SRO's also act as a resource to delinquency prevention by:

- Working closely with school truancy officers to monitor frequent violators
- Going to the truant's residence to counsel him/her and parents about the consequences of such action. They also assist parents with other options that are available in an effort to have the student attend school on a regular basis.
- Organizing field trips to state prisons, where students are given a look at possible consequences of repeated delinquent behavior
- Working closely with the Violent Crimes Unit and officers who frequently come into contact with juvenile offenders to stay abreast of family issues that could cause delinquent behavior by students in their respective schools

### Ethics and Guidance

SRO's provide guidance on ethical issues in a classroom setting. Some of the issues covered include classes on what constitutes rape, with emphasis on dating situations. Other issues discussed include breaking down barriers to reporting weapons on campus, bullying issues, and respecting diversity.

SRO's explain the role of law enforcement in society. This role is ever changing and talks are not only given to students and staff, but to the general public, with emphasis on the role of the SRO.

For the officers involved in this role, training is provided. All SRO's attend training put on by the National Association of School Resource Officers (NASRO). They also attend various conferences dealing with school related issues and they meet once a month with peers from other departments to discuss issues.

### Community Youth Programs

Members of the Department are encouraged to take an active leadership role in developing community programs for youth. They can do this through the officers assigned to schools as School Resource Officers. These same officers, when personnel staffing allows, can also work in partnership with the Park's Department on various programs, such as the Great Summer Adventure Camp. Officers are encouraged to participate in youth related activities at sites such as the Crossroads Community Center and Ground Zero. They are also encouraged to serve as volunteer members of boards and/or committees that benefit youth.

## 16.00.100 SPECIAL OPERATIONS (CALEA 46.2.1 & .2)

The Department staffs, equips, trains, and operates a SWAT Team and Hostage Negotiations Team (HNT) in order to provide the highest quality and most cost effective police services during critical incidents requiring the deployment of a tactical team. The Department's Bomb Squad works closely with other regional units to accomplish the safe disposal of explosive devices.

The Unusual Occurrences Manual provides guidelines for deploying the SWAT Team and the Bomb Squad in emergency situations.

Assignment to the Bomb Squad, SWAT, and HNT teams are a collateral duty. Personnel assigned to these teams have regular assignments to various functions throughout the Department.

### ❖ SWAT Team

The personnel assigned to the SWAT team have received specialized training and conduct periodic training as a unit. When the SWAT Team is activated, the Incident Commander shall coordinate the operation. All tactical operations conducted by the SWAT team will be commanded by a SWAT Team Commander.

### Team Selection

The below listed tests and examinations shall be successfully completed by applicants for the SWAT Team:

1. Physical Assessment (obstacle course)

2. 85% score or higher on Department pistol qualification course

3. Oral interview

Refer to the **SWAT Manual** Overview and the policy on **Personnel Transfers** regarding the selection process and personnel transfers.

### Specialized Equipment

Refer to the **SWAT Manual** and the **Unusual Occurrence Manual**.

#### ❖ Hostage Negotiations Team

The Bellevue Police Department selects and transfers police officers for assignment to HNT using the process required by the Department's Policy Manual.

Applicants must successfully complete an oral interview test before selection to the Negotiations Team.

#### ❖ Crowd Control Unit

The Bellevue Police Department staffs, equips, trains, and operates a Crowd Control Unit in order to provide the highest quality and most cost effective police services during events that draw large crowds. The unit supports the demand that unusual occurrences might require such as Civil Disobedience, Labor Disputes, Special Events, and VIP Security.

#### ❖ Search and Rescue

Pursuant to RCW 38.52.400, the Bellevue Police Department shall coordinate search and rescue efforts conducted within the City of Bellevue. The scope of the effort shall vary and the emergency mobilization phases shall apply. Search and rescue operations requiring specialized equipment and/or training shall be conducted by the Bellevue Fire Department or the King County Search and Rescue Association, an affiliate of the King County Sheriff's Department.

## 16.00.110 HONOR GUARD (Updated 1/12/2011)

The Department shall maintain an Honor Guard Unit. The Unit shall consist of selected, volunteer officers who are expected to maintain the highest levels of uniform appearance and ceremonial skills. The Department Honor Guard will train, plan for, and participate in, various approved local and regional ceremonial events. It shall be the primary mission of the Department Honor Guard, to represent the professional image and reputation of the Bellevue Police Department at these events.

The Honor Guard shall provide official Department representation at ceremonial occasions as directed by the Chief of Police or his/her designee. These occasions may include, but are not limited to:

- ❖ Officers killed in the line of duty
- ❖ Officers that die during service
- ❖ Officers that die after retirement

### Out-of-Agency Services

Participation or attendance at services for officers killed in the line of duty shall be limited to the states of Washington, Oregon, Idaho, and Vancouver, BC, unless prior approval from the Chief of Police or his/her designee is obtained.

Out-of-agency services shall be limited to the City of Bellevue and its most immediate neighbors (e.g. Redmond, Kirkland, Issaquah, and Mercer Island) unless prior approval from the Chief of Police or his/her designee is obtained.

## Unit Structure

The Honor Guard shall consist of an Honor Guard Administrator (Captain), an Honor Guard Commander (Lieutenant) and nine commissioned members. Commissioned members may be from any Section within the Department. Membership in the Honor Guard is voluntary.

## Honor Guard Administrator

A Patrol Section Captain will be responsible for the overall administration of the Honor Guard and shall serve as Department Coordinator for any officer funeral.

## Honor Guard Commander

A Lieutenant assigned to the Honor Guard unit will be responsible for planning, organizing, staffing, training, directing, controlling, and coordinating all ceremonial Honor Guard functions. The lieutenant shall serve as Detail Commander or shall designate a Detail Commander.

## Detail Commander

The Detail Commander shall be responsible for:

- The overall operation of the Honor Guard at a particular event
- Assignment of personnel to a detail
- Formal notification to the Honor Guard Administrator of the assigned personnel
- Making arrangements for transportation, equipment, lodging, expenses
- Operation and completion of the detail, i.e., inspection of personnel and equipment, compliance with policies and procedures, rules and regulations, ceremonial protocol

## Honor Guard Assignment Criteria

The following are the requirements for assignment to the Honor Guard:

- Satisfactory completion of the police officer probationary period.
- Overall meets/exceeds standards on the last annual work performance appraisal prior to application.
- No excessive sick time usage or excessive tardiness for work.
- Supervisor recommendation. The applicant may submit a written recommendation from his/her supervisor approving the officer's application for assignment to the Honor Guard. However, not receiving a written recommendation may not be used in making the final determination. Supervisors should consider the applicant's work and attendance records.
- No sustained finding related to Department charges that would tend to bring dishonor to the Honor Guard for the 12 months preceding the application and no disciplinary action pending at the time of application
- Willingness and ability to respond to Honor Guard assignment, training, and other details with minimal notice.
- Successful completion of an oral board interview.

### Responsibilities

Even though membership in the Honor Guard is voluntary, it still brings with it certain responsibilities. These responsibilities include, but are not limited to:

- Maintaining all issued equipment and uniforms in excellent condition
- Maintain outstanding personal appearance
- Members must be able to stand at the position of attention for long periods of time, carry heavy objects (i.e. flag poles, caskets), and be able to present a professional bearing and appearance at public events.
- Attending assignments, training and other details as directed
- Proper performance of assigned duties

### Duty Assignments

Selection of Honor Guard detail participants will be made from either on-duty or off-duty officers. If on-duty officers are selected, prior approval from their immediate supervisor must be obtained.

Honor Guard members designated to participate in Honor Guard functions shall first be selected from available members on shift at the time of assignment. Participation will be considered their regular duty assignment. Units and squads will not be brought below minimum staffing to accomplish this.

All overtime requests shall be approved by the Honor Guard Commander and forwarded for final review and approval to the Honor Guard Administrator.

### Training

The Honor Guard performs special details where a certain protocol exists, and where the prestige of the Department is promoted through the Unit's ability to represent the Department in a coordinated, sharply dressed, and disciplined manner. For this reason, training is of the utmost importance.

The Honor Guard will be authorized at least three mandatory scheduled training sessions annually for a minimum of ten hours each and additional practices as needed for a police funeral. Notification of training sessions will be made to members via e-mail at least two weeks in advance.

The Honor Guard Commander may schedule additional training sessions as deemed appropriate.

Members are expected to attend all mandatory training and practice sessions. Exceptions can be granted by the Honor Guard Administrator.

Members are required to attend, or be available for, 75% of unit details. Failure to meet this standard may result in removal from Honor Guard assignment.

### Removal

The Honor Guard Administrator and the Honor Guard Commander, after an appropriate review, may remove any member who fails to fulfill their obligation to the Honor Guard as identified in this section.

## 16.00.120 FISCAL MANAGEMENT (CALEA 17.1.1)

The Chief of Police is designated as having the authority and responsibility for the fiscal management of the Department.

The City of Bellevue is governed by the provisions of RCW 35A, Optional Municipal Code.

The City of Bellevue operates under a Council / City Manager form of government which designates Department directors, including the Chief of Police, as having the management responsibility for their departments.

**Budget Preparation and Management** (CALEA 17.2.1)

The Police Department Finance manager, working under direction of the Chief of Police, and in close coordination with the Deputy Chiefs and all Section and Unit Commanders, will coordinate all matters related to the department's budget preparation and monitoring.

The Finance Manager will follow the overall budget process prescribed in the City's "Comprehensive Financial Management Policy" which is published as a separate chapter of the City's budget document.

Procedures for requesting supplemental or emergency appropriations and funds transfers are part of the budget monitoring process discussed within this policy .

The Financial manager will also follow the more specific instructions called the "Budget Process Manual" which is developed and distributed for each biennial budget. Where specific budget procedural guidance does not exist, the Finance Manager will work with the Deputy Chiefs and all Section and Unit Commanders to develop an appropriate process.

**Budget Recommendations** (CALEA 17.2.2)

As a part of each biennial budget preparation process, on an annual basis, the Police Department Finance Manager will solicit written budget recommendations from each Section and/or Unit Commander. Section and Unit commanders will be responsible for assuring that all employees in their sections or units are informed that budget recommendations are being sought and that employees are encouraged to share their ideas.

Budget ideas from employees will be submitted through the chain of command to the Department Finance Manager for compilation and subsequent consideration by the Chief of Police.

**Requisitions and Purchases of Agency Equipment and Supplies** (CALEA 17.3.1)

The City of Bellevue has a Purchasing Manager who is responsible for establishing overall purchasing requirements for the City. The Purchasing Manager has published a "Purchasing Handbook", commonly called the "Purchasing Cookbook", which prescribes the rules and procedures for acquiring goods and services. It includes sections on how to receive bids, criteria for selection of vendors, how to surplus unneeded items, how to make travel arrangements, and contains all references to State law and City ordinances governing purchasing activities.

**Accounting System** (CALEA 17.4.1)

The City of Bellevue has an accounting system called J.D. Edwards (JDE). JDE consists of interconnected subsystems, such as Payroll and Accounts Receivable, and interfaces with a City budgeting tool called Govmax. JDE downloads the approved budget each year and aggregates the specific expenditures recorded in its subsystems to compare them against the budget during each budget period.

The GovMax Budget system is used to develop budgets for all approved accounts under the Police Department's control, including the General Fund, General Capital Investment Program Fund, and Operating Grants and Donations Fund.

**Strategic Plan** (CALEA 15.1.3)

The Finance Manager coordinates the development of the Department's Strategic Plan.

The Strategic Plan or Six Year Budget Plan includes:

- Department's long-term goals and operational objectives
- Anticipated workload and population trends
- Anticipated staffing levels
- Anticipated capital improvements, technology, and equipment needs

All staff members are encouraged to provide input during the annual review and revision of the Strategic Plan. This review may also include input from members of the community and Department volunteers. The Chief of Police and Command staff will maintain copies of the Strategic Plan.

**Maintenance of Cash Funds** (CALEA 17.4.2)

The Bellevue Police Department currently maintains the following "cash" funds:

- Investigative Fund – for narcotics buys, informants
- Flash Fund – flash money for narcotics investigations
- 

Each fund has a written set of procedures governing their operation. Each fund is audited from time-to-time by an internal auditor and on an annual basis by a State Auditor who conducts Bellevue's annual financial and compliance audits. These audits document any imbalances and/or failures to follow the established procedures, if any, and result in specific plans to correct the identified deficiencies.

**Credit Card Use**

The use of commercial business (Visa) cards and gasoline credit cards issued to the Department by the City of Bellevue Finance Department shall be in accordance with current City ordinances, operational guidelines, and the RCW.

Visa cards are issued by Section and or Unit. The Department's Financial Advisor is the credit card custodian. Each Section or Unit commander is responsible to ensure that card usage guidelines are followed.

Persons using the card are responsible to immediately obtain and submit a credit card receipt to their Section or Unit commander or designee each time the card is used. The receipt shall include a description of the item(s) purchased and authorized user signature. Support paperwork is required that provides the names of all the employees that used the item(s) and the reason for its use.

Commercial gas cards are issued by the Chief of Police or the Chief's designee to various Department employees. Each employee is responsible for the issued card and will ensure that cards are used on official city business and for:

- Purchasing regular unleaded gas at self-service pumps whenever possible while traveling out-of-town or in emergency situations.

- Ensuring credit card receipts contain the signature of the authorized purchaser, and the city vehicle license number (receipts are required to be turned in).

- Ensuring emergency repairs are limited to $100 and only during those times when the services at the BSC are unavailable. Repairs in excess of $100 must be pre-approved by a Section Commander.

All credit cards expenditures will be reconciled on a monthly basis by the administrative assistants for each of the section/unit that has a credit card.

**Independent Audits** (CALEA 17.4.3)

RCW 43.09.260 requires that the Washington State Auditor's Office conduct examinations of the financial affairs of all local governments at least once every three years. The State Auditor determines the scope of the audit. The amount of work specific to the Department will fluctuate. All employees involved in the audit process are required to cooperate fully with any State audit.

**Inventory and Control of Agency Property** (CALEA 17.5.1)

Inventory and control of Department property is accomplished by the following methods:

- Vehicles and machinery having an original cost of $5,000 or more are tracked by the City's Equipment Rental Fund. Items in this category are purchased and used by individual departments using specifically appropriated funds. After purchase, the ownership of the item is turned over to the Equipment Rental Fund that subsequently tracks and maintains the item in coordination with the City Purchasing Department.

- Portable and mobile radios, radar units, and any other type of electronic equipment costing over $1,000 are tracked by the Equipment Rental Fund. Items in this category are purchased and used by individual departments using specifically appropriated funds. After purchase, ownership of an item is turned over to the Equipment Rental Fund that subsequently tracks and maintains the item in coordination with the City Purchasing Department.

Other City assets not directly covered by the above methods are tracked by the commanders of the Section or Unit that purchased them.

## 16.00.130 OFFICIAL CREDENTIALS (updated 03/2007) (CALEA 22.2.7)

It is the intent of the Bellevue Police Department that all employees receive a photographic identification card upon employment. Identification cards ensure the public can identify law enforcement officers and be certain that the person they are dealing with is in fact an officer. The Personnel Services Unit will design and issue the cards. The cards will clearly indicate whether the employee is commissioned or professional staff.

On duty employees shall keep their identification card immediately available. Upon request, employees shall display their identification card in a polite and courteous manner. Employees working in an

undercover capacity will not keep their identification cards on their person and need not display it upon request.

Official credentials issued to employees by the Department will be used by the employee only in connection with official business. An employee will not use another employee's badge without permission of a command officer; nor will an employee knowingly permit any person not employed by the Department to use his/her credentials.

## 16.00.140 WRITTEN DIRECTIVE SYSTEM (Updated – February 18, 2010) (CALEA 12.2.1)

To facilitate communication within the Department, it is necessary to establish definitions, format, and authority for preparation and issuance of written Departmental directives. The following policy establishes a review process and procedures for a formal distribution and storage system to ensure that all employees have rapid access to written directives relating to the performance of their duties.

The Department shall establish a formal mission and values statement that will become part of the written directive system. This statement is found near the front of the Department's Policy Manual.

### Issuing/Revising

Purging, updating, and revising of written directives shall be done on a continual basis at the direction of the Chief of Police. Only the Chief of Police and the Deputy Chiefs may authorize and issue an Executive Order or revise an Executive Order. All Executive Orders will be reviewed annually by the Commander of the Office of Professional Standards.

### Definitions

- **Policy**: A broad statement of Department principles. Policy statements may be characterized by such words as "may" or "should" and should be adhered to unless circumstances dictate that another course of action is more appropriate

- **Procedure**: A standard for carrying out Department activities. A procedure may be made mandatory in tone through the use of "Shall" rather than "should," or "must" rather than "may." Procedures sometimes allow some latitude and discretion in carrying out an activity.

- **Rules and Regulations**: A set of specific directions to which all employees must adhere.

- **Written Directive**: Any written documents used to guide or affect the performance or conduct of Department employees. The term includes Executive Orders, memoranda, emails, policy and procedures, rules and regulations, and instructional material.

- **Department Manual**: A collection of Department policies, procedures, rules and regulations, and/or other written directives that may be in hard copy or electronic format. Organizational units of the Department may have their own manuals specific to the functions they perform, such as Traffic, Records, K-9, etc., but those manuals will be subject to approval by the Chief of Police or the Chief's designee before becoming effective. Once approved by the Chief of Police or designee these manuals become policy and supplement this policy manual.

- **Order of Policy, Procedure, Rule or Regulation, Order, Announcements**: These are "Executive Orders," permanent directives concerned with policy, rules, and procedures, announcements and/or orders usually affecting more than one organizational component of the Department. Only The Chief of Police or Deputy Chief can issue Executive Orders. Examples of Executive Orders include but are not limited to: policy changes, procedural changes, announcements of changes in the status of personnel

such as new hires, transfers, promotions, demotions, suspensions, retirements, resignations, dismissals, temporary command assignments, and awards for merit or valor.

- **Instructional Material**: Training guides, bulletins, and checklists.

- **Memorandum**: An informal written document that may or may not convey an order. The memorandum is generally used to clarify, inform, or inquire. If it is used to direct compliance or conveys an order, it must be issued by the Chief of Police or Deputy Chief.

### Chief's Authority

The authority to issue, delete, modify and approve all written directives pertaining to Policy, Procedures, Rules, Regulations, and Executive Orders is vested with the Chief of Police.

Written directives should not conflict with established policy or procedures unless short-term extenuating circumstances exist or the directive constitutes a revision or replacement of an existing policy or procedure.

### Department Policy Manual

The Department Policy and Procedure Manual will be published in electronic format as the primary method of dissemination, although printed copies of the manual will still be available on a limited basis. Whenever a change is made to a policy, the electronic manual will be updated. Printed manuals will not be updated.

The Commander of the Office of Professional Standards is responsible for revising the Manual and providing policy manual updates as necessary. The Commander of the Office of Professional Standards is responsible for keeping an accurate record of Manual updates.

The Commander of the Office of Professional Standards will coordinate the annual review of each policy and procedure, rule and regulation, in order to ensure they are current, via delegation of the affected section commanders, police legal advisor, Deputy Chiefs and the Chief for their input. Any changes will be recommended to the Chief of Police and then processed as indicated above.

Policy revisions will be provided to all employees immediately upon publication. Supervisors are expected to facilitate review of new and revised policies; however, it will be the responsibility of the employees to familiarize themselves with any revision and to comply with any revisions.

At the time of hiring, all employees will be provided access to the Bellevue Police Department's Policy and Procedures Manual. The Manual will include the Department's Mission Statement, Organizational Philosophy Statement, rules and regulations, and the agency’s policy guidelines and procedures for providing police services to the community.

Each employee is responsible, and will be held accountable, for reading and familiarizing themselves with the Manual and will acknowledge in writing an understanding thereof. If an employee is unsure of the meaning of any portion of the Manual, it is their responsibility to seek out assistance until they achieve clear understanding of its contents and meaning.

The Department encourages employees to suggest revisions or new Department procedures. These suggestions will be forwarded to the Chief of Police via the Chain-of-Command for review and consideration. Prior to implementation of any policy, rule, regulation or procedure, Section Commanders will be supplied with a copy of the proposed rule or procedure for their review and input.

## Other Publications

In addition to the manual, employees are expected to regularly familiarize themselves with all other official Department publications such as Intelligence Bulletins, Training Bulletins, Legal Opinions, and individual section or unit manuals.

The Office of Professional Standards will ensure consistency with existing authority, compliance with CALEA standards and correct format. All proposals will be reviewed for gauging the directive's impact on operations.

## Gender of Words

Written directives will be drafted using non-gender terms or titles such as "Officer", "Employee", "Supervisor", "Specialist", ”Commander", "Chief" instead of generally using a pronoun, "he" or "she" to apply to all Department employees of both genders.

## Department Procedures

Procedures for carrying out departmental activities are documented in the Department Policy Manual, including Rules and Regulations. The Policy Manual may refer the employee to additional resources containing procedural information, standard operating procedures, and/or memorandums of understandings such as, Emergency Management manuals, or collective bargaining agreements.

## Management Staff Review

Normally, proposed policies, procedures, rules, or changes will be reviewed by the Management Staff. Also, when and where appropriate, the affected personnel can be contacted for additional input. Review of proposals and changes will be part of regular agenda at the scheduled Management Staff meetings.

All proposals creating new policies, procedures or rules, or changing existing policies, procedures or rules, must be approved by the Chief of Police prior to implementation.

## Dissemination of Written Directives (CALEA 12.2.2)

Proposed changes to policies, procedures, rules and/or regulations, will be coordinated and distributed through the Office of Professional Standards with assistance from the Legal Advisor.

The Administrative Assistant assigned to the office of the Chief of Police shall be responsible for the distribution of Executive Orders. Responsibility for dissemination of Policy, Procedure, Rule and Regulation rests with the Commander of the Office of Professional Standards. Dissemination of new or newly revised written Directives may be made in hard-copy form or through a computerized documentation system. When the computerized system is used, each Section and Division Commander will maintain backup hard copies for ready access by Department employees.

Section Commanders are responsible for guaranteeing dissemination to their respective employees in the following manner:

- Executive Order

  Executive Orders will be distributed to:

  1. All employees if the authority is the Chief of Police.

  2. To the respective divisional employees if the authority is a Section Commander.

3. To the affected employee and employee's Section Commander.

4. To the Chief's Administrative Assistant.

5. To the employee's personnel file where appropriate. Copies of all directives are available through Section Commanders for reference by affected personnel.

6. To the Executive Order Database.

**Policy, Procedure, Rules and Regulations**

These orders will be distributed to all employees electronically. Electronic distribution will be done in such a manner as to track employee acknowledgment of each policy change/update.

**Confirmation of Receipt**

Whenever a new or revised directive is disseminated, distribution will occur electronically. Electronic methods of distribution include email and/or posting on the network. When directives are posted, Section Commanders are responsible to ensure dissemination has occurred. Supervisors will review the directive to ensure that their employees are aware of its contents. Supervisors will document the fact that a review of the new or revised policy has taken place and who attended.

**Storage of Written Directives**

The Administrative Assistant assigned to the office of the Chief of Police shall maintain an independent set of master files on all Orders of Policy and Executive Orders. Copies are available through Section Commanders for reference by affected personnel.

Each employee has a unique sign-on code consisting of a username and password. The sign-on code permits the employee to access computerized written directive documentation stored on the network.

## 16.00.150 DEPARTMENT COMMUNICATION (CALEA 12.1.4)

**Written Correspondence**

The Department will respond to any written correspondence within five business days. In the event that more time is required to adequately research the question(s) or issue(s) presented, an interim letter will be sent to the author of the correspondence stating the reason for the delay and an estimate of when a definitive response can be expected.

Electronic communications (E-mail and/or Internet) will be treated in a manner similar to other written communications, except the response time should be as short as practical, not to exceed the five day limit without an explanation.

All return correspondence must include a contact person’s name and telephone number to allow the correspondent to make any necessary follow-up contact.

Copies of correspondence to the City Manager and/or City Council will go through the Chief’s office only. Copies of correspondence will not routinely be sent to the City Manager and/or City Council except in the following circumstances:

- Subject of the correspondent’s letter is controversial and would likely be of unique interest to the City’s leaders

- The written Compliment is unique, special, or of a nature that the City's leaders should be aware of exceptional work by an officer, employee, or unit

- A copy of the response to a complaint originally directed to the City's leaders will be sent to them with a memo, when deemed necessary, to clarify the issue and/or offer a more detailed explanation

For tracking purposes, the Chief's administrative secretary will maintain a copy of all correspondence pursuant to the City's record retention schedule.

**Complaint Response**

Any letter directed to the Chief of Police regarding a complaint will be followed with a return letter at the conclusion of the appropriate Department review and/or investigation. The Department review and/or investigation will be handled in a manner consistent with Department's **Complaint** policies. The return letter will advise the complainant how the matter was concluded. Correspondence will be drafted for the Chief's signature with copies sent to the Division, Section, and/or Unit Manager and, when appropriate, to the officer(s) and/or employee(s) involved.

Any supervisor or manager in the Department receiving a complaint about an officer and/or employee must comply with the policies set forth in the **Complaint** policy chapter of this manual. Copies of this correspondence will be directed to the Section and Division managers, and the Chief's office.

When a manager determines that a complaint is more appropriately directed to the Chief for a response, a draft copy will be submitted to the Chief via hard copy, E-mail attachment, and/or diskette using the word processing program established by the City.

**Compliment Response**

Any letter directed to the Chief of Police regarding a compliment will be followed with a return letter thanking the author for the Complimentary letter. This correspondence will be drafted for the Chief's signature with copies sent to the Division, Section, and/or Unit Manager and, when appropriate, to the officer(s) and/or employee(s) involved.

Any supervisor or manager in the Department that receives a Compliment about an officer and/or employee may respond directly to the Compliment, or forward the Compliment to the Chief of Police for a response.

Copies of this correspondence will be directed to the Section and Division managers, and the Chief's office.

When a manager determines that a Compliment is more appropriate directed to the Chief for a response, a draft copy will be submitted to the Chief via hard copy, E-mail attachment, and/or diskette using the word processing program established by the City.

**Bulletin Information**

Employees will acquaint themselves daily when on duty, and immediately upon return from an absence, with all posted and circulated information pertinent to themselves or their assignment.

Employees will not mark, alter, or deface any posted notice of the Department. Notices, announcements, or other material will not be posted on Department bulletin boards without permission of a supervisor.

**General Correspondence**

Employees will not:

- Enter into correspondence with any person concerning their official activities except as provided by Department regulations, policy or procedures
- Use Department stationery or FAX machines for private correspondence
- Employees will not use the Department address for private purposes

**Business Cards**

Business cards issued to employees by the Department will be used by the employee only in connection with official business. Employees will only use business cards that are of the design approved by the City and/or Department.

**Forwarding Communication to Higher Command**

Any employee receiving a written or verbal communication for transmission to a higher command will, in every case, forward such communication without delay. An employee receiving a communication from a subordinate directed to a higher command will endorse it, indicating approval, disapproval, or acknowledgement.

**On Duty Communications**

Employees on duty, or when officially on call, will be available by normal communications - or will keep their office, headquarters, or supervisor informed of the means by which they can be reached when not immediately available.

**Electronic Communications and Records**

All employees will comply with the City Policy regarding Electronic Public Records. Refer to City of Bellevue Administrative Order 94-03.

**Meetings**

All management team personnel shall attend periodic staff meetings. The staff meetings are intended to facilitate the exchange of information, enhance cooperation, communication, and to coordinate the goals of the Department. Additional formal and informal meetings are held as needed.

All employees are encouraged to attend other Section/Unit briefings for the purpose of exchanging information and improving communications. Routine attendance where no presentation is anticipated does not require prior notification. Employees wishing to attend another Section/Unit briefing should contact the on-duty supervisor if they wish to present information.

Exchange of information is also accomplished throughout the Department by reviewing, discussing, and dissemination of:

- Activity Watch Summaries
- Daily Activity Logs
- Attendance by investigators at roll calls
- Attendance by Communications Section personnel at roll calls

- Distribution of Crime Analysis Bulletins
- Directives, memoranda, general orders
- Department Newsletter, “Off the Cuff”

**Flow of Information**

Employees of the Department are required to make notifications via the chain of command when they become aware of incidents or actions involving the Department or its employees that may raise public concern or otherwise affect the operation of the Department.

## 16.00.160 DEPARTMENT GOALS AND OBJECTIVES (CALEA 15.2.2)

To ensure direction and unity of purpose, and serve as a basis for measuring progress, written goals and objectives will be developed by the Department and each individual Section or Division on an annual basis.

As part of the City’s biennial budget process, the Chief of Police or the Chief's designees shall formulate a comprehensive statement of Department goals and objectives for the upcoming two year period. The timing will allow for the development of Division level goals and objectives. Prior to the beginning of the second year of the biennial budget, a review will be conducted to modify goals and objectives due to changed circumstances.

As part of the City’s biennial budget process, subsequent to the Chief's statement of goals and objectives, Section Commanders shall formulate written statements of goals and objectives for their respective Sections. This information will be the foundation for development of Division goals and objectives. This process must include solicitation of input from all employees to whom the goals and objectives apply. Adequate time shall be allowed for this feedback process.

On an annual basis, the Deputy Chief of the Administrative Services Division will oversee a staff retreat that will plan for the goals, objectives, and work initiatives of the upcoming year. Planning tools that are utilized for goal development may include the previous year’s attained or unattained goals, information gathered from Operations staff on crime trends and needed resources to deal with them, and advancement in technology that can assist in addressing the Department’s ability to prevent crime and prosecute criminals. Much of this work initiative should be coordinated with the biennial budget preparation.

As a byproduct of this staff planning retreat, annual goals will be developed, the Department’s strategic plan will be updated, and information needed to plan for any upcoming budget preparation will be documented.

In addition to this annual review and planning process, crime trends, population growths, community developments, and community sensitive issues may be identified that were not previously identified. On an as needed basis, the Deputy Chief of the Administrative Services Division, an additional Command Officer and support staff can be assigned to research a given issue and develop an action plan to meet the policing needs of the event or initiative.

**Evaluating Progress**

Each Section Commander shall submit to the Chief of Police via the chain of command an annual written section evaluation that details the progress that has been made by the Section and each organizational component therein toward the attainment of goals and objectives.

These reports may be submitted in conjunction with the annual Section written statements detailing upcoming goals and objectives.

During the course of the year, the Chief of Police may require periodic updates of progress toward goals and objectives.

This information may be closely tied to Department performance measures examined quarterly and used to support budget proposals.

## 16.00.170 FORMS ACCOUNTABILITY (CALEA 11.4.2 & 82.3.5)

The Department uses a variety of forms to document the transfer of monies or property, criminal and non-criminal, and other necessary transactions requiring a means of tracking. The Department shall develop and utilize various control methods to ensure accountability for certain Departmental transactions and records. The forms management function is designed to ensure that only necessary and essential forms are retained in use and that all others are eliminated.

The Administrative Services Section Commander is responsible for developing and implementing procedures to ensure the accountability of all Department forms, including the establishment of a written record of all forms, form numbers, and subsequent form revisions.

The Records Unit is responsible for maintaining a list of all Departmental forms, assigning form numbers, and monitoring the need for a particular type of form. A master file containing an original copy of each form in use shall also be maintained.

The Forms Committee, consisting of various members of the department and chaired by a Captain or above, shall be responsible for the development and modification of all forms used by the Department.

The review process for new or modified forms shall include personnel in the components who will use and process the forms. All forms will be reviewed and evaluated on an annual basis. Report writing instructions and materials shall be updated as necessary.

The final approval for all new or modified forms shall rest with the Chief of Police.

Accountability of certain Department reports and forms will be maintained in the following manner:

- Operational units will forward original investigative copies to Records in a timely manner (daily or weekly) and retain investigative copies for continuing follow up use. Case face reports and arrest reports will be sent to Records as soon as they have been completed. Follow-up reports and supplemental reports can be sent as soon as practical, however, as a case becomes inactivated, all case files will be sent to Records for filing. Sensitive or confidential investigative reports, i.e., intelligence, vice, narcotics, are maintained by the appropriate division and forwarded to Records on completion, if applicable to the Records Division function.

- Serialized receipts shall be utilized for all cash financial transactions.

- Two-part receipted bond envelopes shall be used for submission of all types of bond.

- A sequential numbering system shall be used to identify and account for official reports of incidents and offenses.

- Serialized citations for parking, traffic, criminal and ordinance violations shall be utilized.

- Any serialized form listed above which is lost or destroyed shall be reported to a supervisor. The Records Unit shall issue uniform traffic citation/notice of infraction forms and shall list the starting and ending serial numbers. The Office of Professional Standards Commander shall issue serialized numbers for each complaint or internal investigation.

- The Traffic Unit Commander shall be responsible for issuing and accounting for serialized parking violation citations.

- The Administrative Services Section Commander is responsible for audits of skipped or missing traffic citations/NOI's and is to notify the Administrative Services Deputy Chief, in writing, of these citations so that follow-up can be initiated.

## 16.00.180 RESPONDING TO LABOR DISPUTES

When responding to reported labor disputes, members of this department shall remain neutral and impartial toward all involved parties. The Department's goal in these matters is to keep the peace, to collect the facts and determine if a criminal violation has occurred. Officers who witness a criminal violation are expected to take the appropriate enforcement action. A supervisor shall respond to all reported incidents involving labor disputes that are in-progress.

In responding to a complaint or an incident involving criminal trespass between parties to a current collective bargaining agreement:

- An on-duty Patrol supervisor will respond as well as necessary officers

- Department personnel will adopt an impartial and neutral attitude concerning the legal position of labor and management and will not attempt to interpret the collective bargaining agreement

- Upon a reasonable showing that a current collective bargaining agreement exists between the parties, members of the Department should consider the circumstances a civil dispute and not a criminal matter

- An officer may remain at the scene to keep the peace as directed by a supervisor

In responding to a complaint of violence or property damage, a supervisor and an officer will respond to the scene to keep the peace.

If an act of assault or property damage takes place within an officer's presence, an officer may act as required, including arrest.

If an act of misdemeanor assault or property damage is alleged after the fact, an officer will take statements from all concerned and refer the matter to the City Prosecutor for review.

Felony crimes will be fully investigated and arrests made as may be appropriate.

## 16.00.190 COURT APPEARANCES

Employees will attend court or quasi-judicial hearings as directed and bring with them all pertinent evidence, reports, and notes. Employees will make every effort via means provided by the Court, Prosecutor's Office, or Police Department, to verify the times and dates of court appearances.

Permission to omit this duty will be obtained from the prosecuting attorney handling the case or other competent court or hearing official. When appearing in court, either the official uniform or contemporary business attire (not casual) will be worn.

### Court Contact

Employees directed to contact the court by telephone prior to their attendance at court hearings or trial will do so promptly.

### Court Punctuality

Employees directed to be in court or at hearings will be prompt in attendance and will remain until excused by competent authority. This requirement will also apply to pre-trial and pre-hearing consultations with prosecutors and hearing officials.

### Manner of Testifying

Employees in court and at other quasi-judicial hearings will avoid any indication of bias, prejudice, or anger. They will testify in a clear, concise, and distinct manner. Questions will be answered promptly, truthfully, and without trace of evasion. Personal behavior will be exemplary while in court, whether on the witness stand or waiting to be called.

### Testifying for the Defendant

Any employee subpoenaed to testify for the defense in any trial or hearing, or against the City or Department in any hearing or trial, will notify the Department's Legal Advisor (or, in his/her absence, the City Legal Department) of the subpoena.

### Civil Action Interviews

Civil action interviews involving employees, which arise out of departmental employment, will be conducted according to current departmental directives, and in no case will they be attended by any officer without first having advised the Department's Legal Advisor (or in his/her absence, the City Legal Department).

### Civil action, Court Appearances - Subpoenas

An employee will not volunteer to testify in civil actions and will not testify unless legally subpoenaed. Employees will accept all subpoenas legally served. If the subpoena arises out of departmental employment, or if the employee is informed that he/she is a party to a civil action arising out of departmental employment, he/she will immediately notify the Department's Legal Advisor (or, in his/her absence, the City Legal Department).

### Civil Depositions and Affidavits

No employee will be subject to a deposition, declaration or affidavit in a civil case before consulting with the Legal Advisor (or, in his/her absence, the City Legal Department). If the Legal Advisor or Legal Department determines that the case is of importance to the city, the Chief of Police will be informed before the deposition, declaration or affidavit is given.

### Employees as Defendants in Lawsuits

If employees are named as a defendant in a civil lawsuit, they must be given notice and an opportunity to defend themselves. The plaintiff in the lawsuit will have the employee served with summons and complaint that function as “notice” that they are being sued. Employees that are served with summons and complaint naming them (and often other person and the City) as a defendant in a lawsuit will immediately:

- Write the date and time they were served in the upper right-hand corner of the summons

- Notify the Police Legal Advisor, or the Office of the Chief of Police in the Legal Advisor's absence
- Provide the Legal Advisor (or Chief's Office in the Legal Advisor's absence) with a copy of the summons and complaint with which they were served showing the date and time notation in the upper right-hand corner

The Legal Advisor, or the Chief's designee in the Legal Advisor's absence, will copy the documents received from the served employee and provide a complete copy to the City Legal Department for attention of the City Attorney.

## 16.00.200 CIVIL PROCESS (CALEA 74.2.1) (updated 3/17/2011)

Department members shall not serve any civil process except Domestic Violence Protection Orders, Anti/Harassment Orders, Truancy Orders, At Risk Youth Orders (ARY), and Children in Need of Services Orders (CHINS). Truancy warrants may not be served on a child inside of school during school hours in a location where other students are present. Department members shall refer all requests to serve other types of civil process to the Civil Process Unit of the King County Sheriff's Office (206-296-3800).

Patrol Officers may assist in the execution of a writ by providing back-up as directed by the Civil Officer.

Officers should not serve or execute any extraordinary writs. The two most likely to be seen are Writs of Habeas Corpus and Writs of Restitution. These are handled by the King County Sheriff's Office Civil Unit. Family Violence Detectives handle these orders with the King County Sheriff's Office.

Department members should not give legal advice or express opinions as to the merit of civil issues.

## 16.00.210 SERVICE OF DOMESTIC VIOLENCE/ANTI-HARASSMENT ORDERS

Officers are required to make a reasonable effort to locate the respondent if GOA. If officers are unable to locate, return the entire packet to Records.

Officers should make reasonable efforts to serve certified copies of domestic violence protection orders, or anti-harassment orders. The order should be served even if the order is not yet in WACIC or the order is from a foreign jurisdiction.

When serving court orders, the officer will receive a packet of papers that may include a temporary order with a petition for protection, a permanent order, a notice of hearing, a re-issuance of a temporary order, a Law Enforcement Information Sheet and a Return of Service.

Upon receipt of the packet, the officer should:

- Review the Law Enforcement Information Sheet for officer safety and physical description information.
- Review the Order to determine the restraints.

### Service

Verify the identity of the respondent. Correct or fill in any omissions in the Law Enforcement Information Sheet. Give the respondent the Order, the Petition, and the Notice of Hearing.

**DO NOT GIVE** the respondent the Law Enforcement Information Sheet, the Motion, and Order for Waiver of Fees or the Return of Service Form.

Do **READ** or point out to the respondent the prohibitions/required provisions, the hearing date, and the criminal sanctions for violation of the order.

**After Service**

Note on the petitioner's copy (if not used as the service copy) the date, time and location of service, your name, and Badge Number, and leave with the petitioner.

If the petitioner's copy had to be served, put this information, plus the court, case number, type of order and issue date on a business card and leave it with the petitioner. Encourage the petitioner to obtain another certified copy from the issuing court.

Clear the call with the appropriate code and return the completed notice of service to Records with the law enforcement information sheet and the motion for Waiver of fees, if any.

## 16.00.220 LINE OF DUTY DEATH/SERIOUS INJURY PROTOCOL (CALEA 22.2.4)

The Department shall have in place an established protocol for providing timely and sensitive assistance to Department personnel and their families in the event of a line of duty death or serious injury. An Explanation of this program can be found in the Department's Law Enforcement Death booklet.

All Department supervisory personnel shall receive an orientation relating to the protocol necessary to ensure the guidelines established in the "Law Enforcement Death" booklet are followed.

**Department Responsibility**

In the event of a line-of-duty death of a Department employee, the Chief of Police will assign a command level officer to act as a liaison to the deceased employee's family. The Department liaison will:

- Arrange to be accessible to the family
- Be available to assist the family with arranging funeral services as may be necessary and keep the Chief of Police informed on arrangements and the families' needs and desires
- Explain Department procedures, investigation(s), and the criminal justice system to the family as may be necessary
- Assist the Personnel Services Unit commander with a review of line-of-duty death benefits available to the family

The Personnel Services Unit commander will be responsible for preparing a biographical sketch of the deceased employee for the Chief of Police to include:

- Name
- Home Address
- Date of birth and employment
- Assignments
- Awards or commendations
- Spouses' name

- Children's names and ages
- Other close surviving relatives
- Other information as appropriate, including the date and time of the funeral if desired by the family.

The Personnel ServicesUnit Commander shall also:

- Assist the Department liaison with funeral arrangements and ceremony
- Act as liaison with the City Human Resources Department, other City departments and outside agencies to ensure the appropriate claims are made for death benefits
- Coordinate the participation of outside law enforcement agencies at the funeral ceremony

**Notification**

In the event of death or serious injury to an employee, immediate verbal notification will be made to the employee's commander by any employee who has knowledge thereof. The Chief of Police will be notified through the chain of command without delay. The employee's family will be notified as indicated on the Emergency Notification Instruction form. If no instructions are on file with the Patrol Section commander, notification will be made in person by the Chief of Police or designee in a timely manner.

In the event of an employee's death or serious injury, the Personnel Services Unit commander will advise, or cause to be advised by other designated staff, his/her family of appropriate professional assistance available and any benefits accruing to the family from the City of Bellevue and other governmental entities.

The Chief of Police may grant administrative leave to a Department employee, as named in the Emergency Notification Instructions form, and to a Peer Support Group Counselor, for the purpose of assisting the involved employee's family, for such length of time as deemed appropriate. If no Emergency Notification Instructions form is on file, the involved employee's immediate supervisor will recommend an employee to the Chief of Police to provide such assistance.

**Funeral Arrangements**

Recognizing that circumstances and family wishes may differ, the Department offers its services in a supportive manner and will act according to City policy, Department procedures and the surviving family's wishes.

When requested by the next of kin and when the funeral is to be held within the Seattle Metropolitan area, the Department may provide:

- Pallbearers and suitable police escort for the funeral procession as may be required as desired by the family
- A formal funeral service and/or grave site ceremony if desired by the family

If a funeral is to be held outside of the Seattle Metropolitan area, the Chief of Police will decide upon the Department's participation.

**Department Honors**

In addition to the honors at the funeral services and/or gravesite, rendering of honors by Department employees may include:

- All flags at City facilities will, with the permission of the City Manager, be flown at half-mast from the time of the employee's death until burial

- All uniformed officers will cover the horizontal center of their badge with either black cloth or black tape for a period starting when they are informed of the employee's death and ending with burial. Disposal of the cloth/tape will not be made until officers have left the ceremony area, so as not to diminish its significance.

**Non Line-Of-Duty Deaths**

If an employee's death is not in the line-of-duty or if the funeral involves an employee who has retired following twenty years or more of active duty service, the decision to provide Departmental honors, including a ceremony, or sending an official representative(s) of the Department will rest solely with the Chief of Police and will follow the guidelines set forth in this policy.

**Additional Notifications**

Any employee receiving notice of the death of the spouse, child, mother or father or an employee or retired employee will notify the Chief of Police through the chain of command without delay.

**Other Agencies**

If the funeral is for an employee of another law enforcement agency killed in the line-of-duty, the Chief of Police will decide upon the Department's official participation.

## 16.00.230 RIDE-A-LONG PROGRAM

The Department shall provide citizens and potential employees an opportunity to obtain greater insight into the police profession and operations of this Department. A carefully managed ride-along program will contribute to this goal. Understanding leads to positive relationships between the public and police.

The Operations Commander or his/her designee shall oversee arrangements for a ride-along.

**Eligibility**

Due to the sensitive nature of police work, the safety of the officers and riders involved and the security of the public in general, persons requesting to ride along must meet THE following eligibility criteria:

- Observers should be a minimum of 18 years of age. Persons less than 18 years of age may participate in a ride-along if they meet all other qualifications and a parent or legal guardian signs a Citizen Observer Request Form (waiver).

- A felony arrest history disqualifies the observer from participation in the ride-along program.

- Observers may ride no more than one time in a six-month period. The ride will be for four hours and will be with a Patrol officer unless the Operations Commander approves an exception.

- Observers must be a law enforcement officer, a Police Department employee or volunteer, a Citizen Academy student, a Police Department applicant, or a friend/relative of an employee. The Commander may grant exceptions to this rule.

Employees may participate in a ride-along on-duty provided they meet all eligibility requirements and are approved by their supervisor. For training purposes, employees may be scheduled more frequently than specified.

The Department will not honor requests by observers to ride with specific officers. In fact, care will be given to place observers with an officer other than the one requested. This program is for learning purposes, not a social event. Exception: Spouses, children and immediate relatives are exempt from this requirement.

All requests for a ride along relating to charitable auctions, dignitary rides or other extraordinary requests will be directed to the Operations Section Commander. In the absence of the Operations Section Commander, approval will be required by a Deputy Chief or the Chief of Police. Only requests from non-profit and non-political organizations will be approved.

The Operations Commander may approve observers with misdemeanor arrest or traffic offense history, or a record as the subject of police complaints.

**Screening and Assignment**

Permission to ride requires the observer to submit a completed Citizen Observer Request Form prior to the ride-along. The observer must sign the form and a Department employee must witness the signature.

The Operations Commander (or designee) approving the ride will ensure a background check has been conducted prior to the ride, including a check of Department records, WACIC and NCIC.

Screening is not required of noncommissioned Department employees or spouses and children of employees.

All request forms, accepted or rejected, will be maintained in the commander's office for one year from the date of request.

Observers will be notified of their acceptance or rejection to ride by the commander.

The commander will schedule the ride for the observer.

Observers are not permitted to ride in any "C/D" equipped patrol vehicle.

**Rules of Conduct**

The citizen observer will follow all lawful instructions of any police officer during the ride along.

Civilian riders will not be allowed in the booking area when prisoners are present.

Riders are to remain in the patrol vehicle during police activities unless otherwise directed by a police officer.

The assigned officer will have the discretion to judge conditions and decide whether an observer will be discharged from the vehicle in a safe area away from the scene to which the officer is responding, ordered from the police vehicle or allowed to accompany the officer on any given assignment.

Observers will be advised to dress appropriately for the ride along. Shift Supervisors have the authority to deny an observer's participation if the dress is not appropriate.

If the observer's attitude or actions warrant, the assigned officer may terminate the ride along at any time and report the reason for the termination to their supervisor. The Shift Supervisor has the authority to terminate the ride along at any time.

## 16.00.240 CITIZEN AWARDS

The purpose of this policy is to provide criteria for the Citizen Law Enforcement Merit Award.

The Department wishes to recognize citizens who provide exceptional support and assistance to the Police Department in carrying out its law enforcement responsibilities through its Citizen Award Program.

### Award Eligibility

A citizen who is not a paid staff member of the Bellevue Police Department who:

- Assists, acts, or cooperates with the Department in a manner above and beyond what normally would be expected in the apprehension of a suspect or suspects involved in the commission of a crime or,
- Performed exceptional service or act(s) of bravery directed toward the safety and welfare of others or,
- Performed on-going community service which demonstrates outstanding devotion and excellence in civil responsibility related to law enforcement or,
- Provided exceptional service and assistance of the Police Department in its overall mission of serving the law enforcement needs of the community.

### Nominations

Any employee of the Bellevue Police Department can nominate a citizen for this award. The nomination shall include:

- A written account of the event(s) and/or act(s) for which the nomination is being made and how they relate to the criteria. Any relevant documents should be attached.
- A records check done on the citizen
- The nomination will be forwarded via the chain of command to the Chief of Police for approval

### Award

The award recipient shall be entitled to the following:

- Civilian Law Enforcement Merit Award Certificate contained in an embossed certificate holder accompanied by a detailed description of the act for which the award is being given
- A framed photograph capturing the award presentation
- The award will be presented by the Chief of Police or his/her designee at a City Council meeting
- The Public Information Officer will be responsible for coordinating award materials, scheduling and publicity

## 16.00.250 TECHNOLOGY RESOURCE USAGE (updated 04/24/06) (CALEA 11.4.4)

**NOTICE:** There is no right to privacy in an employee's use of City technology resources.

This policy applies to members of the Bellevue Police Officers Guild and the Bellevue Police Managers Association only. Other bargaining units within the Police Department elected to abide by City of Bellevue IT policy at **Technology Usage Policy**.

The City owns all data stored on its network and systems (including e-mail, and Internet usage logs) and reserves the right to inspect and monitor any and all such communications at any time to ensure compliance to this policy, with or without notice to the employee. The City may conduct random and requested audits of employee accounts to investigate suspicious activities that could be harmful to the organization, to assist Departments in evaluating performance issues and concerns, and to identify productivity or related issues that need additional educational focus within the City. Internet and e-mail communications may be subject to public disclosure and the rules of discovery in the event of a lawsuit. The City's Internet connection and usage is subject to monitoring at any time with or without notice to the employee.

The following policy defines appropriate use of the City of Bellevue network, computers, all related peripherals, software, electronic communications, and Internet access, regardless of the means used to access the system.

Employees violating this policy may be subject to disciplinary action up to and including termination in accordance with their collective bargaining agreement.

## 1 Internet/Intranet Usage

1.1 This technology usage agreement outlines appropriate use of the Internet/Intranet. Usage should be focused on business-related tasks. Personal use is allowed but there is no right to privacy in an employee's use of the Internet/Intranet. Personal use should be limited to personal break time.

1.2 Use of the Internet, as with use of all technology resources, should conform to all City policies and work rules. Filtering software will be actively used by the City to preclude access to inappropriate web sites unless specific exemptions are granted as a requirement of work duties (e.g., police have the ability to access sites on criminal activity, weapons etc…). Attempts to alter or bypass filtering mechanisms are prohibited.

1.3 Except for police related purposes, intentionally visiting or otherwise accessing the following sites is prohibited:

a. "adult" or sexually-oriented web sites,
b. sites advocating hate crimes, or violence
c. Internet chat rooms and interactive website communication (voice and audio streaming and instant messaging
d. personal dating sites
e. gambling

1.4 . Activities on Internet chat rooms, blogs and interactive website communication sites are electronically associated with City network addresses and accounts that can be easily traced back to the City of Bellevue. Comments made during the course of business use shall be reflective of Bellevue Police Department policy.

## 2 E-Mail Usage

2.1 E-mail content is subject to public disclosure, therefore, email content should be written with this in mind.

2.2 Employees are should try to check their e-mail each workday and comply with IT capacity limits. Messages should be stored to an alternative location (F drive or back-up disk or appropriate case or

personnel file). Ordinary business correspondence has a two-year retention period. If e-mail relates to a specific case or personnel issue the e-mail should be placed in the appropriate case or personnel file for retention. Personal e-mail should not be retained in the City system.

2.3 Use of the "Everyone_COB" distribution list is restricted to the City Manager's Office, Department Directors and their specific designees. Under no circumstances should an employee intentionally "Reply to All" to an Everyone_COB message.

2.4 The City provides staff access to and support of the Exchange/Outlook messaging (e-mail) system. Access or usage of any other messaging systems is not allowed unless it is web based. Subject to the personal use limitations explained above, staff may access web-based personal email but *should not open or download personal documents or attachments from these sites*. Staff may not install client based software for internet service on city equipment. Examples: AOL, Instant Messaging

2.5 Users should be attentive to emails that have unusual or questionable subject lines to mitigate spam, phishing and script born viruses that come into the network through email attachments or by clicking on links that lead to hostile web sites. If you suspect phishing or script born viruses in email attachments immediately contact the support desk.

2.6 Except for police related purposes, the use of e-mail to intentionally send or solicit the receipt of inappropriate content such as sexually oriented materials, hate mail, content that a reasonable person would view as obscene, harassing or threatening and having no lawful purpose is prohibited.

2.8 The incidental personal use of e-mail from a City account to express opinions or views other than those reflective of City policy must contain the following disclaimer: "the contents of this electronic mail message do not necessarily reflect the official views of the elected officials or citizens of the City of Bellevue."

## 3 User Accounts

3.1 ITD must authorize all access to central computer systems. Each user is responsible for establishing and maintaining a password that meets City requirements. http://cobnet/it/Security/SecurityPWInfo.htm The unauthorized use of another person's account or attempt to capture other users' passwords is prohibited. The unauthorized use of your account should be immediately reported to your supervisor and ITD.

## 4 Network Access and Usage

The Information Technology Department (ITD) must approve connecting devices to the City's network. This includes PCs, network hubs and switches, printers, handhelds, scanners, remote connections, and wireless or wired devices.

4.1 Use of wired or wireless modems on the City's network requires written approval from ITD. Approved devices with wired modems must be disconnected from the network prior to using the modem.

4.2 Personal software or devices may not be loaded or attached to any City-owned equipment without written authorization by a designated department manager and by ITD. The use of personal routers and wireless access points on the city network is not allowed.

4.3 Knowingly exploiting or attempting to exploit into any vulnerability in any application or network security is prohibited. Sharing of internal information to others that facilitates their exploitation of a vulnerability in any application or network security is also prohibited. It is also prohibited to knowingly propagate any kind of spy ware, DOS, or virus onto the City network or computers. If you encounter or

observe vulnerability in any application or network security, report it to support@ci.bellevue.wa.us immediately.

4.4 Obey the privacy and rules governing the use of any information accessible through the network, even if that information is not securely protected.

4.5 Knowingly disabling, altering, over-riding, turning off any mechanism put in place for the protection of the network and workstation environments is strictly forbidden.

4.6 Transmission, distribution, or storage of any information or materials in violation of federal, state or municipal law is prohibited. Software that is copyrighted or licensed may not be shared or illegally distributed. Copyright violations are federal offenses that may result in civil and criminal penalties to employees and the City of Bellevue.

4.7 Because of bandwidth limitations inherent in any network system, use of the City network to download *non-business* related information is prohibited. Examples include streaming video of baseball games, streaming audio of radio programs, MP3 files, and on-line games.

4.8 Access to the City's network via VPN requires approval from ITD. VPN accounts will be audited on a monthly basis, and accounts inactive for 30 days will be deactivated unless an exception is granted by ITD. Reactivation of intermittently used VPN accounts for vendor support purposes will be accommodated upon request.

4.9 Remote access to the City's applications via Citrix requires approval from the departmental ITGC representative and the application owner.

**5 Definitions: *(Courtesy of WebOpida.com)***

5.1 Blog - Short for Web log, a Blog is a Web page that serves as a publicly accessible personal journal for an individual. Typically updated daily, blogs often reflect the personality of the author. Blogging is when one posts to a Blog.

5.2 DOS Attack– Short for denial-of-service attack, a type of attack on a network that is designed to bring the network to its knees by flooding it with useless traffic. Many DOS attacks, such as the Ping of Death and Teardrop attacks, exploit limitations in the TCP/IP protocols. For all known DOS attacks, there are software fixes that system administrators can install to limit the damage caused by the attacks. But, like viruses, new DOS attacks are constantly being dreamed up by hackers.

5.3 Electronic Communications - The transmission of data from one computer to another, or from one device to another. A communications device, therefore, is any machine that assists data transmission. For example, modems, cables, and ports are all communications devices. Communications software refers to programs that make it possible to transmit data.

5.4 Modems – A modem is a device or program that enables a computer to transmit data over, for example, telephone or cable lines. Computer information is stored digitally, whereas information transmitted over telephone lines is transmitted in the form of analog waves. A modem converts between these two forms. Modems can be wired or wireless.

5.5 Peripherals – A computer device, such as a CD-ROM drive or printer, that is not part of the essential computer, i.e., the memory and microprocessor. Peripheral devices can be external -- such as a mouse, keyboard, printer, monitor, external Zip drive or scanner -- or internal, such as a CD-ROM drive, CD-R drive or internal modem. Internal peripheral devices are often referred to as integrated peripherals.

5.6 Personal Devices - PDA (Personal Digital Assistant), smart phone. A handheld device that combines computing, telephone/fax, Internet and networking features. A typical PDA can function as a cellular phone, fax sender, Web browser and personal organizer. Unlike portable computers, most PDAs began as pen-based, using a stylus rather than a keyboard for input. This means that they also incorporated

handwriting recognition features. Some PDAs can also react to voice input by using voice recognition technologies. PDAs of today are available in either a stylus or keyboard version.

5.7 Phishing - The act of sending an e-mail to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft. The e-mail directs the user to visit a Web site where they are asked to update personal information, such as passwords and credit card, social security, and bank account numbers, that the legitimate organization already has. The Web site, however, is bogus and set up only to steal the user's information.

5.8 Software - Computer instructions or data. Anything that can be stored electronically is software. The storage devices and display devices are hardware. The terms software and hardware are used as both nouns and adjectives. For example, you can say: "The problem lies in the software," meaning that there is a problem with the program or data, not with the computer itself. You can also say: "It's a software problem."

The distinction between software and hardware is sometimes confusing because they are so integrally linked. Clearly, when you purchase a program, you are buying software. But to buy the software, you need to buy the disk (hardware) on which the software is recorded.

Software is often divided into two categories:

*systems software* : Includes the operating system and all the utilities that enable the computer to function.

*applications software* : Includes programs that do real work for users. For example, word processors, spreadsheets, and database management systems fall under the category of applications software.

5.9 Spy ware - Any software that covertly gathers user information through the user's Internet connection without his or her knowledge, usually for advertising purposes. Spyware applications are typically bundled as a hidden component of freeware or shareware programs that can be downloaded from the Internet; however, it should be noted that the majority of shareware and freeware applications do not come with Spyware. Once installed, the Spyware monitors user activity on the Internet and transmits that information in the background to someone else. Spyware can also gather information about e-mail addresses and even passwords and credit card numbers.

Spyware is similar to a Trojan horse in that users unwittingly install the product when they install something else. A common way to become a victim of Spyware is to download certain peer-to-peer file swapping products that are available today.

5.10 VPN – Short for virtual private network, a network that is constructed by using public wires to connect nodes. For example, there are a number of systems that enable you to create networks using the Internet as the medium for transporting data. These systems use encryption and other security mechanisms to ensure that only authorized users can access the network and that the data cannot be intercepted. VPN is used by outside computers to connect to the City of Bellevue network.

## **16.00.260** VOLUNTEER PROGRAM (CALEA 16.4.1)

The Department has an ongoing volunteer program that will match interested citizens to needed tasks within the organization. This unit is managed by a Program Coordinator who reports directly to the Administrative Services Major.

The Bellevue Police Department's Volunteer Program is established within the Department to provide services and programs that can be accomplished by trained civilian volunteers. These civilian volunteers are not fully commissioned as law enforcement officers and are not assigned duties requiring a sworn status. Civilian volunteers are an adjunct resource to police personnel and can assist to augment assignments or tasks that do not require fully commissioned officers or classified civilian positions.

Volunteers are defined as civilians affiliated with the Department in a part-time, non-sworn capacity, without compensation. Their duties do not warrant the level of training required by commissioned personnel.

Volunteers may be qualified to receive an appointment, with a limited commission, to issue notices of infractions for disabled parking and fire lane parking violations. These volunteers will be required to complete the designated training successfully and be appointed by the Chief of Police as per the legal mandates of the law.

The guidelines for the Volunteer Program can be found in The Volunteer Program Handbook.

The Bellevue Police Department Volunteer Program Coordinator coordinates, facilitates, and oversees all volunteer assignments. Volunteers may be assigned to special (short-term/temporary) assignments, as well as ongoing assignments that require a minimum of a one-year commitment. A Bellevue Police Department supervisor and the Volunteer Program Coordinator will authorize all volunteer requests.

The Volunteer Program Coordinator will prepare a written job description for all volunteer assignments, which will include an outline of the duties, qualifications, and training requirements of the assignment. The Volunteer Program Coordinator will prepare and maintain, in the Bellevue Police Department Volunteer Job Description Binder, a written job description for every volunteer assignment. All job descriptions will be revised and updated by the Volunteer Program Coordinator to reflect significant changes in duties, qualifications, and training required for the volunteer assignment, and then authorized by the task supervisor.

Volunteers are recognized at designated service milestones for their support in assisting with on-going and/or special projects anywhere in the Department. In addition, special recognition can be given at any time upon supervisor request.

The Volunteer Program has a targeted ongoing recruitment program to attract interested citizens to fill defined department needs.

The recruitment, selection, placement, and general oversight of department volunteers will be performed by the Volunteer Program Coordinator. Day-to-day supervision is the responsibility of the designated task supervisor.

Volunteers are required to abide by the Bellevue Police Department's Policies and Procedures, Rules and Regulations, Code of Ethics, Values, and the City of Bellevue Personnel Manual, where applicable.

Each volunteer will be responsible for reporting their volunteer hours each month to their immediate supervisor, who in turn will submit those hours to the Volunteer Program Coordinator. The Volunteer Program Coordinator will maintain all records of volunteer hours and report them on an annual basis to appropriate Section and Unit Commanders.

**Volunteer Training Programs** (CALEA 16.4.2)

All Department volunteers will receive a general orientation on the nature and purpose of the Department, an orientation on the nature and operation of the program or activity they are assigned to, and a specific orientation on expectations and requirements of the assignment, which they are accepting in that effort.

Volunteers will receive classroom training and “hands-on” training to provide them with the information and skills necessary to perform their volunteer assignments. Volunteers will be specifically instructed in department policy and procedures that apply to their assignment. In-service training, on effective volunteer utilization, will be available to department staff involved in working with volunteers.

All volunteers are encouraged to attend the department’s Citizen’s Academy to become familiar with the entire organization and their commitment to quality service delivery.

**Volunteer Uniforms** (CALEA 16.4.3)

The uniforms of volunteers will clearly distinguish them from sworn officers. Clothing worn shall be in keeping with the professional image of the Bellevue Police Department and in accordance with others who are working in their assigned division.

All Bellevue Police volunteers will be required to wear a Volunteer ID badge, with picture and personal identification, whenever they are in the department or on an approved and authorized volunteer assignment. All civilian volunteers will wear civilian clothing. They are not expected to wear a uniform.

All Bellevue Disabled Parking Enforcement volunteers will wear only the approved uniform that will be different in color and clearly identifies them as volunteers. When in uniform and on patrol, each Disabled Parking Enforcement volunteer will be required to wear a special ID badge which designates them as specially commissioned civilian volunteers (per RCW 46.16.381).

# CHAPTER 17

# PERSONNEL SERVICES

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## 17.00.010 JOB SPECIFICATIONS (updated – 02/18/ 2010) (CALEA 21.2.2)

The Deputy Chief in charge of the Administrative Services Division will provide necessary liaison with the Human Resources Department so as to assure that the development and maintenance of job specifications accurately reflect the current nature of the various tasks, positions, or jobs. The Personnel Services Unit Commander will take an active part in maintaining current records of the outcome of this process as necessary.

## 17.00.020 JOB PERFORMANCE (updated – 02/18/2010) (CALEA 35.1.1)

The Department believes that providing its employees with timely feedback on their work performance improves productivity performance awareness resulting in a highly informed and professional employee. Monitoring of employee on-the-job performance is essential to recognizing and giving credit for exemplary work. It also provides an early warning and opportunity for correction if work behavior is below an acceptable level. The Department shall use a performance appraisal reporting system to accomplish this task.

All employees of the Department are subject to a performance appraisal (evaluation) by their immediate supervisor or other command staff designated person. The performance appraisal shall be used to provide the employee with an in-depth report of their work productivity during the appraisal period. Fulltime employees who are not on probation shall undergo a performance appraisal biannually. Probationary employees shall undergo monthly evaluations.

At the discretion of the Chief of Police, performance evaluations may be used to supplement personnel management decisions. Job assignment, transfer, discipline, training, and promotion may be affected as a result of performance ratings.

**Annual Performance Evaluations** (CALEA 35.1.2)

A job-specific performance evaluation will be conducted with each employee bi-annually. The supervisor in charge of the employee, at the evaluation due date, is responsible for timely and accurate submission of the completed evaluation. Performance of the employee prior to or after the established annual rating period shall be excluded from the current evaluation unless circumstances exist where a performance issue spans more than one rating period.

The rating period shall be one calendar year. A mid-year evaluation covers January 1 through June 30$^{th}$, and will be completed by July 15$^{th}$. A final year evaluation will be completed by December 15$^{th}$, and will include a written review of the Sexual Harassment Policy.

Unless otherwise directed, employees will be evaluated by their immediate supervisor. If an employee was supervised by more than one supervisor, or if more than one supervisor was incorporated into the management of a work plan, the rating supervisor will confer with the other supervisor(s). The other supervisors may complete a written addendum to be included with the biannual evaluation.

**Performance Appraisal of Probationary Employees** (CALEA 35.1.3)

Upon release from the field training (FTO) program, probationary employees will continue to be evaluated on a monthly basis until the end of their probationary period. Employees promoted to a higher rank will also be evaluated on a monthly basis during their probationary period.

Performance problems will be addressed immediately by the employee's direct supervisor and not held until the end of the probationary period. Performance problems will be called to the attention of command staff by the supervisor and a work plan developed to correct deficiencies at the earliest opportunity.

One month prior to completion of the probationary period (or earlier if performance problems exist and warrant intervention), the employee's supervisor will meet with command staff to discuss the employee's progress and whether or not the employee is on-track to successfully complete probation. At this time the employee will be notified of any potential problems affecting successful completion of probation.

**Performance Measurement** (CALEA 35.1.4 & 35.1.5b)

The criteria used to evaluate job performance are related to the assignment of the employee during the rating period. These criteria may be in the form of behavioral anchors, performance standards, or found within the narrative prepared by the rater. The evaluation criteria used will be explained to the employee during the evaluation process.

The evaluation of an employee's performance is accomplished through use of both documentation and observation of the employee's work.

Non-probationary employees are evaluated according to supervisory observations, subjective ratings and/or behavioral anchors. The Employee Performance Evaluation Report rating standards are categorized as follows:

Exceeds Standards: Accomplishes more than is required to perform satisfactorily; gives extra effort to the work

Meets Standards: Sufficiently accomplishes the duties and requirements of the job; overall satisfactory performance

Below Standards: Performance is in need of immediate improvement in order to meet job expectations.

Explanatory documentation is necessary to justify each rating level, and to provide employees with constructive feedback in regards to their work product.

**Written Notification of Unsatisfactory Job Performance** (CALEA 35.1.6)

Notification of unsatisfactory job performance will be given when any process/review/investigation concludes that a performance deficiency exists or existed. The supervisor will notify Command staff within the employee's chain of command as soon as this condition is recognized.

Whenever a non-probationary employee's job performance is deemed unsatisfactory, the supervisor will notify the employee in writing of this condition at least 90 days prior to the end of the annual rating period.

Unsatisfactory job performance within the last 90 days of a rating period does not automatically extend the rating period, but requires immediate intervention by the supervisor.

## Performance Documentation

Performance evaluations will include the following:

- A page listing the employee's name, rating period, and rated level(s) of performance
- Narrative explaining the supervisor's observations of the employee's performance specifically related to the five identified performance anchors.
- Documentation of any outside information or consideration given or used to evaluate the employee. (Citizen letters, commendations, etc.)
- Career counseling relative to advancement and specialization
- Training as appropriate for the employee's position
- Discussion between the employee and supervisor regarding short term and long term career goals established/met/unmet from one appraisal period to the next
- A place where the employee may provide feedback to the supervisor about the quality of supervision (items to start/stop/continue doing) and the overall evaluation process
- A block for signatures of the employee, supervisor, and Section/Unit commander
- Behavioral anchors or performance standards to be used to justify the employee's performance level

**Use of the Performance Evaluation Report** (CALEA 35.1.1)

Use of the performance evaluation may include but not be limited to:

- Assisting in making administrative decisions on transfers
- Justifying awarding a step increase in pay to some employees not part of a bargaining unit
- Developing a work plan to improve job performance
- Supporting disciplinary action

**Signature of Completed Performance Evaluations** (CALEA 35.1.5d)

Employees will have an opportunity to sign a completed performance evaluation report. The signature shall indicate only that the report has been read. **The employee's signature does not imply agreement or disagreement with the content of the report.** If an employee refuses to sign the report, the supervisor shall so note and record the reason(s), if given.

Employees may provide written comments to supplement a completed performance evaluation report. Written comments by the employee will become part of the performance evaluation.

Performance Work Plans shall also include an employee's signature as evidence of a mutually understood performance standard or expectation.

**Review of Performance Evaluations** (CALEA 35.1.5c)

Each annual performance evaluation shall be reviewed and signed by the rater's supervisor.

**Employee Counseling** (CALEA 35.1.7)

Raters/supervisors will, at the conclusion of each rating period, counsel each employee on:

- The results of their performance during the evaluation period just completed, specific to their job assignment during the relevant review period.
- The level of future performance expected
- Rating criteria and performance goals/objectives for the new reporting period
- Goals regarding career development to include; advancement, specialization, and/or training

**Copy of Performance Evaluation Provided to Employee** (CALEA 35.1.5e)

Each employee will be provided a copy of the completed performance evaluation report.

**Appeal Process** (CALEA 35.1.5f)

Contested evaluations will be reviewed via the employee's chain of command to the Chief of Police. The Chief of Police or designee will respond to the employee's concerns and input from the chain of command within 10 working days. If resolution is not possible, the employee may initiate a grievance process.

**Retention of Performance Evaluation Reports** (CALEA 35.1.5g)

Completed annual performance evaluations are maintained within the city of Bellevue's Human Resources Department for a period of six years following separation of employment with the City of Bellevue per state records retention guidelines.

**Rater Training** (CALEA 35.1.1d)

Supervisors responsible for preparing employee evaluations and performance work plans shall receive training designed to introduce and reinforce effective performance management practices. Training is provided by the PSU Commander as part of the new supervisor orientation process.

**Rater Responsibilities** (CALEA 35.1.1c)

Each rater has the responsibility of providing performance counseling that includes the following:

- Reviewing performance expectations as they existed at the beginning of the rating period
- Communicating performance expectations for the next rating period
- Observing, measuring, and recording employee performance behaviors for the entire rating period
- Providing prompt feedback to the employee
- Describing employee performance in clear, concise, behavioral based statements that are proven by documented examples of those behaviors

- Collecting samples of work behavior outcomes (activity statistics and other measurable performance results)
- Meeting periodically throughout the rating period to discuss job performance

**Raters to be Evaluated by Employees** (CALEA 35.1.8)

Employees will have an opportunity to evaluate their Supervisor or rater regarding:

- The fairness and impartiality of ratings given
- Their participation in counseling and guidance for rated employees
- Their ability to carry out the rater's role in the performance evaluation/action planning system

Supervisors or raters will be evaluated by their superiors on their ability to prepare performance evaluations and work plans. This evaluation may include timeliness, uniformity, quality, documentation, and coaching/counseling activities associated with employee performance management.

## 17.00.030 PERFORMANCE EVALUATION AND WORK PLANS (CALEA 35.1.9)

### Personnel Monitoring System

The Department incorporates a proactive personnel monitoring protocol into its evaluation system. This protocol relies heavily on supervisory observation and awareness of behavioral warning signs indicating that an employee may be at risk of engaging in inappropriate behavior contrary to Department policy, procedure, rules and regulations.

Annual performance evaluation record-keeping includes regular monitoring and documenting employee work performance and changes in employee work behavior. On a monthly basis, the supervisor will review his/her notes to determine if there are any issues that would warrant intervention.

Supervisors may initiate proactive intervention based on any combination of indicators that raises concern for employee welfare or job performance. Intervention for an employee may include referral to an employee assistance program, peer counseling, additional training, and/or assignment to a mentor. If deemed appropriate by a Section Commander or higher, a medical or psychological fitness for duty evaluation may be required.

On an annual basis, supervisors shall meet with command staff to discuss the effectiveness of the personnel monitoring system. This meeting will include discussion of the need to continue the program unmodified or make necessary adjustments to monitoring and intervention. The annual meeting shall be chaired by the Supervisor of the Office of Professional Standards who will generate a report documenting program status and recommendations to the Chief of Police. Recommended system enhancements will be discussed between Labor and Management per contract agreements and as necessary.

### Personnel files

Supervisors shall maintain personnel files on each employee under their direct supervision. The file shall document both positive and negative traits in work performance. Supervisors will keep their Section Commander apprised of any potential early warning issues. Commanders may give feedback, make additional referrals, and/or require training as warranted. When an employee transfers from one supervisor to another, the new supervisor will receive a briefing on the employee’s work performance.

Upon conclusion of the rating period, any documentation not incorporated into the employee's evaluation may be destroyed.

**Early intervention**

Action or referral suggested by a supervisor associated with early intervention is intended to assist an employee at the earliest possible time in a proactive manner. The supervisor will inform the employee if the observed or documented behavior continues, placing the employee at risk of violating policy, procedure, rule or regulation, that it may lead to disciplinary action. Issues involving a need for remedial action will be discussed with command level staff prior to remedial action being taken.

**Work Plans**

The use of a work plan for career development may be done at any time by mutual agreement between the employee and supervisor.

Work plans may be used to assist the employee to improve job performance effectiveness, achieve a specific work goal, develop skills to promote career development, or to enhance promotional qualities.

A work plan shall contain the following information:

- A Performance Analysis – Completed by the supervisor

  This section describes the employees past work behavior. This area may describe the work behaviors the employee intends to improve or enhance.

- An Action Plan – Completed by the supervisor and employee

  Performance goals, objectives, methods to achieve objectives, and the time frame expected to accomplish the work plan are defined. This section may also be used to clarify any career development issues.

- A Supervisor's Action Plan – Completed by the supervisor

  This section describes the activities or steps required of the supervisor to assist the employee in accomplishing the work plan.

- A Performance Review – What were the results of the work plan?

  The supervisor reports on the actual results of the work plan. If undesired results occurred, the supervisor will explain possible corrective measures. This section will also include narrative written by the employee explaining the results of the work plan. For example, what worked, did not work, and why.

- A signature block – Both the employee and supervisor must sign the work plan.

## 17.00.040 PROMOTIONS (CALEA 34.1.1)

As supervisory, command and administrative positions become available, the Department will call upon the experience and desire for advancement of employees within its ranks to fill promotional positions. Promotional opportunities may occur for a number of reasons, including retirement and/or the creation of new positions. Eligible employees will be encouraged to explore law enforcement career opportunities offered by promotion.

## Department Role

The Human Resources (HR) Department coordinates and administers the testing of candidates in the promotion process in accordance with Civil Service Commission Rules and Regulations for sworn promotional positions and the City of Bellevue Policies and Procedures.

When the need arises, the Chief of Police or designee will provide timely notification to HR of the Department's intent to initiate a promotional examination process.

Upon receiving authorization to conduct a promotional examination, Department personnel assigned to the task will coordinate with HR to construct the examination. The Department may elect to construct all or part of the examination "in-house" or contract all or part of the examination process to outside public or private organizations.

## Authority and Responsibility

The Chief of Police administers the Department's role in the promotion process. Only the Chief of Police has the authority to promote personnel within the Department.

The Chief of Police may designate a person to be responsible for appropriate liaison activities with the HR Department for each promotional process the Department undertakes. This person will typically be the current Commander of the Personnel Services Unit.

## Job Descriptions

It is the policy of the Bellevue Police Department to set minimum entry level requirements for prospective employees. These requirements and the job descriptions of the Department will be maintained in the City Human Resources Department.

## Promotion Procedures (CALEA 34.1.3)

HR maintains information governing the procedures used for the promotion, including those for:

- Evaluating the promotional potential of candidates
- Administering written tests (if applicable)
- Use of assessment centers for promotional purposes
- Determining promotional eligibility for vacancies where lateral entry is permitted
- When the Chief of Police anticipates a use of the “Rule of Three,” conducting oral interviews prior to appointment to probationary status
- Defining probationary periods

All procedures used in the promotional process will be job-related and nondiscriminatory. HR, in conjunction with the Department, will ensure that all promotional processes satisfy professional, legal, and administrative standards.

## Security of Promotional Test Materials (CALEA 34.1.3)

All test materials are confidential. Test materials will not be shown to or shared in any way with prospective promotional candidates.

While under development, all test materials will be secured in a locked desk or file cabinet by the person in charge of developing the materials.

After development but prior to actual testing, the Commander of the Personnel Services Unit will ensure that all testing materials are kept in a secure manner to prevent unauthorized access.

During promotional testing, the command staff person placed in charge of the process will be responsible for maintaining promotional test materials security to ensure that there is no unauthorized access.

After promotional testing is complete, all materials will be given to HR and this Department will ensure that all materials are stored in a secure manner.

**Promotional Test Announcements** (CALEA 34.1.5)

HR publishes written announcements of the promotional process made available to employees. The announcements include:

- A description of the position(s) for which the examination(s) is being held;
- A statement of eligibility requirements; and
- A schedule of dates when orientation will be offered to address all elements of the promotional process.

**Eligibility Lists** (CALEA 34.1.6)

Upon completion of the examination process, a promotional eligibility list will be established in accordance with Civil Service Commission Rules and Regulations and/or the City of Bellevue Personnel Code.

Criteria considered in the development of eligibility lists include:

- The numerical weight, if any, assigned to each eligibility requirement;
- The system of ranking eligible employees on the lists;
- Time in grade, and/or time in rank eligibility requirements if applicable; and,
- The duration of the list

**Use of Eligibility Lists** (CALEA 34.1.3)

Criteria and procedures for the use of eligibility lists are in accordance with Civil Service Commission Rules and Regulations and/or the City of Bellevue Personnel Code.

Promotion lists for commissioned personnel generally remain in effect for one year.

The HR Department will provide written certification of eligibility lists to the Chief of Police.

The Chief of Police is allowed to apply the "Rule of Three" to promotional selection. A candidate to fill a single promotional position may be selected from any one of the top three (3) eligible candidates.

The Chief of Police will notify the HR Department, in writing, of those candidates who have been promoted.

A fair and objective transfer process for employees provides an opportunity to transfer to lateral assignments within the Department. Transfers of assignment are permitted for the betterment of the employee and in the best interest of the Department.

**Review and Appeal Process** (CALEA 34.1.3)

An employee is permitted to review and appeal a decision adverse to his/her eligibility to compete for appointment to a promotional vacancy.

Administrative procedures for examination appeals are outlined in Civil Service Rules and Regulations and the City of Bellevue Personnel Code. All appeals must be made consistent with these procedures.

The Department, in conjunction with HR will provide an opportunity for each candidate to review the components of the completed examination process.

Employees failing to meet eligibility or failing to be promoted are permitted to reapply and retest the next time a promotional examination is conducted.

**Promotional Process Evaluation**

Promotional tests are conducted on an as-needed basis rather than on a fixed yearly schedule. Each promotional process receives individual review. Upon completion of each promotional process, the Department and HR evaluate the entire process to make sure that all legal and functional criteria are met.

Any revisions or updates necessary to the process are agreed to by both the Department and HR and where relevant, the Civil Service Commission.

## 17.00.050 VACANT POSITIONS (updated 08/2005)

Periodically, assignments or positions will open due to retirements, resignations, transfers, new positions or extended periods of absence. These assignments will be filled in accordance with this procedure.

This procedure is applicable to assignments, including transfers from one Division or Section to another, and assignments to specialized units such as SWAT. This procedure does not apply to employee promotions, which are governed by Civil Service Rules and Regulations, Human Resource Department rules, and/or union contracts. This procedure also does not apply to the transfer of supervisory/command personnel.

The Chief of Police has the final authority over personnel transfers. The Chief may use his/her discretion in temporarily reassigning personnel without violating the personnel transfer policy. The best interest of the Department will be the primary consideration in all transfers of assignment. The Chief will make the final decision as to who is assigned, where, and for what period of time.

Employees on probation are not eligible for transfers, unless granted an exemption by the Chief.

Employees transferring out of the Eastside Narcotics Task Force will not be eligible to apply to the Eastside Narcotics Task Force until one year from their date of transfer.

Selection and assignment to Corporal is to be in accordance with current Corporal Program Guidelines.

Employee movement within the Department during their career will be documented through use of a transfer memorandum. A copy of this memorandum will be kept by the Chief's Administrative Assistant in the Chief's office in each employee's file folder along with other pertinent employment and salary information. This folder is available for viewing by the employee upon request.

## Vacancy Assignment

Whenever an assignment is vacant, the applicable Section Commander of the unit with the vacancy will request approval from the Chief of Police to fill the vacancy.

If authorized, an announcement will be posted soliciting applicants for the assignment. The announcement will be made a minimum of ten days before the selection and will include:

- Assignment description, responsibilities and qualification
- Length and type of experience required
- Formal education required
- Information on applying and any special instructions
- To whom the application must be directed
- The final date by which the application must be received

Applicants may be required to submit a resume outlining their experience and abilities, recommendations and information regarding past work performance.

Applicants applying for assignment to SWAT, Bomb Squad, Bicycles, K-9, or as designated by the Chief of Police, will be required to pass a physical ability test, and/or a physical examination by a physician, as part of the selection process.

## Selection

The Section Commander to whom applications are directed shall establish an interview board to interview applicants. The interview board will consist of:

- The Section Commander, or his/her designee, will act as chairperson of the board
- A commander/manager or first-line supervisor of the Section/Unit to which the assignment is to be made
- An employee (non-supervisor) knowledgeable in the duties of the particular assignment
- A supervisor or employee (non-supervisor) from other than the Section/Unit to which the assignment is to be made

Interview Board members are responsible to:

- Conduct any inquiries regarding the candidate's performance or other issues prior to the interviews
- Inquire into each applicant's qualifications and aptitude for the particular assignment being sought
- Evaluate any written material that is required to be produced by the applicant
- Stop the interview if there is any behavior by a candidate or a board member that could disqualify the candidate or invalidate the interview and immediately address that behavior
- If there is observed behavior that cannot be corrected to the satisfaction of the interview board members at the time of the test, an appropriate request for an investigation should be made

- No appointment should be made to the position until after the investigation (if one has been ordered) has been completed

- Determine if each applicant is qualified or not qualified for the assignment and where more than one applicant is interviewed, rank them by order of finish

Board members are not to discuss the interview except during feedback sessions or as requested by the Commander or Commander's designee. Based on the Interview Board results, the Commander of the section/unit with a vacancy or the Commander's designee is responsible to:

- Submit the names of qualified candidates to the Chief of Police

- Meet with the Chief of Police and review the strengths and weaknesses of each qualified candidate

- In a timely manner, make the selection

- Notify the selected employee

- When possible, notify applicants not selected prior to the announcement of the selection

- Offer and arrange for interview feedback if requested by the applicants

## 17.00.060 SPECIALIZED ASSIGNMENT REVIEW (CALEA 16.2.1)

On an annual basis, each specialized assignment will be reviewed to ensure the continued effective operation of agency specialization and to help avoid over-specialization.

The appropriate Section Commander shall be responsible for the review of those specialized assignments under their command. Efficiency, benefit to the community and organization, and financial impacts can all be considered when recommending the addition to, elimination of, or continuation in a particular specialty assignment. Findings will be forwarded to the Chief of Police and can be used to support the budgeting process, development of goals and objectives, and the Department's Strategic Plan. The report shall include:

- A list of the specialized unit(s) being reviewed

- A statement of purpose for each listed assignment

- An evaluation of the initial problem or condition that required the implementation of the specialized assignment

## 17.00.070 ROTATIONAL ASSIGNMENTS (CALEA 16.2.3)

The Bellevue Police Department has limited opportunity for assignment rotation. Assignment rotation is available to enhance employee training, experience and to improve the overall service capabilities of the Department. All rotational positions are lateral movement assignments.

Rotational opportunities exist in the following areas:

- **Commissioned Section Commanders**

Commissioned Section Commanders may be moved from one Section within the Police Department to another at the Chief of Police's discretion. Rotations typically occur at three-year intervals unless a commander has developed a project expertise and must be kept in position until an assignment is completed.

### ❖ Captains

Police Captains may apply for one rotational position in the Eastside Narcotics Task Force as Task Force Commander. Time in this position is not to exceed three years without permission from the Chief of Police.

### ❖ Lieutenants

Police Lieutenants (commissioned supervisors) may apply for one rotational position in the Eastside Narcotics Task force. Time in this position is not to exceed three years without permission from the Chief of Police.

### ❖ Officers

Police Officers may apply for one of four rotational positions in the Eastside Narcotics Task Force. Time in this position will not normally exceed three years. With approval of the unit/section and the supervisor, the time in position may extend one additional year. With the approval of the Chief of Police the time in position may be extended to a fifth year.

Position openings are announced inter-departmentally via the "Off the Cuff" email newsletter. Selection is based on specified training, experience, and criteria based on the needs of the position noted in the announcement. The testing format will be established by the Unit or Section Commander and Supervisor and other personnel selected to assist. The recommendation for selection is forwarded to the Chief of Police for final approval and issuance of a personnel transfer order.

At certain times, personnel are assigned to a rotation position based on the needs of the department, training, workload, or other necessary reasons. Command level authority is required for placing personnel in temporary rotational positions. These requests must be approved by the appropriate Commander(s) and will usually be for a part time or limited duration given staffing and organizational needs.

Unless otherwise specified through permission by the Chief of Police, promotion or permanent transfer to another assignment, personnel exiting a rotation position will return to the Patrol Section.

Personnel working in rotational assignments may be reassigned at any time to accommodate the needs of the Department.

For performance evaluations and rotation out of an assignment, the anniversary date is defined as the date upon which the employee is assigned to start in that unit.

Positions within the Police Department common to governmental agencies and which require skills other than those of a commissioned officer shall be designated as professional and will be staffed accordingly. This policy shall not preclude the use of commissioned officers in such positions for purposes of training or in the event of an urgent or emergency situation.

Commissioned officers will not be permanently assigned to those positions commonly staffed by professional personnel. An evaluation of professional positions within the Police Department is included in the biennial budget planning and staffing resource allocation materials.

## 17.00.071 RESIGNATION FROM SPECIALTY ASSIGNMENTS (updated 11/2006)

The department recognizes that employees have the right to voluntarily resign from specialty positions once they have served the minimum time requirement of that position. The employees represented by Bellevue Police Managers association, The Guild and Teamsters recognize that the employee may be required to stay in a specialty position until a replacement is trained. The department commits to using its best efforts to remove and replace the employee in a reasonable time without jeopardizing public safety.

## 17.00.080 DEPARTMENT AWARDS

The Department's Awards Program recognizes extraordinary efforts and meritorious acts performed by employees. Recognition of significant accomplishments through this program promotes high morale, esprit de corps, and improved police service.

Department, employees who receive an award through the Awards Program are nominated by other employees. Generally, personnel must be on duty at the time the act occurred in order to be considered for an award; however, the Chief of Police may make exceptions for acts that occurred while the employee was off duty but engaged in an authorized police activity.

Other forms of recognition may be awarded to Department employees at any time by the Chief of Police. Other forms of recognition include, but not limited to, "The Commander's Award," letters of commendations, certificates of completion or recognition, and awards given to civilians not employed by the department.

### Coordination and Responsibility

The Commander of Personnel Services is responsible for coordination of the awards program. Responsibilities include:

- Maintaining a file of all nominations for each award
- Presenting the chairperson of the awards committee with a list of nominees by February 28th of each year
- Maintaining a file on all actions taken for each nomination for a period of 3-years
- Scheduling and coordinating an awards ceremony which will normally be held during May of each year to coincide with Police Week, but may be held at a different time at the direction of the Chief of Police. This may include arranging for the attendance of the City Manager, Council Members, and/or other officials as appropriate.
- Arranging a press release by the Public Information Officer
- Ensuring all awards are entered into appropriate personnel records
- Maintaining a supply of medals, ribbons and citations, and prepare these awards for presentation in accordance with the guidelines for each award

### Nomination Procedure

Any current department employee may nominate one or more individuals who meet the eligibility criteria specified for the appropriate award as specified below.

A nomination statement must be submitted on department letterhead. The statement must provide information supporting each element required to receive the award.

Copies of all case reports or other supporting documents should accompany the nomination statement

A list of all witnesses to the incident should accompany or be included in the nomination statement

The nomination statement and associated documentation must be forwarded via the nominating employee's chain of command to the Personnel Services Unit Commander by February 15.

**Awards Committee**

The awards committee will be appointed by the Chief of Police to serve for a period of at least one year but no more than two years.

The awards committee will consist of the following:

- A Major or Captain, who will act as chairperson
- One Lieutenant
- Three Officers or Corporals
- One non-sworn Department employee
- One citizen member who must be a BPD Citizen Academy Graduate

The awards committee is responsible for reviewing all nominations in accordance with the following procedures:

- The committee acts in an advisory capacity to the Chief of Police who reserves the right to bestow or deny awards recommended by committee vote
- The committee will receive current nominations from the Personnel Services Unit Commander by February 28th. Within 15 days the committee chair will convene a meeting of the awards committee. All members must be in attendance.
- The committee will review each nomination, and may call the nominee and/or witnesses to give evidence
- After considering all of the evidence in accordance with the guidelines for each award, the committee will vote to recommend the nominee receive the award, another award, or none of the awards. Five affirmative votes are required to bestow an award.
- The chairperson will forward all award recommendations to the Chief of Police within 10 days of the vote
- The chairperson will notify all nominees of the Chief's final decision and forward the awards decisions to the Personnel Services Unit Commander with all supporting documents and evidence.

**Awards and Guidelines**

Five awards may be bestowed upon employees of the Bellevue Police Department:

- **The Medal of Valor**

Nominees for this award must be currently employed commissioned Department employees acting within the law and department policy who have performed an act of exceptional meritorious conduct meaning, having distinguished themselves conspicuously by fearlessly risking their own life above and beyond the call of duty.

This is an act of bravery and self-sacrifice so conspicuous as to clearly distinguish the individual's action from anyone else's actions under similar circumstances. The nominee(s) acted in a manner that did not unduly jeopardize the mission or any individual. The recipient of the Medal of Valor Award will be entitled to the following:

- An Executive Order announcing the award and how the award was won
- A certificate inside a folder and inscribed with "Medal of Valor Award" that states the act for which the award is bestowed
- Medal of Valor Award Breast Bar
- Medal of Valor Award medallion suspended from a ribbon

### ❖ The Police Medal

This award is awarded for actions which do not meet the extraordinary requirement for the Medal of Valor Award. Nominees of this award will be sworn Department personnel. The nominee must have:

- Displayed courage and bravery while undertaking enforcement action on or off duty as part of fulfilling their responsibilities as a law enforcement officer.
- Acted within the law and Department policy.
- Exhibited exceptional courage and bravery.
- Acted in a manner not specifically required by law or Department policy.
- Acted in a manner that did not unduly jeopardize any mission or individual.
- Demonstrated use of good judgment.

The recipient of the Police Medal Award will be entitled to the following:

- An Executive Order announcing the award and how the award was won
- A certificate inside a folder and inscribed with "Police Medal Award" that states the act for which the award is bestowed
- Police Medal Award Breast Bar
- Police Medal Award medallion suspended from a ribbon

### ❖ The Blue Star Medal

Nominees for this award must be sworn Department employees who:

- Were killed or seriously injured while performing police duties; or,
- After being shot, were saved from serious injury or death by their protective body armor.
- Acted appropriately according to law and/or Department policy.

If injured, injury must have:

- Caused substantial risk of death or serious or prolonged disfigurement or impairment of general health
- Required immediate hospitalization
- Been caused by the intentional action of another to injure the officer; or,
- Occurred in a situation where the officer exhausted all reasonable safety precautions or had little or no control over the circumstances.

The recipient of the Blue Star Medal Award will be entitled to the following:

- An Executive Order announcing the award that states how the award was won
- A certificate inside a folder and inscribed with "Blue Star Medal Award" that states the act for which the award is bestowed
- Blue Star Medal Award Breast Bar
- Blue Star Medal Award Medallion suspended from a ribbon

❖ **The Meritorious Service Award**

Nominees of this award must be current sworn or non-sworn Department employees. The nominee must have:

- Performed a police service that required exceptional performance in a difficult assignment, investigation, or arrest.
- Acted within the law and Department Policy
- Demonstrated outstanding performance of duty under unusually complicated, and/or hazardous conditions over an extended period of time
- Clearly exceeded the normal standards of performance expected of others with comparable duties

The recipient of the Meritorious Service Award will be entitled to the following:

- An Executive Order announcing the award that states how the award was won
- A certificate inside a folder and inscribed with "Meritorious Service Award" that states the act for which the award is bestowed
- Meritorious Service Award Breast Bar

❖ **The Lifesaving Award** (Updated 1/12/2011)

Nominees for this award must be current sworn or non-sworn Department employees. The nominee must have:

- Acted within the law and department policy

- Acted in a significant manner to save or prolong another's life
- Acted to ultimately save a life, when the life of another was in immediate peril
- Directly assisted in the delivery of a child

The recipient of the Life Saver Award will be entitled to the following:

- An Executive Order announcing the award and how the award was won
- A certificate inside a folder and inscribed with "Life Saver Award" that states the act for which the award is bestowed
- Life Saver Award Breast Bar

### ❖ Commander's Award

This award permits the Command Staff to recognize substantially superior performance by other employees. A Section Commander or above may nominate an employee within his/her section who meets the following requirements:

- Must be a current Department member, and
- Have demonstrated either through a single event or for a prolonged period, exceptional or superior work performance
- Made a significant contribution to Department efficiency and/or effectiveness as demonstrated by a technical innovation or by a method resulting in significant cost savings

All nominations for this award must be forwarded to the Chief of Police for final approval.

Upon approval, the recipient of the Commander's Award shall be entitled to the following:

- A letter of Commendation that gives a detailed description of the act for which the award is being given
- A certificate inside a folder and inscribed with "Commander's Award"

## 17.00.090 SALARY AND BENEFITS (CALEA 22.1.1)

The City of Bellevue and the Department will provide its paid employees with a salary or wage and compensation package. Additional benefits are available to employees depending on assignment and affiliation with a bargaining unit.

The following information will provide the employee with a basic understanding of the benefits provided to them by the Department and the City of Bellevue. Detailed information is available upon request through the City's Human Resources Department.

### ❖ Salary

Each Department employee will be provided with a copy of the most current bargaining unit contract, if any, that affects them. Salary levels for all ranks or job classifications will be covered in the relevant bargaining unit contract. For employees who are not members of a bargaining unit, salary and benefit information is on file with the City Human Resources Department.

Entry level salaries, salary differentials, and salary levels for those personnel with special skills are on file with the City Human Resources Department or, for bargaining unit members, addressed in relevant bargaining unit agreements.

Salary levels for employees in bargaining units are determined through contract negotiation and an analysis of comparable departments of similar size and working conditions. A comparative analysis by the City and bargaining units enables both entities to determine the prevailing wage structure and benefits program.

The salary augmentation plans (premium pay) covering special assignments, such as Detectives, K-9 Officers, and work out of classification are covered by the current bargaining unit agreement.

The concept of merit pay for certain positions is addressed by current bargaining unit agreements and policies implemented through the City Human Resources Department.

Compensatory time will be accrued at a rate of time and a half for that amount of time worked beyond the contractual work day/week. Compensatory time will be taken at a time mutually agreed upon by the employee and their supervisor.

Overtime, call-back time, and standby duty are addressed in the current bargaining unit agreements.

The number of hours in a work cycle, to include days off, for members of bargaining units are covered by the current bargaining unit agreements, and for employees who are not members of a bargaining unit, work cycle and days off are covered by City Human Resources Policies and Procedures.

### ❖ Benefits

Employment benefits offered to Department employees by the City of Bellevue are the product of bargaining and cooperation between employees, the City of Bellevue, the Bellevue Police Department, and the current bargaining units. Benefits are based on the study of prevailing benefits as offered by comparable agencies and agencies in the general area surrounding Bellevue. In addition to salary, the City offers additional benefits including, medical/dental insurance, life insurance, membership in a benefit trust (401K). A complete list of benefits is available through the City's Human Resources Department.

**Health Insurance** (CALEA 22.2.2b)

Changes to the health programs offered by the City may occur annually. The agreed upon duration of basic health benefits such as medical, dental, vision coverage and costs will be found in either the current contract for each bargaining unit, or can be obtained from the City HR Department. Copies of an employee's health benefits will be provided to each employee by the City HR Department when they are hired.

**Liability Protection Program** (CALEA 22.2.2d)

In accord with current labor agreements, the City shall provide liability insurance protection for employees, covering potential liability actions resulting from an employee's performance of duty. The City of Bellevue shall pay 100 percent of the premiums. The provisions for this coverage and the premium payment plan are found in the current labor agreements that are maintained by the Human Resources Department and the Chief's Executive Assistant. The city's Risk Manager maintains the policy.

**Death and Disability** (CALEA 22.2.2c)

Death and disability benefits are provided under the provisions of state retirement laws, the City HR Policies, and a voluntary term insurance program offered through the City HR Department.

The death and disability benefits are provided by the State of Washington. Retirement programs are described in brochures maintained by the City Human Resources Department. A monetary benefit will be paid to LEOFF and PERS employee's designated beneficiary upon death. In the case of a commissioned LEOFF-covered employee, an additional benefit tied to death as a result of an injury sustained in the course of employment is available.

The City currently provides employees with term life insurance and accidental death and dismemberment insurance at no cost to the employee. There is also a Long Term disability Benefit and a Survivor's Income replacement benefit available to employees and/or beneficiaries. A complete description of the program is available from the City Human Resources Department.

The City provides additional coverage, on a voluntary basis, of term life insurance for employees and family members. The premiums for the selected coverage are to be paid by the employee and will be on a payroll deduction basis. For complete details of this program, refer to the City Human Resources Department.

**Uniforms and Equipment** (CALEA 22.2.5)

The Department will provide uniforms and equipment to its employees.

Employees shall be held accountable for all issued uniforms and equipment. Employer shall replace loss or destruction of uniforms or equipment not the result of employee negligence. Employees shall be responsible for replacement of uniform or equipment loss or destruction resulting from employee negligence.

The employer shall provide replacement uniforms and equipment as necessary to maintain employee's equipment and uniforms in a presentable manner as required by the Department. Employees are required to turn in any equipment or uniform apparel needing replacement.

Clothing allowances and cleaning costs shall be provided as allowed in the Collective Bargaining Agreement. Officers, while assigned to certain plainclothes and/or special assignments as designated by the Chief of Police, shall be provided with a holster, handcuff case, and magazine holder.

A list of authorized uniforms and equipment can be found in the Uniforms and Equipment registry maintained by PSU.

Refer to the Chapter on **Uniforms**, and **Equipment and Property** in this manual for additional policies.

**General Health and Physical Fitness** (CALEA 22.3.2)

The functions of a law enforcement officer can frequently require a level of fitness not demanded by many other occupations. The Department encourages its officers to voluntarily maintain a satisfactory level of general health and physical fitness so that work can be performed efficiently, safely and with a minimum of sick leave losses.

As an incentive, officers are permitted 1.5 hours of on duty time twice weekly during their 40-hour workweek, to maintain physical fitness.

Ability to use this on-duty time is at the discretion of the officer's supervisor and dependent upon current workloads.

The Department considers maintaining a suitable level of physical fitness to be the responsibility of each officer.

The Department believes that regular physical exams are a benefit to the officer as well as to the Department. The Department encourages each officer to obtain regular physical exams on his/her own, as the officer feels is necessary or as indicated by the officer's personal physician.

The Department may, on an as needed basis, make such an exam compulsory. Examples that may require a compulsory physical/psychological exam include but are not limited to physical inability to perform basic job functions, abnormally high use of sick time, or perceived emotional problems associated with a decreased work performance (post-critical incident trauma). In such cases, a physical and/or psychological exam will be conducted by a Department-selected physician/psychologist to determine fitness for duty. There will be no cost to the employee for compulsory exams ordered by the Department.

**Education Benefits** (CALEA 22.2.2)

The City of Bellevue provides a tuition reimbursement program to its employees. The specific elements of the program are contained in the separate collective bargaining agreements for represented employees. Non-represented employees are covered under Chapter 10 of the Human Resource City policy regarding tuition reimbursement. Classes must be attended on off-duty time unless specifically authorized by the Chief of Police.

**Continuing Education**

When possible, shift preference may be given to employees to allow for academic study. However, such preferential changes must be approved by the employee's immediate supervisor and the Commander under which the employee is assigned. The employee must be registered and attend classes. Dropping-out may result in forfeiture of such preference.

**In-Service Training**

The Department also provides for employees to attend job-related courses and training sessions. The costs, tuition, and actual expenses for the Department-required, and certain Department-approved, training shall be paid by the Department. Whenever possible, this training will be conducted as part of the employee's regular work hours.

**Contracting for Law Enforcement Services** (CALEA 3.1.2)

The employment rights of employees selected or assigned to work under contract for another law enforcement agency (Basic Law Enforcement Academy, for example) will not be abridged by the City of Bellevue or by the contracting agency. Employment rights include, but are not limited to, those rights afforded by bargaining unit contract, civil service rights, and Federal and State law.

**Retirement Plans** (CALEA 22.2.2)

All sworn officers of the Department are enrolled in one of the LEOFF state retirement plans and may also enroll in the City's Municipal Employee's Benefits Trust (MEBT) retirement plan (401K). Enrollment in MEBT is in-lieu of payment to Social Security. If an employee elects not to participate in MEBT, the city does not contribute to Social Security.

LEOFF I members must be employed as a law enforcement officer on a full time basis and began working in such capacity before October 1, 1977.

LEOFF II members must have been hired on or after October 1, 1977.

Full-time employees and employees designated as .5 FTE's or greater may also enroll in the City's Municipal Employee's Benefits Trust (MEBT) retirement plan (401K).

Civilian employees are enrolled in one of the state's Public Employee's Retirement System (PERS) retirement plans and may also enroll in the City's MEBT.

To be eligible for PERS I retirement, members are normally required to work at least 70 hours of compensated service per month during five months each year.

To be eligible for PERS II retirement, members must have been hired on or after October 1, 1977. A member must work at least 70 hours of compensated service per month for five or more months during a 12-month period.

PERS members, full time or .5 FTE's or greater may also enroll in the City's MEBT.

Employees may select, on a voluntary basis, to participate in a deferred compensation for the Public Employee's Retirement Plan. Enrollment in MEBT is in-lieu of payment to Social Security. If an employee elects not to participate in MEBT, the city does not contribute to Social Security.

The City Human Resources Department provides to each employee, upon initiation of employment, information that describes the benefits of and eligibility requirements for each retirement plan, MEBT as well as information describing the City's deferred compensation plans.

More specific information is available during normal business hours to any employee through the City HR Department.

## 17.00.100 RETIREMENT CREDENTIALS

To honor dedicated officers who have chosen to retire, the Department will issue retirement credentials consisting of a Bellevue Police Department identification Card, indicating that the holder is a retired Bellevue Police Officer and a Bellevue Police Department retirement badge.

The following policy guidelines explain the conditions for when and what type of retirement credentials will be issued:

Police Officers must have at least 20 years of full time commissioned law enforcement service. Service as a commissioned Police Officer with other local or state police agencies can be counted.

Officers who meet the minimum 20 years of commissioned law enforcement service and who are retiring on a non-stress/psychological disability will receive retirement credentials that exempt them from the requirements of RCW 9.41.050 for carrying a concealed weapon.

Officers who meet the minimum 20 years of commissioned law enforcement service and who are retiring on a stress/psychological disability will receive retirement credentials. The retirement credentials will state the officer is not exempt from RCW 9.41.050 requiring a permit to carry a concealed weapon.

## 17.00.110 PROBATIONARY STATUS (updated 10/20/2010) (CALEA 34.1.7)

RCW 41.12.100 establishes a minimum probationary period for all sworn personnel who are promoted. In accordance with City Policies and Procedures (HR P&P 7.1, Civil Service Rule 2.11) the Department has established a 12 month probationary period for employees.

The Department has the option of returning any person serving in a probationary status to the previous rank or position, at any time during their probationary period.

**Failure to Complete Probation**
This section applies to newly hired employees prior to attaining permanent employment status with the City.

An “at will” (probationary) employee who has failed to successfully complete their probationary employment period will receive written notification:

- That they are released from their probationary position for failure to satisfactorily complete their probationary employment period
- Effective date that the probationary position ends

The employee can receive the status of fringe and retirement benefits through the city's Human Resources Department.

## 17.00.120 LEAVE PROCEDURES (Updated 2-11-2010) (CALEA 22.2.1)

Bereavement leave, sick leave, administrative leave, leaves of absence, holiday leave, vacation leave, and family leave are covered in the current labor contracts or the City’s Human Resources Policies.

Family leave procedures are established in accordance with regulations developed by the Washington State Human Rights Commission (WAC 162-30-020)

**Maternity Leave**

The Department shall allow employees who are pregnant to request a maternity leave of absence subject to limitations as explained in the procedures associated with this policy.

**Commissioned Personnel**

Upon an officer learning that her pregnancy requires an accommodation of her job responsibilities, the officer will advise her supervisor of her need for accommodation and the supervisor will notify the respective Deputy Chief via the chain-of-command.

At the point of incapacity or inability to perform full duty the officer may request a light duty assignment under the Light Duty policy. If the City does not place the officer in a light duty assignment, the officer may use sick leave and/or vacation leave for the duration of said incapacity or inability to perform full duty. In the event that the officer does not have sufficient sick leave and/or vacation leave, the officer will be placed on unpaid leave for the duration of said incapacity or inability to perform full duty.

A physician will determine when the officer is sufficiently recuperated for return to full duty from maternity leave. Upon notice of the physician's determination of full recuperation, the officer will to return to her regular assignment, with no loss or alteration in seniority and benefits due to pregnancy. The Department may grant the officer additional leave immediately following full recuperation from maternity as provided in other leave policies (i.e. FMLA leave for child care or other permissible reasons).

**Non-Commissioned Personnel**

The Department will respond in accordance with the applicable City policy and procedure, or appropriate bargaining unit provisions to the needs of its non-commissioned personnel who become pregnant during their employment.

## Military Leave

In compliance with City, State, and Federal law, the Department allows its employees who are members of the U.S. Army, Navy, Air Force, Marine Corps or Coast Guard Reserves, or a member of the Washington State National Guard to apply for and take military leave.

Any full-time Department employee, who is a member of the U.S. Army, Navy, Air Force, Marine Corps, Coast Guard Reserves, or a member of the Washington State National Guard, is entitled to military leave of absence not to exceed twenty one (21) work shifts during each calendar year.

The employee will receive normal salary only for those days within the 21-day leave period that he/she is regularly scheduled to work.

If the number of days of active duty training requiring military leave exceeds twenty-one work days in any one calendar year, only the first 21 regularly scheduled work days of military leave will be compensated.

Additional military leave taken during regularly scheduled work days and needed for completion of active duty training and/or for travel time must be accounted for as either compensated leave (vacation), or leave without pay (charged absence).

Upon receipt of written orders for active duty training, an employee must immediately submit a copy of such orders along with a written request for military leave to his/her Section commander via the chain-of-command.

Upon return from military leave, an employee must immediately submit to his/her Section commander an endorsed copy of his/her training orders showing the date he/she reported for, and the date of release from active duty training.

**Weekend Active Duty Obligation** - Employee Responsibilities:

Employees are responsible for notifying their supervisor 10 days in advance of the dates of their weekend active duty obligation unless emergency situations create an immediate military duty obligation.

The Department will not adjust any employee's work schedule to avoid conflicts with weekend active duty obligations. There are only two exceptions to this rule:

- Those employees not wishing to use accrued vacation for weekend active duty obligations will be granted leave without pay (charged absence).
- Employees may, with approval of their supervisor, trade shifts with another employee in order to maintain 40 hours of pay per week and avoid the necessity of using vacation time, or a charged absence.

Under no circumstances will the Department be held liable to adjust the work schedule to avoid such conflicts or to guarantee the employee an opportunity to make up work hours missed to ensure full pay.

**Deployed Veteran's Reintegration Program** (effective 8/17/2011)

The purpose of the Deployed Veteran's Reintegration Program is to seamlessly reintegrate police staff that has been deployed for a significant period of time. The objective is to maintain the abilities and value of our trained police staff. By focusing on the employee and the employee's family prior to, during, and after the deployment, a seamless re-entry can occur.

The Veteran's Reintegration Program will be administered by the PSU Commander. The PSU Commander will interview each veteran prior and subsequent to deployment and then determine a course of action in the reintegration process.

Type of time off/leave will be determined by the PSU Commander, HR, and current applicable local-state-federal (USERRA) policies/laws.

The Military Liaison Officer (MLO) will report to the PSU Commander. The purpose of the MLO is to act as an active liaison between the City of Bellevue and the deployed staff member and their family. The MLO will keep up to date on all staff member's that are deployed, in a position to be deployed, and have been deployed. The MLO will be a volunteer position filled by sworn personnel in addition to his/her regular assignment.

The PSU Commander can enlist additional volunteers as needed to assist in his/her duties. Additional resources and information can be located on the PSU SharePoint site.

## Absence from Duty due to Illness or Injury

The Department expects all of its employees to conduct themselves in a manner that will minimize a loss of work attendance due to illness or injury. Employees who will be absent from work due to illness or injury must follow specific notification procedures.

Sick leave benefits for police officers covered by the LEOFF I Retirement System are addressed in RCW 41.26.150 and Bellevue Disability Board Policies.

Sick leave and light duty benefits for police officers covered by the LEOFF II Retirement System and for non-commissioned employees are addressed in the current bargaining agreements and in the City Compensation Plan.

Except for LEOFF I members, all regular full or part-time employees of the Department earn sick leave. Special provisions relating to sick leave may be found in the collective bargaining agreement negotiated by the employees' guild or union.

## Notification of Supervisor

Any employee unable to report for duty due to illness or injury must notify his/her immediate supervisor of the necessary absence at least two hours prior to the employee's scheduled duty time.

Incapacitation or a sudden onset of injury/illness, or other emergency circumstance is sufficient cause for departure from the above two-hour requirement. If the employee's immediate supervisor is unavailable, the employee is to notify an on-duty supervisor of the necessary absence, and it will be the responsibility of the notified supervisor to inform the employee's immediate supervisor.

If an on-duty supervisor is not available, the employee will notify an on-duty commander of the prospective absence.
If the employee is unable to communicate with any supervisor or commander, the employee shall leave notice of the prospective absence with any on-duty employee and request a telephone call from an on-duty supervisor or commander. The responsibility will be that of the employee to contact an on-duty supervisor or commander.

### Physician's Statement

All employees absent from duty in excess of four 10-hour working days, or five 8-hour working days must provide a written statement, signed by a physician, concerning the nature and degree of the employee's illness/injury.

### Examination by Physician

An examination of any employee by a physician may be ordered by a Captain or higher ranking officer at any time following the day of an employee's absence for illness or injury, or for any employee with a history of repetitive absences for illness/injury. When an employee is required to comply with any such required examination, the examination will be paid for by the Department.

### Illness or Injury Provisions Applicable Only To LEOFF I Members

LEOFF I officers must complete and file a LEOFF disability leave application for each period of time the officer is absent due to illness/injury.

The disability leave application must be filed within 24 working hours after the LEOFF I officer returns to duty.

If the disability leave extends beyond five consecutive 10-hour work days, or seven consecutive 8-hour work days, then the disability leave will be considered a prolonged absence. In the event of a prolonged absence, the disability leave application must be filed prior to the last calendar day of each month during which the prolonged absence continues.

Failure to file a disability leave application within the required time may result in the City withholding from the officer's pay an amount sufficient to repay the City for pay the officer received while absent for illness/injury.

If a LEOFF I officer is on disability leave, the officer may be required to be examined by the Disability Board physician.

Appointments for this purpose must be scheduled through the Disability Board Secretary. Any request to the Disability Board Secretary for the medical examination for a LEOFF I officer must be made by a Captain or higher ranking officer.

An examination of any officer by the Disability Board physician may be ordered at any time after the initiation of an officer's absence for illness/injury, or for any officer with a history of repetitive absences for illness/injury, and the officer must comply therewith.

In accord with Chapter 36.21 RCW and WAC 415-105, any LEOFF I officer who suffers a physical injury and the prognosis is for full recovery may be conditionally returned to duty prior to full physical recovery for a reasonable trial service period not to exceed 180 days if:

- There is an available position with the Department for which the officer is qualified and which an officer of his/her rank might normally be assigned; and

- The Disability Board Physician or other medical authority to whom the officer has been referred by the Department certifies in writing to the Chief of Police that, with reasonable medical certainty, the disability arising from the injury is not permanent in nature and the officer will, barring re-injury, fully recover within no more than six months from the date of injury; and

- The Disability Board determines that the officer is capable of discharging, with average efficiency, the duties of the available position.

## On-Duty Injury/Illness

Any employee suffering injury or illness as a direct result of work being performed by the employee while in the employment of the City of Bellevue will:

- Immediately report the injury/illness to his/her supervisor, and
- Complete a report of the incident

The Chief of Police is to be verbally notified (via Chain of Command) of any injury to an employee. A copy of the completed employee's injury report will be kept by the employee's Supervisor and the original will be forwarded to the City Risk Management Office.

An on the job injury/illness becomes a Worker's Compensation Claim when the employee receives medical treatment or medication as a direct result of the injury/illness. In addition to reporting the incident, an employee will physically go to the Risk Management Office as soon as possible after treatment (8:00 am - 5:00 pm weekdays) and complete the required self-insurance injury/illness report forms.

If the employee cannot physically report, the supervisor's responsibility is to notify Risk Management immediately so the Worker's Compensation claim forms may be completed.

## Modified (Light) Duty

Working employees are the Department's most valuable resource. Absences due to injury, illness or pregnancy are a component of the Department's operation and budget. There may be times when the Department has specific tasks or assignments of a limited duration (Light Duty Assignments) that can be performed by employees who cannot perform the essential functions of their position due to illness, injury or pregnancy. The Department may offer a LEOFF II member who becomes sick, injured or pregnant a light duty assignment consistent with the needs and operations of the Department as determined by the Chief.

**Note:** The Chief of Police will have the sole discretion to create, maintain or eliminate light duty assignments. There is no employee right to a light duty assignment.

### ❖ Eligibility for Light Duty Status

Employees will be eligible for light duty status when:

1. The employee has an illness, injury, or pregnancy which prevents them from working in their regular assignment;
2. The employee's health care provider releases the employee to perform employer determined available specific tasks or projects; **and**
3. The employee obtains a written medical prognosis of return to full duty of six months or less from date of identified need for absence or placement in light duty assignment (except for pregnancy).

### ❖ Length of Light Duty Assignment

The Employer shall have the discretion to determine the length of the light duty assignment (or length of extension of a light duty assignment) consistent with the time limitations set out below. In no event shall the light duty assignment exceed a total of six months beginning from the date of the first assignment to light duty for the illness, disability and/or injury giving rise to the need for the light duty assignment.

### ❖ Procedure For Placement In Light Duty Assignment

The employee shall:

1. Make a written request for a light duty assignment or extension of light duty assignment to his/her immediate supervisor who will forward it to the PSU Commander via the chain of command.

2. Complete all required Human Resources documents before being placed in a light duty assignment.

3. Obtain a health care provider certification that:

   a) Releases the employee to work in the Light Duty Assignment,

   b) Lists all restrictions and conditions for work; and,

   c) States the medical prognosis for when the employee will be able to perform the essential functions of his/her regular position with or without reasonable accommodation

The Department reserves the right to determine, from a city-appointed health care provider, at city expense, whether the employee can perform the light duty assignment. The Personnel Services Commander, with the assistance of Human Resources, will determine if any light duty assignments exist for which the employee qualifies.

### ❖ Light Duty Placement

Officers on light duty will not wear their uniform, drive a marked patrol car or perform any arrest function or suspect contact.

The PSU Commander will determine (along with the shift commander where appropriate) the Light duty shift hours. The shift need not be the same as those worked during the officer's regular full duty assignment.

Officers will be paid their regular hourly rate of pay while working in the Light Duty Assignment.

The PSU Commander is responsible for monitoring the time an officer spends on light duty, maintaining records of officers on light duty, coordinating with other city departments such as Risk Management and Human Resources, ensuring the officer has appropriate supervision and ensuring the least amount of time necessary is spent on light duty before resuming their full duty assignment.

### Return to Full Duty

Upon returning to full-duty status after an extended absence, the Department expects its employees to bring their job knowledge and skills levels up-to-date.

Employees returning to full duty from an extended absence are to be governed by this procedure.

### Commissioned Officers and Police Support Officers

Any Officer/PSO absent from full duty for 6 months or more, will report to the Personnel Services Unit on the first day of his/her return to receive updated training and to review and update personnel records.

Officer/PSO will provide current physician certification of ability to return to full duty.

Updated training will include, but not be limited to:

- Firearm's qualifications
- Defensive tactics refresher training
- Policy and procedure review
- Other mandatory in-service training missed during their absence

Personnel records update will include, but not be limited to:

- Updating Department personnel records
- Updating emergency notification forms

An officer/PSO absent from full duty for two years but less than five years will be required to satisfactorily complete the appropriate Washington State Criminal Justice Training Commission equivalency academy before being given any duty assignment requiring commissioned authority. Those absent from full duty for more than five years will be required to complete the full Basic Law Enforcement Academy (BLEA).

Uniforms and equipment will be checked and reissued if necessary.

Returning officers are instructed to contact the Personnel Services Unit before the first date of their return for instruction on what equipment is needed for training sessions and what documents are needed for personnel records update.

The officer's Section Commander is responsible for:

- Notifying the officer of the requirements of this procedure and reporting date
- Notifying the Personnel Services Unit as timely as possible of the anticipated return date and need for updated training and personnel records review/updating

**Civilian Personnel**

Civilian employees must provide the Department with a physician's certification of the ability to return to full duty work status.

**Salary Reimbursement for Recuperative Leave**

Employees who are injured on or off-duty have a right to pursue civil redress to compensate them for injuries and/or lost time for recuperative leave. The Department is also entitled to compensation for lost employee time for recuperative leave. Any employee intending to seek civil redress on their own must notify in writing the Chief of Police of their intent to do so.

An employee who is contacted by an insurer regarding an insurance settlement for injuries, which required the employee to be absent from work on recuperative leave, will advise the insurer that any settlement must include an amount sufficient to enable the employee to reimburse the City for salary it paid the employee during the recuperative period.

The employee will obtain a statement from the insurer verifying that the settlement amount offered includes payment of salary while on recuperative leave and file the statement with the Chief of Police.

Upon receipt of any settlement, the employee will reimburse the City for salary paid to the extent included in the settlement, not to exceed the amount paid in salary by the City during the employee's recuperative leave.

Should the insurer's statement indicate that no payment of salary is included in the settlement; no reimbursement will be required of the employee. The Department will pursue all available legal remedies to recover the loss it has suffered as a result of the insured's negligence.

Use of administrative leave related to disciplinary actions is covered elsewhere in this manual.

**Administrative Leave** (CALEA 22.2.1)

All uses of administrative leave require authorization by the Chief of Police.

Requests for administrative leave must be submitted in writing via the chain of command.

Examples of administrative leave include but are not limited to sabbatical, temporary leaves of absence, and extended training leave.

Accrual and use of holiday time, vacation time, and sick leave are either covered by current bargaining unit contracts or the City Human Resources Department Policies, depending upon an employee's membership or non-membership in a bargaining unit.

**Temporary Relief of Duty**

A supervisor may temporarily relieve an employee from duty with pay. Examples of reasons for relief from duty with pay include, but are not limited to - fatigue, unfit for duty due to emotional problems, or other violations of policy, procedure, rules and regulations.

The supervisor will contact the employee's Deputy Chief via the chain of command of the fact and basis for the relief **unless** an emergency exists and immediate removal of the employee is necessary. In the case of an emergency the supervisor will notify the employee's Deputy Chief, via the chain of command, as soon as possible.

The employee will be ordered to report to the Deputy Chief of their Division at 10:00 a.m. the next working day. The supervisor ordering the relief from duty will immediately notify the appropriate Commander, Deputy Chief, and Chief of Police. The supervisor will write a detailed report.

Notifications, if any, required by Civil Service Rules, City of Bellevue HR policies or bargaining unit contract will be provided.

Appeals concerning suspension, demotion, and dismissal will follow the procedures set forth in the current bargaining unit agreements, this policy, and/or, where applicable, Civil Service Rules, City HR Policies and Procedures. Appeals of written reprimands will be in accordance with current bargaining unit agreements and/or City HR Policies and Procedures.

**Jury Duty**

Jury duty is covered by both City Human Resource Department Policy and current bargaining unit contracts.

## 17.00.130 DEPARTMENT TRAINING

All Department training will be directed toward the enhancement of personnel development and toward effectively achieving goals and objectives of the Department.

The Department is committed to providing a high level of training to its employees. For sworn personnel, this training shall be in addition to any training required by the State to attain commissioned Law Enforcement Officer status.

The Department shall provide training for Department personnel in accordance with:

- Federal and Washington State law
- Washington State Criminal Justice Training Commission Standards
- City Policy

Police Department Policy and Procedures, Rules and Regulations

The Department's employee training objectives include:

- The understanding of the Department's role in service to the community, and in the protection of lives and property
- The understanding of the police employee's role in the criminal justice system
- The understanding of the police officer's role in exercising authority
- Reducing liability, increasing employee productivity and effectiveness through increased knowledge
- Utilizing the expertise of professional trainers, in-house talent and other resources to provide quality instruction on various relevant topics
- Providing a unity of purpose to personnel through training

**Responsibility of Personnel Services Commander**

The Commander of the Personnel Services Unit reports to the Administrative Services Major and is responsible for the management of the training function and the coordination of all training activities for sworn personnel of the Police Department. Records Unit personnel assigned to track training will maintain their own training records. NORCOM Personnel assigned to the training task will track NORCOM training.
The responsibilities of the Personnel Services Commander will include but not be limited to:

- Development and management of the training budget
- Development and maintenance of a training plan to insure accomplishment of training objectives
- Identification of training needs
- Supervision of the Personnel Services Unit and functional supervision over all Department training
- Selection, training and evaluation of instructors for training programs
- Scheduling, implementation and evaluation of training programs
- Locate, coordinate attendance of and evaluate training sources in order to address Department training needs
- Maintain training records of all Department personnel

- Attend Department critiques and planning sessions whenever training may be a factor.

**Command Responsibility**

Cooperation from all command personnel is required to achieve effective Department training.

Commanders are responsible for making available physical and personnel resources as necessary for instruction and training.

**Employee Responsibility** (CALEA 33.1.2)

All employees are expected to actively participate in departmental training as necessary or required.

Employees returning from outside training courses will submit a Police Training Record form.

Employees receiving departmental training may be asked to conduct similar training for the Department. The employee will be informed in advance of class attendance if they will be expected to provide future training on the topic.

When training is mandatory, exceptions to attendance may be allowed under the following circumstances:

- Personnel with prior vacation approval
- Reasonable excuses, such as illness, personal emergency, police emergency, court appearances, and absences approved by a supervisor
- Whenever possible, exceptions must be approved in advance of the scheduled training

**Unless excused from mandatory training by a supervisor or above, employees are expected to attend mandatory training. Failure to attend mandatory training without prior approval may be a violation of Department rules and regulations and subject the employee to possible disciplinary action.**

Where mandatory training is missed by an employee it must be explained in writing via the chain of command to the employee's section commander. The Personnel Services Unit, or the Training Coordinator from the appropriate Section/Unit, will then make the necessary arrangements for make-up training.

Training will be conducted within the framework of City and Department goals and in cooperation with all operational units.

**Training Committee** (CALEA 33.1.1) (updated 3/17/2011)

The Department's training committee consists of the Deputy Chiefs, Majors, PSU Commander, PSU Training staff and the Department's Finance Manager. The committee will serve in an advisory capacity to the Personnel Services Unit Commander for the purpose of determining future relevant training which needs to be provided to staff.

During the first quarter of each year, the Commander of the Personnel Services Unit shall chair an annual meeting of the Training Committee. Recommendations of the committee shall be based in part upon training requests and suggestions from other employees throughout the Police Department. Recommended training should meet the requirements of mandatory training, address identified deficiencies, facilitate career development, improve employee safety or increase staffs' ability to provide quality service to the community.

The committee shall evaluate the current training programs and discuss updates or revisions to training needs in order to prepare for future budget requests. The evaluation process shall include:

- A summary of strengths and weaknesses of training programs
- Review of new laws and court decisions
- Review of departmental and administrative directives
- Review of Department Training Report Forms and other course critiques in evaluating training presentations
- A review of employee attendance and the training received
- Review of other informational surveys and evaluations conducted by the Personnel Services Unit

The committee has the authority to approve or reject suggestions on basis of available budget for training, appropriateness of topics, and the need for recurring in-service training on key topics.

The Personnel Services Unit will compile training program data on an annual basis and provide a year-end report to the Chief of Police. The Training Coordinator from the Records Unit will submit training data to the PSU Commander for inclusion in this report.

The year-end report will also identify the following year's training topics for approval. The Chief will authorize the PSU commander to implement such training via the chain of command.

**In-Service Training** (CALEA 33.5.1)

The Department emphasizes the need of all sworn personnel to be kept up-to-date on matters involving law enforcement, legal updates, and officer safety. WAC 139-05-300 requires that each commissioned staff member receive a minimum of 24 hours of in-service training each calendar year.

This goal is met through a variety of training processes from within the department, which can include in-service training, E-Learning, outside training, shift briefing training, bulletins, memorandum, and other training processes. Each year, the Department's training committee shall meet to establish a list of topics to be presented during the following year's in-service training sessions. This training will normally be presented during two annual 10-hour training days.

Additional in-service training days may be added as needed. The training sessions include lecture, demonstrations, and hands-on scenarios incorporating a variety of law enforcement topics (new, review, and mandatory legal update topics, for example; certification and recertification of first responders).

Changes to Department policy are also reviewed in this setting (as well as at shift briefing). Attendance at in-service training sessions is mandatory. The information presented at these training sessions is essential to effective law enforcement service and may also be found on promotional exams.

Twice yearly, commissioned staff are required to qualify with their department issued handgun.. If carried on duty, they must also qualify twice yearly with a Department-authorized back-up weapon, patrol shotgun, and/or Patrol Rifle. A certified Firearms Instructor conducts the firearms qualification course for each commissioned staff member.

Defensive tactics are reviewed in a lecture and hands-on format using Washington State certified instructors.

**Shift Briefing Training** (CALEA 33.5.2, 42.2.4)

Shift briefing will be used as an adjunct to regularly scheduled department in-service training. A variety of topics will be covered in an attempt to update employees on a wide range of law enforcement issues/skills. Training in shift briefing may be conducted by any employee or outside source once the training has been approved by a supervisor.

Employees who have recently attended an advanced training course will be encouraged to bring this new information to briefings. Advance notice will be given about scheduled shift briefing training when possible to maximize employee exposure to the offered training.

Supervisors will be responsible to record the names of all employees who attend training, who provided the instruction, topics covered, and any critiques of the training. Shift Briefing Training will be documented on the Police Training Report and forwarded to PSU to be entered into the Training Database..
Techniques/methods used to conduct roll call training will depend on the topics to be covered.

Formal shift briefings occur for sworn officers working in Patrol. Sworn and professional personnel from all Sections of the Department are encouraged to attend these briefings for regular information exchange and to take advantage of training offered.

**Specialized Training** (CALEA 33.6.1)

Through the use of tailored checklists, individuals will be oriented to the specialized area of the police department to which they have been transferred. As part of the orientation process, specific aspects of the particular specialty will be reviewed such as:

- Development/enhancement of skills particular to the specialization
- Unique aspects of administration, management, and supervision
- Department Policy and law specifically related to that position
- Parameters of supervised “on the job training” as the position requires
- Performance standards
- Any training required to obtain/maintain certification necessary for the position

Outside training classes through WSCJTC or other organizations in the area of the specialization may also be required, i.e. Basic Swat school, Basic Riot Control, Crime Scene Investigation or others.

Assignments requiring specialized training include the following;

- SWAT
- Crowd Control Unit
- Special Enforcement Team
- Evidence Technician
- Traffic Motorcycle Officer
- Traffic Collision Investigator
- Field Training Officer
- K-9 Unit Dog Handler
- Hostage Negotiator
- Bomb Squad
- School Resource Officer
- Bicycle Officer

- Detective

Checklists and guidelines will be maintained in unit operating manuals or by the commander of the unit.

**Police Support Officer Training**

Police Support Officers (PSO's) act with limited law enforcement powers. Their training includes but may not be limited to:

- Attendance at a corrections academy
- Legal, safety, rules and regulations
- Training with any non-lethal weapons issued
- Tasks associated with their assignments, and;
- Training on how to interact with the public.

Satisfactory completion of the state Correctional Academy is required for successful completion of the PSO's probationary period.

**Civilian Employee Training** (CALEA 33.7.1 & 2)

All newly hired civilian employees will receive orientation training by the Human Resources Department. The training supervisor or training officer of the appropriate section will provide the following information:

- Orientation to the department's mission, purpose, goals, policies, and procedures
- Orientation to working conditions and regulations
- Responsibilities and rights of employees

The Department hires two types of civilian employees; employees acting with limited law enforcement capacities, and personnel who have no enforcement authority. These employees are required to complete orientation and in-service training as determined by the needs of their Section Commander.

Training provided to civilian employees who are in frequent contact with the public will stress the skills necessary to perform the technical aspects of their job and the importance of the link they provide between the public and the department.

The following civilian positions are identified as positions requiring initial and ongoing training commensurate with their responsibilities. Such training will stress not only the skills necessary to perform technical aspects of their jobs but also the importance of the link they provide between citizen and the Department, which often shapes the citizen's opinion of the Department:

- PSO's
- Records Specialists
- Property & Evidence Technicians
- Records Supervisors

- Administrative Assistants
- NORCOM employees. (Refer to the NORCOM Policy Manual for information on NORCOM training.)

Training records and relevant data regarding civilian training shall be maintained within the employee's Section.

**Career Development Training** (CALEA 33.8.1 & 33.8.3)

Supervisory personnel will receive training that will enable them to provide career development counseling and information to other employees.

Career Development training will be completed as a part of the initial supervisory training and updated as needed. The areas to be covered in training will include:

- General counseling techniques
- Skills, knowledge, and abilities assessment
- Record keeping techniques
- Cultural diversity training
- Salary and benefit information
- Education and training opportunities available both outside and within the department

**Inter- Agency Training**

The Department supports and promotes the concept of intra-departmental training to educate employees on the interaction and affect of job tasks and positions on each other and the community.

The Department supports and promotes the concept of inter-agency training.

This type of cooperative training between Sections, City departments and other criminal justice agencies increases effectiveness improves coordination and promotes better understanding.

When training programs are developed and applicable to outside agency participation, the Personnel Services Unit Commander will coordinate hosting of the training at the Bellevue Public Safety Training Center or elsewhere as appropriate.

The use of Bellevue personnel as instructors for other agencies will be with the approval of the Chief of Police.

**Training Resources**

In order to better evaluate training needs, assist in program development, and define training impacts, resources for training programs which may be utilized include:

- Training evaluations and critiques
- Internally produced reports (e.g., Crime Reports)

- Command reports/command meetings/staff reports
- Administrative direction
- Consultation with personnel and staff observations

All Department personnel are encouraged to offer their input in the development of training programs.

**Attendance/Training Request Requirements**

The Personnel Services Unit posts training schedules and bulletins listing mandatory as well as optional training courses on the PSU Sharepoint site.

Employee requests for optional training will be made on the Training Request Form and submitted to the Personnel Services Unit. Training requests require:

- Supervisor's approval
- Section Commander approval if budget resources are to be utilized
- Requests for optional training requests will be evaluated by the Personnel Services Unit commander to ensure they are consistent with Department training objectives
- The Chief of Police has final approval on all training
- Attendance rosters will be kept on all in-house training sessions
- All personnel are required to participate in mandatory in-service training

In-service training includes in-house, Washington State Criminal Justice Training Commission certified courses, E-Learning and other courses provided by Department-approved training vendors/instructors.

In a calendar year, the Department's objective is to provide the number of hours of in-service training needed to accomplish Section goals and/or minimum State requirements.

The Personnel Services Unit will compile and maintain data on the number of hours of training received by all sworn police personnel. NORCOM and Records Unit will maintain their own training data.

**Training Cost Reimbursement** (CALEA 33.1.3)

The Department training budget, including tuition and travel subsistence, is administered by the Personnel Services Unit.

Reimbursement for training and travel expenses require the approval of the Chief of Police, or his/her designee, in compliance with City travel policy and procedures.

**Use of Public and Private Resources**

The Commander of the Personnel Services Unit is responsible for identifying resources in the public and private sector that are available to enhance Department training programs.

The Personnel Services Unit will provide personnel with information about training resources as the information becomes available.

### Training Performance Objectives

In-house training programs will have performance objectives which:

- Focus on the elements of job task analysis
- Provide clear statements of what is to be learned
- Provide a basis for evaluating the participants and for evaluating the effectiveness of the training program

### Lesson Plans (CALEA 33.1.4)

All training programs (produced in-house, taught by outside instructors, or hosted training) must be accompanied by lesson plans. The lesson plan shall be on the Department Course Outline and include:

- Course title
- A statement of performance and job-related objectives
- List the content of the training and instructional techniques to be used
- Reference materials included with training
- Materials required for training
- Training aids to be used (slides, PowerPoint presentation, videos, etc.)
- Identification of any tests to be used as part of the training

If a test or other performance measure is to be used, it will:

- Measure whether the objectives of training were met
- Measure the employee's knowledge of the training presented
- Ensure the employee meets relevant minimum qualification standards (e.g., firearms training)
- Assist in determining the appropriate scope and extent of future training

Testing format is dependent upon the course of instruction and may consist of a written examination, performance exercise, or a combination thereof.

Instructors who are not employees of the Department will be asked to furnish a lesson plan and a complete copy of all material to be presented.

Lesson plans must be reviewed and approved by the Commander of the Section responsible for the training prior to a training session being held. Approval ensures that lesson plans are consistent with Departmental guidelines and policy.

A copy of completed lesson plans and accompanying course material will be maintained by the Personnel Services Unit. The copy may be maintained on paper or electronically at the discretion of the PSU Commander.

### Remedial Training (CALEA 33.1.5)

Remedial training is individualized instruction used to correct specific performance deficiencies or employee performance needs.

Performance discrepancies, whether determined by supervisory evaluation, citizen input, testing, or other means, can often be improved and/or changed through remedial training.

Training and certifications that are mandated by law or Department standards and directives may be addressed by regular and remedial training where appropriate.

Remedial training will be coordinated by the Personnel Services Unit as the need arises. The Chief of Police will be apprised of remedial training via the chain of command. Completion of remedial training will be accomplished as soon as possible after the need/deficiency is determined to exist.

Personnel assigned to remedial training are required to attend the assigned instruction. Failure to participate will be reported to his/her section commander. Any resultant disciplinary action will be in accordance with Department policy.

**Training Records of Personnel** (CALEA 33.1.6)

A record of training received by employees will be maintained by the Personnel Services Unit and updated as employees submit course verification information.

Training records include the following:

- Name
- Date
- Course title
- Hours of instruction
- Sponsor

Training certificates received by employees will be forwarded to the Personnel Services Unit and will be maintained in their training file.

**Training Record of Courses**

A record of training courses provided to personnel will be maintained by the Personnel Services Unit. In-house training course records will include:

- Lesson plan
- Roster of attendees
- Tests - if administered
- Instructor information

Information regarding outside training courses (e.g., WSCJTC Courses) will be documented and reported on the Personnel Services Unit's year-end operational summary. This summary will include the number of hours of training received by each Department employee.

### Training Records Release

Upon request, each employee will receive a year-end summary of his/her training.

With the exception of a release of training summary to each employee, training records will not be released by the Department to anyone outside the Department, without the approval of the Chief of Police.

## 17.00.140 BASIC LAW ENFORCEMENT TRAINING

Bellevue officers enter the Department as Police Recruits and will not exercise police authority. Upon successful completion of basic law enforcement training, they are sworn in as Bellevue Police Officers.

Basic law enforcement training for Police Recruits consists of the Washington State Criminal Justice Training Commission (WSCJTC), Basic Law Enforcement Academy (BLEA) or WSCJTC Basic Equivalency Training Academy, and in accordance with RCW 43.101.200 & Title 139 WAC. Basic training also includes Department orientation training and field training.

The Department through the Personnel Services Unit, maintains liaison with the WSCJTC, and provides feedback as appropriate.

The Department, upon request of the Commission, may, with approval of the Chief of Police, provide instructors or other resources to the BLEA or Equivalent Training Academy.

WSCJTC Academy training, including staffing, facilities, instructors, materials, supplies and other resources are the responsibility of the WSCJTC.

Except for any gross negligence, illegal or malicious conduct, the Department assumes all responsibility for its personnel being trained at the WSCJTC Academy.

### Instruction on Department Policies and Procedures (CALEA 33.2.4)

All Police Recruits will receive instruction concerning Department Policies and Procedures and Rules and Regulations during the orientation phase of recruit training.

This instruction will be conducted by the Personnel Services Unit staff and will occur prior to or upon completion of Basic Law Enforcement Academy Training and in any event, prior to the recruit being sworn in and commissioned as a police officer.

### Basic Training Orientation

BLEA and Equivalency Training Academy orientation is the responsibility of the WSCJTC. Department orientation training will be coordinated by the Personnel Services Unit staff.

At a minimum, Department orientation training will include:

- Ethics
- The organization and philosophy of the Department
- Training goals and expectations

- Training, rating, testing and evaluation system
- Physical fitness and proficiency skill requirements
- Daily training schedules
- Policies and Procedures

All officers must successfully complete the Field Training Officer program as specified by the Department.

## 17.00.150 FTO RECRUIT TRAINING PROGRAM (CALEA 33.4.2.)

All newly appointed officers will complete the Bellevue Police Department Field Training Officer (FTO) Program.

The FTO Program is a 15 week program that is based on the tasks/duties most frequently assigned to Bellevue Police Officers. As a part of the FTO program new officers are evaluated daily by their FTO's on their skills, knowledge and abilities. Testing is done in a written test format and administered following completion of each of the 10 chapters in the FTO manual. Each officer is also required to demonstrate their proficiency in Defensive Tactics at monthly training and biannually at the range with qualifications.

## 17.00.160 PERSONNEL SUPPORT SERVICES (CALEA 22.2.3)

Recognizing the need to provide support to its employees, the Department shall make available to all employees the following personnel support services and/or programs:

- **Critical Incident Stress Debriefing**

Due to the inherent nature of providing police services, police personnel (both commissioned and support staff) are often exposed to situations and events that would be considered "extraordinary" by most people's standards. Critical incident stress debriefing may be mandatory under some circumstances. Refer to policy on **Critical Incidents**, for additional information.

- **Law Enforcement Death**

The Department offers support services to its employees and their families regarding duty-related death. This includes preplanning, survivor benefits, and funeral planning. A complete explanation of this program can be found in the Department's Law Enforcement Death booklet.

## 17.00.170 EMPLOYEE ASSISTANCE PROGRAMS (CALEA 22.2.6)

The Department makes available to all Department employees a Peer Support Group Counseling Program. In addition, the City makes available to all employees an Employee Assistance (Where to Turn) Program. Both programs are designed to assist in the identification and resolution of concerns or problems, either personal or job-related, which may adversely affect an employee's personal or professional well-being or job performance.

- **Confidential and Professional Assessment, Counseling, and Referral Service**

To assist employees and their family members in identifying and solving problems that may be affecting their quality of life or job performance. All employees and their immediate family members are eligible to use either program.

Information on the Peer Support Group Counseling Program is available to Department employees in the form of a booklet referred to elsewhere in this Chapter.

Information on the Where to Turn program is available through the City's Human Resources Department

All services are strictly confidential and are protected in accordance with state law. No one will ever be told of the employee's visit or what was discussed without his or her written consent. Both programs offer appropriate and timely problem assessment services for employees.

Employee participation in either program is voluntary. A supervisor may suggest or encourage an employee to use either program; however, the option of participation remains that of the employee. Additionally, if an employee begins counseling, they can discontinue participation at any time. It should be noted that all referrals made by a supervisor to an employee are suggestive in nature and it is up to the employee to initiate contact and use the services available.

A valuable part of this program is helping the employee to identify resources that may be able to assist them in problem resolution. Referrals may be suggested to the employee to workplace or community resources for appropriate diagnosis, treatment, and/or follow-up.

Peer support group counseling is also not part of any fitness for duty evaluation. However, a counselor may also concurrently be assisting an individual who happens to be undergoing an evaluation by a mental health professional so designated by the employer.

It is incumbent upon all supervisors to be aware of the existence of both programs and the services they provide. All newly appointed supervisors will be provided information through training. Supervisors are encouraged to be aware of behavioral changes and changes in work habits exhibited by employees that may signal problems in their lives that may affect work performance. Possible changes include but are not limited to an increase in use of sick time, increased numbers of citizen-generated complaints against the employee, a decrease in work productivity, excessive alcohol use, drug abuse, added stresses in personal life, etc.

Employees having knowledge of a co-worker, who could benefit from the services, are encouraged to discuss the issue with the affected employee or obtain an informational brochure from the Human Resources Department so a referral can be made that will assist the employee. Employees who are concerned over perceived changes in another employee's situation may also make contact with the Human Resources Department or the Peer Support Program Director to discuss the issue anonymously to seek guidance and without identifying the employee.

### ❖ Peer Support Group Counseling Program

The Peer Support Group Counseling Program is a service for Bellevue Police Department employees and their families. It provides confidential assistance in the identification and resolution of personal or professional concerns or problems that may adversely affect an employee's personal or professional well-being or job performance. These concerns may include, but are not limited to, issues of mental health, marital or other relationship issues, family, financial, alcohol and substance abuse, death and illness (grief), occupational issues, emotional stress and critical incident stress, or other personal matters. If a problem is too serious to be resolved within the program, referral will be made to the Program's consulting mental health professional and/or to another outside professional agency, counselor, or therapist having specific expertise working with the law enforcement community.

Peer support group counselors are also an integral part of the Department's response to critical incidents (refer to **Critical Incidents policy**).

This program is in addition to, and often able to provide more on-going and longer-term assistance than the employer-provided Employee Assistance Program (EAP) operated through a commercial mental health referral service. However, use of either of these programs is the individual employee's personal choice.

Similar to the EAP concept, the goal of this type of program is also to help individuals who have developed problems by providing services for consultation, treatment and rehabilitation in order to prevent their condition from progressing to a degree that it will prevent the employee from functioning effectively in the workplace.

By having a select number of specifically trained peer support group counselors, the Department offers the potential of effectively providing support to employees under stress. With careful planning and implementation, the Department can provide a viable support network at an extremely low cost monetarily, while receiving a high return in employee welfare and morale.

**Operation and Referral** (CALEA 22.2.6)

The intent of the Peer Support Program is to provide 24-hour availability of peer support group counselors. Lists of current designated peer support group counselors will be posted throughout the Department for use by employees desiring assistance, as well as be maintained by Personnel Services and NORCOM staff for call-out purposes.

In most cases, assistance will be rendered in a timely manner (often immediate), taking the form of on-duty meetings of relatively short duration. Peer support group counselor's service is voluntary and no compensation shall be authorized where activities extend beyond normal working hours. On-duty assistance must generally be conducted so that the Department's service to the community is not adversely affected.

Use of Department resources, including Department facilities and vehicles, is authorized as necessary. Peer support group counseling may be done wherever the person seeking assistance and the peer support group counselor feel they have adequate privacy.

Peer support group counselors may also be utilized in any critical incident stress debriefing process (as per Critical Incidents policy).

Communications made to a peer support group counselor by an officer receiving counseling as a result of an incident in which the officer was involved in his or her official capacity are considered to be privileged communications under RCW 5.60.060(6)(a). For the privilege to apply, counselors must be designated by the Chief of Police prior to the incident that gives rise to the counseling.

Exceptions to confidentiality are when a person is a threat to him- or herself, or to others (to include child abuse).

Unless an exception listed above is applicable, no individual, group, organization, Department, city employee or official shall have access to any information regarding an individual's participation in the Program.

No member of the Program staff is to discuss any fact or aspect of an individual's participation unless specifically authorized by the participant or as required by law (as in the above exceptions).

The Peer Support Group Counseling Program staff consists of:

- Program Consultant

The Consultant is a qualified mental health professional, defined as a Department-designated psychologist (PhD, PsyD level), or psychiatrist (M.D. level) or other mental health professional (Master's Degree level), having experience working with law enforcement personnel and their families to recognize and cope with the natural responses to a critical incident. The function of the Consultant is to provide training to peer support

group counselors and act as a professional consultant for the Program. This person may also act as the Program Director, where qualified.

- Program Director

The Program Director is a Department employee assigned by Personnel Services. The Director's duties are administrative, such as arranging peer support group counselor training and maintaining a current registry of peer support group counselors. This person may also act as the Program Consultant, where qualified.

- Chaplain

The Police Department Chaplain also serves under this Program, providing an additional support resource for law enforcement personnel and their families. The chaplain may serve as Program Director, where qualified. The Chaplain may provide all the functions of a local church minister.

- Peer Support Group Counselors

Peer support group counselors are Department employees who volunteer for the Program based primarily on their interest in helping fellow employees cope with personal or professional problems. Besides experience, all peer support group counselors additionally maintain a certain level of proficiency through their attendance at initial and later on-going in-service training.

Peer support group counselors are not psychological counselors. They are trained to be sympathetic, active listeners and to share the thoughts and feelings they have acquired through experience and training.

Program procedures, personnel selection, and training requirements are further detailed in the Peer Support Group Counseling Program manual.

**Volunteer Department Chaplin**

The Police Department Chaplain serves department employees, their family members, and members of the community. In this role, the Chaplain shall be a resource for mental, emotional, and spiritual support.

The Chaplain shall work in conjunction with the Department's Peer Support Group Counselor Program and Employee Assistance Program, offering another alternative for those seeking help and support.

For the employee or his or her family members, the Chaplain exists for those times when an empathetic ear is needed outside the normal structure of the agency and yet one close enough to understand the unique issues of a career in law enforcement.

For community members, the Chaplain fills a gap when called upon by the Department for those who need help but may be hesitant to seek it or who do not know how to do so.

On call 24 hours a day, the Chaplain will provide comfort, care, and compassion during high-stress situations, serving as a bridge to other care givers in the community and liaison between community members and the department.

The Chaplain is not a commissioned officer but is considered a member of the Department and is a credentialed minister.. His or her acceptability as a chaplain is contingent upon his or her continued good standing within the religious organization having bestowed the credential. The withdrawal of its endorsement of the Chaplain brings his or her immediate separation from duty with the Department.

Communication with the Chaplain is considered confidential under state law.

The Chaplain shall be identifiable by Police Department Chaplain ID card and/or badge, Police Chaplain Jacket and/or uniform, Chaplain cap, or combination of any of the above and in a manner becoming the ministry.

The Chaplain can be called upon to perform for Department members and their families all the functions of a local church minister, such as (but not limited to):

- Performing weddings, baptisms and dedications
- Calling upon the sick and injured
- Performing funerals and memorial services, and officiating at other religious and civil ceremonies
- Participating in graduations, promotions, award ceremonies, and other Department social events
- Providing personal support, counseling, and encouragement
- Providing (if trained) critical incident stress management, including participating as an active member of the peer support team after critical incidents
- Providing assistance and follow-up for critical incidents both for the personnel involved as well as for victims of traumatic events
- Providing training or making presentations in Department's training programs on subjects such as personnel and family orientations, stress, family crisis intervention, working with the traumatized, making death or other notifications
- Providing assistance in making death or other notifications, and providing grief support for victims, witnesses, surviving family members, and other involved persons
- Upon request of family or Investigations personnel, responding to a child death incident
- Being on call to respond and assist on-scene with victim's needs, freeing officers to be able to concentrate on their law enforcement responsibilities
- Serving as a bridge for victims to other caregivers in the community
- Providing advice on religious, moral and ethical matters

Additionally, the Chaplain shall:

- Keep in touch with the pressures and problems that confront Department members, coordinate visits to all sections of the department during various watches, attend shift briefings, and participate in a ride-a-long at least once a month
- Not in any way interfere with a Department member in the performance of duty
- Submit a monthly report through the Peer Support Group Counseling Program Director detailing his/her activity during the previous month (containing *no* identifying or confidential information)
- Be trained in and subject to all Department policies and procedures
- Not air grievances in public, but will follow appropriate Department grievance policies and procedures

- Be subject to review by the Department through established policies and procedures
- Adhere to the Code of Ethics subscribed to by the International Conference on Police Chaplains
- Refer all public release of information requests to the Department PIO

**Call-out procedures**

Officers in the field may call the Chaplain for any of the following situations:

- Death or serious injury notifications
- Crisis intervention/grief support due to death or serious injury of a family member in the home, including suicide, homicide, accidental, and death due to illness
- Any traumatic event involving small children (i.e., SIDS)
- Major disaster, residential fire, motor vehicle accident
- Any other event or situation deemed necessary by an officer (and coordinated with an on-scene supervisor)

In essence, the Chaplain can be called upon to respond on-scene to remove some of the strain on the victim, victim's family, and on employees affected.

The Chaplain shall:

- Keep his/her pager on at all times
- Check the pager on a regular basis to make sure it is on and that batteries are strong
- Respond ASAP to any page received, even if unable to take the call
- Shall be eligible for mileage reimbursement at the City's current rate and reimbursement for costs associated with incidents as authorized by the Chief of Police or his/her designee.

To access the Chaplain for an on-duty incident, the Department member shall contact NORCOM, which will page the Chaplain. When the Chaplain calls in, NORCOM shall relay the nature of the call, the address to which a response is needed, and the name of the Department member he/she is to report to on-scene.

Employees may contact the Chaplain directly for personal matters.

The Chaplain shall advise NORCOM approximately how long it should take to arrive on-scene. NORCOM will then relay this information to the requesting member. The Chaplain, upon arriving at the scene, will then report to that person or to anyone else so designated. The Chaplain will wear Department ID on an outer garment and/or wear the chaplain's jacket.

On-scene Department members shall have the discretion as to how the Chaplain will be used at the scene, generally determined by the nature of the incident, and which should be communicated initially.

The Chaplain shall remain at the scene as long as is necessary, and as determined by the situation. He/she should see that a "bridge is built to other caregivers (i.e., other family members, clergy, physician, etc.); and shall follow-up within 48-hours to insure that the needs of the individual/family are being met.

## 17.00.180 OFF-DUTY and EXTRA-DUTY EMPLOYMENT (CALEA 22.3.4 and 22.3.5)

(Updated 8/17/2011)

The Department shall allow off-duty and extra-duty employment upon the approval of the Chief of Police subject to specific limitations. Department policies and procedures apply to extra-duty employment.

### Definition

**Off-Duty Employment:** Secondary employment, or services, with no nexus to the Department performed by a commissioned officer or professional employee.

Off- Duty Employment includes: Approved employment that does not require the actual or potential use of law enforcement authority by an off-duty employee.

**Extra-Duty Employment:** Employment where sworn personnel are authorized to work in a Bellevue Police uniform, where the actual or potential use of law enforcement powers is anticipated.
Extra-Duty Employments includes:

- Approved employment that involves the actual or potential use of law enforcement authority by a commissioned police officer.
- Volunteer work for an agency that has a nexus with the department or the actual or potential use of law enforcement authority by a commissioned police officer.

### Authorization

Employees will not be permitted to engage in off-duty or extra-duty employment without the express authorization of the Chief of Police.

Authorization of off-duty and extra-duty employment is the subject of the following restrictions which are directly related to departmental/employee performance:

- It will not interfere with the efficiency of law enforcement and public safety
- It will not interfere with the employees' performance of regular duties
- It will not detract from the image of the police profession nor conflict with established Department policies
- It will not involve work for any employer or in any employment which places demands on the employee's access to criminal records. An employee's access to criminal history databases for off-duty and extra-duty employment is specifically prohibited.
- It will not involve work for any employer or in any employment which creates a conflict of interest or an appearance of a conflict of interest in violation of Bellevue City Code Chapter 3.90, for example: work as a bail bondsman, private detective, news reporter, etc.
- It will not involve work in a law enforcement or security capacity outside the corporate limits of the City of Bellevue unless a specific exception is granted by the Chief of Police
- It will not involve work in conjunction with or in any capacity with a tow company, taxicab or ambulance company
- A police officer will not work within any commercial premises where intoxicants are being served for public consumption
- It will not follow or result in an unusual sick or absence record in any employee's primary police employment, and time expended in performance of off-duty or extra-duty employment will not exceed time required to be devoted to primary police employment.

### Limitations on Off-Duty and Extra-Duty Employment

Those employees, who have not completed their probationary period or who are on medical or other leave due to sickness, temporary disability, or an injury, shall not be eligible to engage in off-duty or extra-duty employment.

Those employees who are on Administrative Assignment shall not be allowed to engage in extra-duty employment. They may engage in off-duty employment if it complies with their Administrative Assignment.

Lateral police officers joining this Department from other jurisdictions may be exempt from the probationary requirement provided they successfully complete the field training program and all other relevant Department training such as specialized traffic control training.

Employees desiring to work off-duty or extra-duty shall submit an **Additional Employment Request** form to the Chief of Police via chain of command for approval.

Employees are subject to call-out in case of emergency, and may be expected to leave off-duty or extra-duty assignments in such situations.

Command officers (Captains and above) will not be authorized to work extra-duty in a BPD uniform. Employees assigned to ENTF or other long-term undercover details will not be authorized to work extra duty in a BPD uniform.

Extra-Duty security or traffic control by police officers shall be conducted in accordance with these procedures and the current Police Guild contract. Officers shall be in uniform unless a specific exception is granted by the Chief of Police. Officers shall be required to successfully complete a Department approved traffic control class before approval is granted to control/direct traffic.

Officers working extra-duty employment involving security or traffic control must sign on with Norcom prior to starting any extra-duty employment and sign off when leaving the extra-duty job.

Solicitation of extra-duty employment will be conducted in an ethical and professional manner and will not be conducted to create any impression or appearance of undue influence either for or against the potential employer by the soliciting employee or the Department.

Those companies approved to coordinate the extra-duty employment with the City of Bellevue are responsible for documentation of all extra-duty work including who worked, location, date, and time of employment.

All off-duty and extra-duty approval are kept in the office of the Chief of Police. A Patrol Captain is assigned as the primary designated coordinator to oversee adherence to this policy.

Permission for employees to engage in any off-duty or extra-duty employment may be revoked by the Chief of Police where it is determined that such off-duty or extra-duty employment is not in the best interest of the Department.

## 17.00.190 COLLECTIVE BARGAINING (updated 10/20/2010) (CALEA 24.1.1)

The Department Command Staff shall maintain a working relationship with the recognized bargaining units for Department personnel. The City of Bellevue and the Department subscribe to, and practice, the principles of "good faith" collaborative bargaining and shall not engage in unfair labor practices. The Department commits to abide by the ground rules for collective bargaining and to abide, in both letter and spirit, by the

negotiated labor agreements signed by the City Manager, management, labor representatives, and ratified by the bargaining units.

**Role of the Department**

The rules and regulations that govern public employees' collective bargaining are established in RCW 41.56. The Chief of Police shall appoint the Deputy Chief of Operations to the City of Bellevue Collective Bargaining Team. The team, appointed by the City Manager, includes representatives of the City Human Resources Department and the City Legal Department. The City Manager shall appoint the lead negotiator.

**Bargaining Units**

Members of the bargaining unit(s) consist of those commissioned officers of major, captain, lieutenant, corporal, and police officer rank. Bellevue Police Support Guild bargaining unit members records specialists, PSO's, and/or other professional staff. The Bellevue Police Officers Guild, Bellevue Police Support Guild, and Bellevue Police Management Association represent these members depending on the employee's affiliation.

Excluded positions include some command level positions, confidential administrative assistants, and other designated personnel. The City of Bellevue H/R policies and the BPD Policy Manual govern the working conditions of these staff members.

The Bellevue Police Officers Guild Bellevue Police Support Guild, and the Bellevue Police Management Association elect representatives to the bargaining process. The association presidents and boards coordinate the activities of, and select the principal negotiators for labor negotiations. The attorney(s) retained by the bargaining units are regarded as each Association's principle negotiator(s).

**Pre-Negotiation Guidelines**

The nature of collective bargaining requires that pre-negotiation guidelines will be determined through collaboration between the City Attorney, Human Resources Director, the Chief of Police or their designees, and bargaining unit negotiation teams. The Department is committed to abide by the guidelines it agrees to with the bargaining team. Pre-negotiation guidelines should attempt to address at a minimum:

- The size and composition of the respective bargaining teams
- The compensation of Department members serving as official representatives of their respective bargaining teams
- The agenda and time schedules for meetings
- Press release guidelines throughout the bargaining process
- The method(s) of recording deliberations, if any
- The methods for introducing issues
- The methods for resolving conflict

These issues may be addressed, in part, within the content of the existing labor agreements.

The Department is committed to abide, in both letter and spirit, by the negotiated labor agreements that have been signed by management and labor representatives, and ratified by the bargaining unit.

**Ratification Responsibilities** (CALEA 24.1.2)

When all parties ratify a negotiated labor agreement, the Chief of Police will obtain a written, signed copy, and review and amend, if necessary, all Department policies so they coincide with the terms of the labor agreement.

Information relative to a new labor agreement and its affect on existing policies will then be disseminated to all employees affected by such agreement, including modifications to existing agreements.

All Command staff, supervisors, and Administrative Secretaries will receive copies of the contracts upon final resolution.

Within 60 days of contract resolution, by signature, those Department policies which conflict with the agreements will be amended to correspond with the contracts. The review will be conducted by the Command staff, or as selected by the Chief of Police.

Upon the signing of a collective bargaining agreement, the Chief of Police will communicate the terms of the agreement to the Command staff and supervisory staff of those personnel affected by its signing. Communication may occur through the distribution of copies of the agreement, staff training, or discussion during staff meetings.

Efforts will be made to express the Department's philosophy of ensuring that the terms of the agreement are met in spirit as well as through technical compliance.

## 17.00.200 GRIEVANCES (CALEA 25.1.1)

Any grievance filed by a member of the Department will be handled in accordance with existing collective bargaining agreements and/or HR policy. A review and analysis of the grievance file will be conducted on an annual basis to identify any trends causing grievances

**Coordination of Grievances**

Investigation of a grievance will be coordinated by the Deputy Chief of the Division in which the employee is assigned. This process occurs in cooperation with the employee’s bargaining unit, Human Resources Department, and/or the employee involved. Every reasonable effort should be made to resolve grievance issues by following the appropriate chain of command.

A record of all grievances will be maintained by the Office of Professional Standards in a secure manner. This file will be separately identified as "grievance" records.

**Annual Analysis of Grievances** (CALEA 25.1.3)

The Deputy Chiefs of the Operations Division and the Administrative Services Division are responsible for coordinating the annual grievance file review and analysis for their respective Divisions and will forward their reports to the Chief of Police.

The Chief of Police will review the analyses with the command staff upon completion of the yearly review. Appropriate measures will be taken to correct grievance-causing issues.

Deadlines for correction and implementation of corrective measures will be established by the Chief of Police in cooperation with the aggrieved employee and/or bargaining unit.

The Chief of Police will issue appropriate memos announcing the corrective measures being taken. In addition to the normal distribution file, a copy of the memo will be placed in the master grievance file by the Chief's Administrative Assistant.

## 17.00.210 RECRUITMENT (CALEA 31.1.2)

Recruiting and hiring of qualified personnel will be accomplished through a partnership between the Department and Human Resources. The Department shall actively administer its own recruitment program following selection guidelines provided by the Human Resources Department. The Department shall use PublicSafetyTesting.Com as a resource to identify qualified candidates for sworn positions. In order to proactively identify both entry-level and experienced police officer candidates, the Department maintains a list of those persons interested in law enforcement positions with the police department. All hiring standards are governed by the rules and regulations of the City of Bellevue Civil Service Commission.

### Equal Employment Opportunity and Recruitment (CALEA 31.2.1)

The Department believes in ethnic and gender diversity in sworn and non-commissioned ranks. It is a goal of this Department to maintain a diversity balance within its ranks. This will be accomplished through an analysis of the ethnic make-up of the community's available work force, the recruitment program in cooperation with the Human Resources Department, and by review of statistics available from City, State, and Federal government.

### Equal Employment Opportunity Plan Advertisements/Complaints (CALEA 31.2.3)

The Department adopts the City's Equal Employment Opportunity Plan. A copy of this plan is available to the public and to employees from the Human Resources Department.

To facilitate Equal Employment Opportunity all Department job announcements will provide a description of the duties, responsibilities, required skills, educational requirements, physical requirements, and any other requirements pertinent to the position to be filled.

### Recruitment Plan for Full-time Sworn Personnel (CALEA 31.2.2)

The Department's goal is to recruit and hire qualified persons for sworn positions within the Police Department. The Department will recruit qualified candidates from diverse ethnic backgrounds, both male and female, that is consistent with the demographics of the City of Bellevue and in compliance with the City's Equal Employment Opportunity statement.

### Physical Examinations (CALEA 22.3.1)

All officers, prior to being employed by the Department, are required to complete a physical examination to determine their ability to perform the basic functions of a police officer. Physical exams as requested by the Department shall be provided by the Department at no cost to the employee.

### Recruiting Projects

The Department shall conduct the following recruiting projects:

- Design and distribute recruiting brochures

- Provide in-service recruiting training to its officers
- Places advertisements in the media directly or via PublicSafetyTesting.com
- Drafts duties and qualifications statements for vacant positions
- Draft its own interview questions and formulate the testing process
- Conduct applicant interviews and host screening tests
- Conduct applicant background investigations

**Personnel Assigned to Recruitment Program**

Employees assigned to administer and/or participate in recruiting activities shall demonstrate knowledge of those issues critical to the Department's recruiting program.

Recruitment personnel shall receive instruction that includes but is not limited to:

- Department recruitment needs (current and projected)
- Familiarization with the City's Equal Employment Opportunity Policy
- Familiarization with community needs, to include social, political, and economic history, multi-year planning, community organizations, educational institutions, and demographic data
- Information about the organization, operation, and philosophy of the Department
- Career opportunities, salaries, benefits, training, and job diversification
- Applicable federal and state compliance guidelines
- Techniques of record keeping used to track candidates through the recruiting process
- Information about the recruitment programs of other jurisdictions
- Instruction on the selection process (testing procedures/background checks)
- Duties and qualifications required of candidates, including information on disqualifying characteristics
- Medical and retirement benefits qualifications

Training will be facilitated by the Personnel Services Unit Commander or his/her designee, with assistance from the Human Resources Department.

**Advertisement**

Advertisement of entry level and lateral vacancies will be as follows:

- Police Officer Positions

  Continual advertisement for experienced police officer and entry police officer positions will be accomplished via the monthly statewide publication of Law Enforcement Digest and electronic mediums

to include but not limited to the City of Bellevue's Web page and PublicSafetyTesting.com. Other advertisements may be accomplished via the newsprint medium and professional periodicals.

- Other Police Department Positions

  As needed, advertisement for NORCOM positions, records specialist positions and other technical and support positions will be accomplished via newsprint medium and electronic mediums to include but not limited to the City of Bellevue's Web page.

All job/recruitment advertising and all job applications will clearly state that the Department is an equal opportunity employer.

All application filing deadlines, testing procedures and qualifications will be plainly indicated on all announcements and advertisements.

Complaints involving potential violations of EEO rules shall be directed in writing to the Commander of the Personnel Services Unit who will forward the complaint via the chain of command to the Human Resources Department for review.

**Recruitment Procedures** (CALEA 31.2.2)

The Department's recruiting brochures, advertisements, and assorted literature will depict the role of women and minorities in law enforcement.

Recruitment personnel will participate in career fairs hosted by varying institutions. Participation in these recruitment functions is intended to focus on attracting candidates from all ethnic/gender groups pursuing a law enforcement career with the Bellevue Police Department.

To ensure that recruitment goals are met, the Department will recruit from outside its jurisdictional boundaries as necessary.

Regional recruitment is accomplished through position announcements placed in the Washington State Criminal Justice Training Commission monthly publications that have a circulation extending throughout Washington. Recruitment information can also be accessed via the City of Bellevue's web site and via PublicSafetyTesting.com.

Positions are also announced through advertisements placed in regional law enforcement publications such as The Law Enforcement Digest and through other resources such as out-of-state newspapers and magazines.

The Personnel Services Unit will routinely evaluate the selection tools utilized with the Human Resources Department and insure they are job related and not unfairly biased to any ethnic or gender group.

**Reporting Recruiting Progress** (CALEA 31.2.2)

The Personnel Services Unit will continually review the progress in attaining goals set for employment and recruitment as stated in the Department's recruiting plan. If it is determined that the number of sworn officers is not in approximate proportion to the make up of available work force, they will develop a plan of action and a timetable for implementation that is designed to meet the objectives as stated above.

On an annual basis, the Personnel Services Unit will report their progress toward meeting their objectives. If the plan needs to be revised, this will be done in conjunction with the Human Resources Department.

**Employee Selection - Uniform Administration** (CALEA 32.1.3 & .4)

The Department recognizes the need for all elements of the selection process of new employees to be completed in a fair and impartial manner. The standardization of the testing process facilitates this goal. Testing time limits, oral instructions, practice problems (if any), answer sheets, and scoring formulas shall be uniform and applied identically for all candidates.

Candidates for employment will proceed through each phase of the hiring process with trained individuals applying and interpreting standards in a uniform manner. Civil service rules will be followed in accordance with state guidelines.

No candidate will be rejected from the hiring process based on minor omissions or deficiencies noted on the application. When recruiting staff identify missing information and a method of contacting the candidate exists, PSU staff will attempt to contact the candidate and request them to supply the missing information.

**Storage of Selection Materials** (CALEA 32.1.7)

Prospective police department employee selection materials received and/or generated will be stored in a secure manner while candidates are undergoing the selection process. It is the responsibility of the individuals that are evaluating a candidate to have the materials kept in either a locked office or a locked file cabinet when they are not in their direct control.

**Disposition of Candidate Records** (CALEA 32.1.6)

If a candidate is not selected for prospective employment, their records will be maintained by the Human Resources Department for a period of three years before destruction per Washington State Retention Schedule.

**Polygraph Examinations** (CALEA 32.2.6)

Polygraph examinations are an investigative tool and shall not be used as the sole determinant of employment status. The information gained from a polygraph will be used in conjunction with all other information available at the time a decision is made to hire or not to hire. Admissions obtained during a polygraph pretest, test, or posttest interview together with other information may be sufficient to support relevant employment status decisions.

All results from this process are to be considered confidential and viewed/used by appropriate staff only.

**Conclusion of Selection Process – Probationary Period** (CALEA 32.2.10)

As the final part of the selection process, a candidate is offered employment. If employment is accepted, the new employee shall be subject to a probationary employment period. All sworn personnel begin their probationary period on the day they receive their commission or are sworn-in by the Chief of Police. RCW 41.12.100 establishes a three to six month minimum probationary period and provides for longer probationary periods as may be established by Civil Service Commission. The City of Bellevue Civil Service Commission Rule 4.04 establishes the minimum probationary period as 12 months, with provisions for a six month extension.

**Failure to Complete Probation**

An “at will” (probationary) employee who has failed to successfully complete their probationary employment period will receive written notification that they are released from their probationary position for failure to satisfactorily complete their probation and the effective date that the probationary position ends.

The employee will receive the status of benefits through the city's Human Resources Department.

# CHAPTER 18

# UNIFORMS

## 18.00.010 DEPARTMENT UNIFORMS (CALEA 22.2.5)

The purpose of a uniform is to identify the person wearing it as a police officer. Officers are responsible for wearing the proper and complete Department uniform in the prescribed manner except when working in an assignment which requires them to be out of uniform.

Uniformed Officers will wear the proper uniform and carry all necessary equipment for their particular assignment. This policy is applicable to commissioned officers who are required to wear a uniform, and to commissioned officers who are engaged in uniformed off-duty employment as a police officer. All articles of uniform will be kept in good repair and will conform to departmental uniform policy. All commissioned officers are required to maintain at least one complete uniform available for use, no matter what their primary assignment may be (e.g., Investigations Section, etc.).

Complete uniform and equipment specifications are available through the Personnel Services Unit. If there is any doubt as to whether a particular item meets Departmental specifications, the Personnel Services Unit should be contacted. Any addition or modification to uniform apparel or equipment must first be approved by the Chief of Police.

Officers shall not wear any decoration on the uniform without the authorization of the Chief of Police. While in uniform, uniforms will be kept neat, clean, and well pressed at all times. While wearing the uniform, officers will maintain a military bearing - avoiding mannerisms such as slouching, shuffling, or having hands in pockets. The uniform hat or helmet will be worn as required or directed by Division Commanders.

### Commissioned Personnel (CALEA 41.3.5)

All Patrol, Traffic, Bicycle, and School Resource Officers are classified as uniformed personnel and will wear the uniform as specified in these procedures. The Section Commanders will designate those personnel within their sections who are to be classified as non-uniformed personnel.

All Administrative Section, Staff Support Section and Investigations Section personnel are classified as non-uniformed personnel.

All commissioned personnel who are designated as non-uniformed personnel will wear appropriate business attire as determined by the Chief of Police.

Section Commanders will have the authority to prescribe such other clothing as may be required by the nature of the particular duty assignment.

### Non-Uniformed Officers

Officers working in plain-clothes will be prompt to identify themselves when the necessity arises. At the scene of an emergency where it is desirable to display the badge continuously, it will be attached to the belt, on a neck chain or to a breast pocket in plain view.

Uniformed officers will not recognize another officer in civilian clothes unless first addressed by the non-uniformed officer.

## Police Support Officers

All Police Support Officers (PSO's) are classified as uniformed personnel and will wear the P.S.O. uniform specified in these procedures.

## Professional Support Staff (updated August 2007)

Department professional employees other than PSO's are classified as non-uniformed employees and will wear appropriate business attire as directed by the Chief of Police.

The Department has adopted casual business dress for professional employees. These guidelines provide examples of acceptable and unacceptable attire.

It is the responsibility of each employee to exercise good judgment when choosing clothing for the workplace. There may be times when professional business attire is required. For example, if employees are conducting or attending meetings, seminars, roundtables, or where they come in contact with other business professionals, employees are expected to dress in professional business attire.

### Examples of Acceptable and Unacceptable Business Casual Attire

### Acceptable Tops:

- Blouses with or without sleeves
- polo type shirt
- shirts with collars
- sweaters
- knit tops
- turtlenecks
- City of Bellevue/Police department logo wear to include ¼ or full zip sweatshirts without hoods
- fleece jackets approved by the department and purchased for professional staff

### Unacceptable Tops:

- Athletic attire
- exercise wear
- Spandex, Lycra, and tight knits
- bare midriff, crop tops, halter tops, spaghetti straps, tank tops, muscle shirts, or any other revealing attire (exposed tummy, chest or bust line, the observable lack of undergarments or exposed undergarments, see through fabric)
- Unapproved logo clothing

### Acceptable Bottoms:

- Corduroy, cotton, cotton blend, poly or poly blend, wool, twill, capri slacks and trousers.
- Denim (jeans) are acceptable wear for people who are assigned to positions where they have no public contact. The jeans must be in good condition (no holes, tears, frayed).

"Public contact" hours and days are Monday-Thursday 0800-1700hrs. The public viewing room is considered public contact. On Fridays, jeans are acceptable during normal business hours for all professional staff.

*Skirts and dresses of modest length are acceptable*

**Unacceptable Bottoms:**

- Athletic attire
- exercise wear
- Spandex
- sweatpants
- Lycra
- tight knit
- bib overalls
- Leggings
- Revealing attire (low waistband, the observable lack of undergarments or exposed undergarments, see-through fabric)

**Acceptable Footwear:**

- Boat/deck shoes
- boots
- dress shoes with or without heel
- loafers or flats
- open toed or open-heeled shoes
- athletic shoes- (clean and in good shape)

**Unacceptable Footwear:**

- Flip Flops
- rubber thongs
- slippers
- bare feet/socks

## 18.00.020 STANDARD ISSUE UNIFORM

### Uniform Shirt

Officers required to wear a uniform shirt may wear either the long sleeve or short sleeve shirt, year round.

Officers wearing the short sleeve shirt may wear either a white, black, or navy blue crew neck T-shirt or V-neck T-shirt.

Officers wearing the long sleeve shirt may wear either the uniform necktie, a black or navy blue crew neck T-shirt, the Department approved dark blue turtleneck shirt or dark blue dickey.

### Authorized Footwear

The only footwear (shoe or boot) authorized in the Uniforms and Equipment Registry is to be worn with the Department-issued uniform and will conform to the following specifications:

- Black in color

- Plain toe (no stitching, designs or markings)

- Leather (or similar appearing material)

- Capable of being highly polished
- Loafers or athletic shoes of any type, material or construction, are not approved
- Rubber over-shoes for motorcycle officers may be approved

Special footwear is authorized for bicycle officers.

No other footwear, except as stated above, will be authorized for wear with the Department-issued uniform. Officers who are unsure of the footwear standards should obtain pre-approval prior to purchase.

Footwear will be kept highly polished at all times.

**Wearing the Uniform Off Duty** (updated November 2005)

Officers may wear their full uniform when going to and from work.

Officers may, with prior approval in writing from the Chief of Police:

- wear their full uniform or dress uniform off duty when attending personal functions such as weddings or funerals
- wear their full uniform or dress uniform off duty when attending a charity event
- wear their full uniform or dress uniform off duty when attending a dance or ball

## 18.00.030 DRESS UNIFORM

The dress uniform will be issued to all ranks, Lieutenant and above. Officers below the rank of Lieutenant may purchase an authorized Dress Uniform from the Department's current uniform vendor(s) at the officer's expense and wear same in accordance with Department procedures.

The uniform will be decorated with an authorized rank insignia and special insignia. The rank insignia (large) will be worn on the epaulet of the blouse, 1 inch in from the outside seam. On the dress white shirt, the rank insignia (small) will be worn on the collar, 3/4 inch in from the vertical edge of the collar.

Dress uniform shoulder patches will be worn on each sleeve, similar to that previously specified for the uniform shirt.

Gold dress sleeve rank insignia will be worn on each sleeve, full circumference, 3 inches from the bottom of the sleeve as follows:

- Lieutenants will wear a single 1/2" wide band
- Captains will wear two 1/2" wide bands, 1/4" apart
- Majors will wear one 1" wide band
- Deputy Chiefs will wear one 1/2" wide band, 1/4" above a 1" band
- The Chief of Police will wear two 1" wide bands, 1/4" apart

Authorized special insignia, badge, name tag, and shooting badges will be worn on the blouse (jacket) as specified for the uniform shirt.

Longevity stars will be worn on both sleeves of the dress blouse, above the sleeve rank insignia.

When worn without the dress blouse, the dress shirt will have the badge affixed to it, similar to that as worn on the uniform shirt.

The uniform hat, with authorized braid and hat badge, will be worn per United States military practices, when the dress uniform is worn.

Footwear will be kept highly polished at all times

## 18.00.040 SPECIAL EVENTS UNIFORM

A special events uniform is authorized for those officers having long- term (more than one day) assignments at special events such as the Arts and Crafts Fair. This uniform is described in the Uniforms and Equipment Registry.

The Section Commander responsible for the special events will direct which officers will wear the uniform and for what duration the special events uniform is authorized.

## 18.00.050 ISSUED UNIFORM EQUIPMENT

The Personnel Services Unit Commander maintains a registry of authorized uniforms, accessories, and equipment issued to employees. Issued items may depend on assignment. Employees wishing to obtain a current list of authorized uniform items and equipment should consult this registry.

All uniformed officers will maintain their Department-issued uniform and equipment in good condition. Issued clothing will be kept neat and clean and in good repair at all times.

### Utility Cap

Refer to the Uniforms and Equipment Registry for authorized utility caps.

The utility cap is only authorized for wear by:

- Motorcycle, Bicycle and Park Patrol Officers while wearing the uniform authorized for that assignment
- Recruit officers during training only
- Officers assigned to Special Events, or during hot/inclement weather
- Special Details such as the Bomb Squad, Hostage Negotiators, and Criminal Detectives while engaged in short-term duties exclusive to the detail assigned

## 18.00.050 ISSUED UNIFORM EQUIPMENT (updated 10/20/2010)

### Cold Weather Beanie

An optional beanie-style cap may be worn during inclement weather. These caps will be issued by the PSU Quartermaster as needed.

### Uniform Jacket

Only issued jackets may be worn with the uniform and will be as described in the RFP.

### Raid Jacket

A raid jacket, designed to identify the wearer as a police officer at the scene of an unusual event such as a narcotics search warrant or hostage incident, is authorized for officers in plainclothes assignments with the approval of a Section Commander.

The jacket will not be worn with the normal Department Uniform, or replace the Department uniform jacket. The raid jacket will not be worn off duty.

### Bicycle Patrol Patch

The nationally recognized "Bicycle Patrol" patch is authorized for wear by all certified bicycle riders assigned to Bicycle Patrol.

The patch will be worn on the right shoulder of the uniform shirt and jacket in lieu of the police department patch.

### Gun Belt and Related Equipment

The Department-issued gun belt will be worn with the plastic buckle centered at the front of the body. The gun belt will not be worn in such a manner as to slant down or "sag" towards the ground.

The baton carrier will be worn on the hip directly opposite the holster.

The O.C. Spray carriers may be worn anywhere on the belt but not in a location that it may hinder the drawing of the pistol.

Gun belt keepers are authorized and will be worn as necessary to maintain proper appearance.

The radio holder and handcuff case(s) may be worn anywhere on the belt but not in such a location that it may hinder the drawing of the pistol or displace any item listed above.

Mini-mag or similar appearing flashlight holders may be worn anywhere on the belt but not in such a location that it may hinder the drawing of the pistol or displace any item listed above. The carrier will conform in appearance with the other listed accessories.

Glove holders, pagers, cell phones and small knives may be worn on the belt but not in such a location that it may hinder the drawing of the pistol or displace any item listed above.

Any other equipment carried on the pistol belt must have the specific authorization of the Chief of Police.

### Alternate Gun Belts

Officers assigned to the Investigations Section and other regular plain clothes details (such as SDU) will be equipped with a nylon duty belt to carry the duty pistol, handcuffs, ASP baton and pepper spray.

Gun belts, with equipment, are required when detectives engage in hazardous events such as high risk arrests and warrant service.

### Lost, Stolen or Damaged Uniform Items

Employees will immediately report the loss, theft, or damage of any Department-issued uniform or equipment item.

Items lost, stolen, or damaged will be reported, in writing, to the employee's Section Commander for review.

Damage to Department-issued uniform equipment resulting from normal wear or service needs to be reported in writing. It will be the responsibility of the employee's supervisor to determine if the damage was the result of normal service.

Any claims for damage to clothing or other personal property belonging to the employee, caused by performance on duty, will be reported in writing immediately to the employee's Section Commander via the chain of command.

### Re-Issue of Uniform Items

Officers requesting a re-issue of uniform items must submit a "Uniform/Equipment Request" form to the Personnel Services Section. The officer's supervisor and commander will review all such requests and make a determination as to whether the item will be re-issued, repaired, or continued in service.

### Change of Rank

Upon the change of rank of any commissioned officer, it will be the responsibility of the Personnel Services Unit to issue the appropriate equipment. Refer to the PSU Uniforms and Equipment Registry for a list of items issued upon promotion.

Upon the change of rank, termination, retirement or death of a Department employee, it will be the responsibility of the Personnel Services Unit to re-issue or take possession of all Department-issued equipment, whichever the case may be.

## 18.00.060 UNIFORM INSPECTIONS

Supervisors will visually inspect officers on a daily basis, pointing out any items that require attention, repair or replacement.

During the first week of each quarter, supervisors from every uniformed Section/Unit will perform a full and complete uniform inspection of every member of their unit. This may include the officers standing at attention in formation. For further information see the **Inspections** policy in the **Equipment and Property** chapter

## 18.00.070 GROOMING (revised 7/10, 8/10) (CALEA 26.1.1)

All uniformed officers are expected to maintain personal grooming that presents a professional law enforcement image. All other employees will be governed by reasonable standards of business-office grooming and general appearance.

Employees shall cover any visible tattoos, brands, body art, or intentional mutilation by wearing the long sleeve uniform shirt, authorized turtleneck, and/or uniform pants. Provided that employees hired before August 16, 2010 may display their visible tattoos existing as of August 16, 2010, the Chief reserves the right to order these officers to cover their tattoos if a complaint is received. Any visible tattoos obtained or modified after August 16, 2010 shall be covered.

Employees in non-uniform assignments shall cover any visible body decorations: tattoos, brands, body art, or intentional mutilation by wearing clothing that is authorized for their position.

Officers in undercover assignments may display body decorations: tattoos, brands, or body art, when deemed necessary as part of an investigation with approval of their supervisor.

Employees shall not have;

Split or forked tongues
Foreign objects inserted under the skin to create a design or pattern
Enlarged or stretched out holes in the ears
Dental ornamentation
Visible piercings other than those in the ear(s) that present a professional image

Hair will be neatly maintained at all times and worn so as not to be a hindrance to performance of regularly assigned duties.

Sideburns will not extend below the bottom of the ear. The maximum width at the bottom of the sideburns will not exceed 1-1/2".

Clean-shavenness is required except that mustaches are permitted. Mustaches will be neatly trimmed and will not extend more than 1/2 inch beyond the corners of the mouth and not below the corner of the mouth.

Beards will not be permitted, with the following exceptions:

- Personnel with a medical condition which precludes shaving will be required to present a written statement, signed by a physician, verifying such condition

- Personnel assigned to special duty will be exempt from these rules (i.e., undercover narcotic investigation, special intelligence gathering, etc.)

In all cases, this special exemption will be granted by the respective Division Commander.

# CHAPTER 19

# VEHICLES

## 19.00.010 DEPARTMENT VEHICLES

Employees will not use Department vehicles unless they have the consent of a supervisor.

Employees operating Department vehicles will, at all times, drive in a reasonable and prudent manner. Vehicles used in an emergency capacity will be operated in accordance with RCW 46.61.035 and existing Department policy.

### Keys

Whenever an employee is operating a Department motor vehicle, he/she will not leave the keys in the vehicle unless he/she is in visual contact with, and in close proximity of such vehicle. Whenever two or more employees are using a Department vehicle, the driver will be responsible for the security of the vehicle keys. All vehicles will be locked when left unattended.

### Passengers

Employees operating Department vehicles will not permit passengers to ride except when necessary in the accomplishment of an essential Department task or when authorized by a supervisor.

### Citizens Riding as Observers

All requests by persons requesting to ride as observers in Department vehicles will be handled in accordance with the policy on the Department's Ride Along Program 10.8.

### Seat Belts (CALEA 41.3.3)

Employees operating Department vehicles will use the safety belts in all vehicles so equipped, and will require all passengers to use safety belts.

## 19.00.020 VEHICLE EQUIPMENT (CALEA 41.3.2)

### Marked Police Vehicles

Each marked police vehicle shall be equipped with the following equipment:

### Patrol Vehicles

- Shotgun -Remington 870 Police Magnum, 12 gauge 6shells of Remington 00 buck shot loaded in the magazine tube, 5 shells of Remington Slug shot issued to each car
- Twenty 20-minute flares in the trunk
- One fully charged fire extinguisher in the trunk
- One blanket (disposable type acceptable) in the trunk
- One fully stocked first aid kit in the trunk

- One bottle/can of hand disinfectant
- One orange traffic control vest with reflective stripes
- Blood borne response kit in the trunk

**Traffic Vehicles**

Traffic vehicles will be equipped with the above equipment and with the following additional equipment:

- Traffic control warning sign
- One additional blanket
- Three additional flares
- Traffic cones (minimum of 8)
- Accident investigation kit
- One additional traffic control flashlight cone
- One additional reflective vest
- Marking crayons/powder
- One traffic tape measure/roll-a-tape
- One DUI blood draw kit in the trunk

**Motorcycles**

Motorcycles will be equipped with the following:

- Basic emergency first-aid kit
- Reflective vest
- Rain gear
- Marking crayons

**Patrol Supervisor Vehicle**

The Patrol Supervisor's vehicle will carry all of the items carried in a Patrol vehicle plus the following items:

- One public address bullhorn
- One magnum bottle 10% OC spray
- One command post map of city
- One Unusual Occurrence Manual

- One tire spike system and/or Stop Stick tire spike system
- One portable spot light
- One less lethal beanbag shotgun with 20 Def-Tec 23DS rounds
- One TASER

**Inspection**

All vehicles will be inspected for operational readiness by an on-duty squad supervisor, volunteer, or other designated employee on a monthly basis. The inspector shall note which items need to be replaced or replenished. The inspector shall replace or replenish the items from existing stock. The Corporals shall ensure existing stock is sufficient to replenish the vehicles or shall order necessary new items.

## 19.00.030 HI-LOW ABANDONMENT SIREN

Use of the “Hi-low” Abandonment siren mode is meant to be used as a signal of serious emergency circumstances affecting the public. The Department authorizes use of the "Hi-Low" Abandonment siren mode on siren-equipped police vehicles only under the following circumstances:

It will be used only as an evacuation or recall signal when absolutely necessary and only when authorized by a police commander/supervisor, or a Fire Department command officer.

At fire scenes, officers will use the "Hi-Low" siren only at the direction of the Fire Department Incident Commander.

The "Hi-Low" siren will not be used by officers during any emergency or pursuit driving situation.

## 19.00.040 TAKE HOME VEHICLES (revised 12/08)

Recognizing that providing take-home vehicles provides benefits to the community, the Department, and the employee, the following policy establishes guidelines regarding the assignment and use of take-home vehicles that are property of the City of Bellevue.

Employees who are authorized the use of a City vehicle for take-home purposes are to be governed by the following:

- The vehicle shall only be driven by authorized personnel and only for police business. Employees may use the vehicle for personal business while enroute to work or from work. Examples include but are not limited to stopping at daycare, working out at a gym, shopping, attending an event. If the employee is scheduled to be on call, s/he may also drive the city owned vehicle during that period.
- Use of a take-home vehicle shall be voluntary on the part of the employee. The right to deny a take-home vehicle for cause is reserved to the Chief of Police and shall be based on the employee’s misuse of the vehicle and not other job performance or disciplinary reasons.
- An employee may be denied a take-home vehicle, regardless of assignment, if in the judgment of the Chief of Police, the employee’s duties and responsibilities do not justify the assignment of a vehicle, provided that this policy is not intended as a waiver of Guild or BPMA bargaining rights.

- All state and local laws and Department policies, procedures, rules and regulations concerning vehicle operations and equipment use apply to take-home vehicles.

- No employee either on-duty or off-duty shall use that vehicle to visit or patronize any tavern, bar, saloon or similar establishment unless it is in the course and scope of their official duties.

In addition to the above, the following sections of this policy apply to members of the Bellevue Police Officers Guild only.

- Take home vehicles will only be allowed to be driven to and from work and home by those employees in eligible positions who live within a 30-mile radius of City Hall that are within King, Pierce and Snohomish County as designated in the map maintained on the Police GIS website. The map is the primary guide. If the driven mileage is greater than thirty miles, the map is the authority. Vehicles will not be assigned to any employee who typically uses a ferry to return to work. Those employees who live outside the distance restrictions shall be allowed to park their assigned vehicles in a department approved public safety facility within the 30-mile radius restriction.

- Any expansion to the number of vehicles assigned for take home use will be at the discretion of the Chief of Police.

  The Operations Deputy Chief of Police will maintain a list of job assignments that are provided take home vehicles.

## 19.00.050 SPECIALIZED VEHICLES (CALEA 41.1.3)

All Department vehicles shall be used in compliance with City and Department rules and regulations, standard operating procedures for specialty units, specific rules as implemented by the Department's Section Commanders, and/or bargaining unit contract.

### Unmarked Vehicles

The Department utilizes unmarked vehicles for situations requiring undercover operations, for officers and/or detectives working plain clothes assignments, and for special enforcement details such as DUI enforcement. Use of unmarked vehicles for police operations is at the discretion of the Chief of Police or designee.

Unmarked vehicles used for enforcement purposes, such as DUI enforcement or other types of special enforcement operations where it is likely that the officer will respond to emergency calls or conduct traffic stops, will be equipped with emergency lights and siren mounted inconspicuously on the vehicle. Use of unmarked enforcement vehicles, also known as "slick tops" must be authorized by an on-duty supervisor or above.

Decisions regarding the safe operation of unmarked vehicles are the sole responsibility of the operator. The operator must possess a current and valid WA State driver's license and attend a safe vehicle-handling course. Operators of unmarked vehicles, including unmarked enforcement vehicles, shall comply with all appropriate State traffic laws and policy, procedure, rules and regulations of the Department.

The Fleet Maintenance Manager and the Traffic Division Supervisors shall be responsible for ensuring that the vehicle is adequately maintained for its stated purposes/uses.

## Motorcycles

The primary function of the officers assigned to ride a police motorcycle is traffic enforcement and safety. The use of these motorcycles, and the conditions they will be utilized are as follows:

- The Department Motorcycle Enforcement vehicles will be utilized in situations requiring the enforcement of state and local traffic regulations. The vehicle can also be used during special events for traffic/parking enforcement, traffic/crowd control or other traffic motor section business.

- Motorcycles will be used for traffic enforcement, traffic education and safety, special events and for special traffic control functions as assigned by the Traffic Section Commander or a Traffic Supervisor.

Decisions regarding the safe operation of the vehicle, including during inclement weather, are the sole responsibility of the operator. The operator must possess a current and valid WA State driver's license with an unlimited motorcycle endorsement, attend and successfully complete the Bellevue Police Department Motorcycle Operation/E.V.O.C. training. This vehicle is allowed to participate in vehicle pursuits to a limited extent per department policy.

The Fleet Maintenance Manager and the Traffic Division Supervisors shall be responsible for ensuring that the vehicle is adequately maintained.

Additional information regarding motorcycle enforcement operations and procedures may be found in the Motor Officers Manual.

## Bicycles

Bicycles will be provided by the Department and equipped with front and rear lights, and other accessories deemed necessary. The bicycles will be marked with the word "Police". A list of the accessories will be maintained within the Bicycle Unit and approved by Command staff.

The goal of the Police Bicycle Unit is to provide better and more efficient Police services to the community of Bellevue through the use of bicycles. The role of the Police Bicycle Unit includes, but is not limited to:

- Performing pro-active law enforcement

- Community policing/problem oriented policing

- Special events

- Community meetings and presentations

All officers assigned to the full time Bicycle Unit shall successfully complete a certified Police Cyclist course, such as the IPMBA's Police Cyclist course. All officers assigned a Police Bicycle on a part time basis will successfully complete a Department approved training course.

Bicycle Officers will have the option to use a Patrol car during times of inclement weather.

Police Bicycles will only be used to assist with traffic control when a Patrol car is unavailable or not practical.

Bicycle Officers will be selected through the Department approved selection process.

The coordination of Bicycle Officers and the maintenance of the department-owned bicycles will be overseen by those Officers assigned to the full time Bicycle Unit, and they will be directly supervised by the

Neighborhood Services Unit Lieutenant. Bicycle Officers will accept supervisory direction from any on-duty supervisor.

Officers assigned as Bicycle Officers will be issued specialized uniforms, web gear, and bicycles. A list of the type of equipment will be maintained within the Unit. These items will be authorized and approved by Command staff. Any Bicycle Officer reassigned to another function will turn in all specialized equipment to the Unit supervisor.

**Mobile Command Center**

This vehicle is maintained by the Fleet Service Manager and the Administrative Commander to support command, control, and communications coordination during major events or incidents. This vehicle permits the Incident Command staff an on-scene location to access information, deploy resources, and communicate to all other parties who are essential to a successful outcome of the event.

In addition to the above listed primary purpose, this vehicle may also be deployed to support special events, incidents requiring long-term deployment of public safety resources in the field, and other missions as authorized by the Chief of Police or the Chief's designee.

Use of this vehicle will be authorized for use by the Incident Commander and/or the Chief of Police whose personnel are making the request for activation of the Mobile Command Center.

Any agency personnel who are assigned to drive the Mobile Command Center must have completed an orientation course in the operation and driving of the vehicle and have a valid Washington State Driver's License.

The overall care and maintenance of this vehicle will be overseen by the Administrative Commander to ensure it is operational ready at all times.

The Mobile Command Center is primarily equipped with radio, cellular, telephone, and data processing systems. Additional equipment will be added depending on the mission the Mobile Command Center is activated for.

**Special Weapons and Tactical (SWAT) Team Vehicle**

This vehicle is maintained in partnership by the Fleet Maintenance Manager and the Bellevue Police SWAT Team Commander. Its primary purpose is to support the Department's SWAT Team during training and call outs.

Any SWAT Team member can authorize the use of the SWAT van for any legitimate police department or SWAT related business. If this person is not in a leadership position on the team, a SWAT Team Leader or patrol supervisor must be notified of the usage. Any Command rank officer of the police department may authorize usage of this vehicle.

Any agency personnel who are assigned to drive the SWAT vehicle must have completed an orientation course in the operation and driving of the vehicle and have a valid Washington State Driver's License.

The overall care and maintenance of this vehicle will be overseen by the Fleet Maintenance Manager and SWAT Team Commander to ensure it is operational ready at all times.

The SWAT vehicle is primarily equipped with support equipment, breeching equipment and miscellaneous SWAT supplies. A list will be maintained of items kept in the SWAT vehicle and will be inventoried monthly. Additional equipment will be added depending upon the mission that activates the use of the vehicle.

## Special Weapons and Tactics (SWAT) Team Armored Vehicle

The Fleet Maintenance Manager and the Bellevue Police SWAT Team shall be responsible for ensuring that the armored vehicle is adequately maintained for its stated purposes/uses and ready for deployment at all times. The Bellevue Police Department SWAT Team armored vehicle may be utilized in situations requiring the use of an armored vehicle for the primary purpose of rescuing and/or protecting officers and/or citizens during high-risk or critical type incidents. Its deployment is limited to roadways and passageways that are accessible by normal vehicular traffic.

The armored vehicle can also be utilized as an equipment transport/storage vehicle, when appropriate. Examples of approved usage include: using the vehicle as stationary or mobile protection for officers while rescuing downed persons or while conducting a hostage rescue mission; using the vehicle to deploy and protect personnel at a location during a warrant service mission; using the vehicle to transport personnel or equipment in furtherance of police department business; using the vehicle to transport SWAT personnel or equipment to a training location.

Any SWAT Team member can use the armored vehicle for any legitimate police department or SWAT-related business. If the SWAT Team member is not in a leadership position on the team, an on-duty patrol supervisor must be notified of the usage. A minimum of four SWAT Team members must be present for the vehicle to be utilized on any mission involving rescuing downed persons, hostage rescue or any other high risk or critical type incident.

Decisions regarding the safety of the operation of the vehicle are primarily the responsibility of the vehicle operator. However, due to the high-risk nature involving the use of the armored vehicle, ALL other SWAT Team members present will also be held responsible for safe operation of the vehicle and its appropriate usage. The vehicle operator and the other SWAT Team members present must possess a current and valid WA State driver's license to operate the vehicle. They must also have attended the one-hour Armored Vehicle Familiarization Course and the four-hour Tactical Use of the Armored Vehicle Course developed by the BPD SWAT Team.

The armored vehicle will not be used in vehicular pursuits.

There will be no specialized equipment kept in this vehicle.

## Bomb Squad Vehicle and Disposal Trailer

The Fleet Maintenance Manager and members of the Bomb Squad shall be responsible for ensuring that the bomb squad vehicle and disposal trailer are adequately maintained for its stated purposes/uses and ready for deployment at all times.

The bomb squad vehicle and disposal trailer may be utilized in situations requiring the use of a special vehicle to transport bomb detection/analysis/disarming equipment to a scene for bomb technician use, or to remove potentially explosive devices from a scene for disposal. The vehicle and trailer are limited to roadways and passageways that are accessible by normal vehicular traffic.

- The bomb squad vehicle can also be utilized for equipment storage/transport. The following equipment is routinely stored in the bomb squad vehicle and inventoried monthly in association with training or deployment:
    - Bomb Suits, Diagnostic Equipment, Hand Tools, Disruptors, Hook and Line Kit
- Examples of approved used of these vehicles include but are not limited to:
- Transport personnel/equipment to calls for service

- Transport personnel/equipment to training sites

- Any bomb squad team member can used the vehicle or trailer for any legitimated police department or bomb squad-related business. If the bomb squad member is not in a leadership position on the team, an on-duty patrol supervisor must be notified of the usage. A minimum of two squad members must be present for the vehicle to be utilized on any mission involving an actual or suspected device.

- Decisions regarding the safety of the operation of the vehicle are primarily the responsibility of the vehicle operator. However, due to the high-risk nature involving the use of these vehicles, all other squad members present will also be held responsible for safe operation of the vehicles and their appropriate usage. Vehicle operators must possess a valid WA State driver's license and participate in a vehicle and vehicle equipment familiarization course developed by bomb squad members.

- The bomb squad vehicle will not be used in vehicular pursuits.

**K9 Police Vehicles**

The officers assigned to operate one of the 4 police K9 vehicles are assigned as K9 Officers, K9 Training Master, or K9 Supervisor. The Fleet Maintenance Manager and the K9 Supervisor shall be responsible for ensuring that K9 vehicles are adequately maintained for their stated purposes/uses. Bellevue Police K9 vehicles are marked police vehicles that are retrofitted specifically to transport police dogs. K9 vehicles may be used for patrol duties such as: response to emergency calls, traffic enforcement, or any other patrol function as outlined in the K9 Unit Manual.

Decisions regarding the safe operation of the K9 vehicle are the sole responsibility of the operator. The operator must possess a current and valid WA State driver's license and have successfully completed the EVOC training required by the WSCJTC Basic Academy, or Equivalency Academy and any in-service EVOC training provided by the Bellevue Police Department. K9 vehicles are allowed to participate in vehicular pursuits to a limited extent as outlined in the K9 Unit Manual and per department policy.

The rear passenger compartment of K9 vehicles will be specially constructed to safely transport police dogs. Vehicles should also have equipment to control and maintain dogs in the field, such as: water, drinking bowls, K9 first aid kit, tracking harness and leashes.

**Investigations/Evidence Processing Vehicle**

To reduce the number of Department vehicles responding to and from major investigations and to have the processing materials/equipment available in one vehicle, the Department's Investigations vehicle is available to personnel who are assigned to process crime and accident scenes. This will assist in processing scenes in an expeditious and efficient manner. This vehicle is not for emergency driving and is not authorized to make vehicle stops or engage in vehicle pursuits.

The Investigations vehicle is assigned to the Investigations Division, but can be utilized by either the Traffic Unit or the Patrol Division if needed for a scene they are assigned to investigate and process.

The supervisor, or assigned investigator who has oversight of the scene investigation, will decide if it is needed and coordinate access to the vehicle with the Investigations Lieutenant if investigators outside the Investigations Division are utilizing it.

Any officer driving the vehicle must have completed an orientation course in the operation and driving of the vehicle. The assigned investigator who will have oversight of the vehicle's use will coordinate this.

An Investigations Supervisor will designate an employee who will be responsible for the upkeep, maintenance, and restocking of necessary supplies. After the vehicle is used, investigators who were utilizing it will determine if additional stock is needed to replenish what was used and coordinate with the designated detective responsible for the vehicle to ensure items are replaced.

A list of equipment and scene processing supplies that will be maintained in the vehicle can be found affixed to the overhead storage bin.

**Parking Enforcement Vehicles**

The Department's Parking Enforcement vehicles should be utilized in situations requiring the enforcement of parking regulations and abandoned vehicle complaints. The vehicle can also be used during special events for traffic/parking enforcement, traffic control and deploying personnel as needed, or other traffic division business.

The Traffic Section Commander or Traffic Supervisor may authorize any commissioned Bellevue Police Officer or Police Support Officer use of the vehicle for parking enforcement or other department related business.

Decisions regarding the safe operation of the vehicle are the sole responsibility of the operator. The operator must possess a current and valid WA State driver's license and attend the safe vehicle-handling course. This vehicle is not to be used in a patrol capacity. Volunteers assigned to limited parking enforcement may also use a parking enforcement vehicle with proper training.

The Fleet Maintenance Manager and the Traffic Division Supervisors shall be responsible for ensuring that the vehicle is adequately maintained.

## 19.00.060 DEPARTMENT VEHICLE COLLISIONS

All motor vehicle collisions involving Department vehicles will be reported and investigated. Collisions will be reviewed by an Accident Review Board and further Department action will be determined, in part by the result of that review.

The driver of any Department vehicle (or any private vehicle being used for City business) involved in a collision, resulting in injury to or death to any person, or damage to any property, will immediately stop such vehicle at the scene of such accident and give his/her name, address and vehicle license number and will exhibit his/her driver's license to any person struck or injured or the driver or any occupant of, or any person attending any such vehicle collided with, and will render to any person injured in such collision, reasonable assistance.

Motor vehicle collisions involving Department vehicles will be reported and handled in accordance with existing City Policy and Department collision investigation procedure.

Whenever the driver of any Department vehicle (or any private vehicle being used for City business), involved in any collision is physically incapable of making required report(s) and there is another occupant in the vehicle at the time of the collision capable of making a report, such occupant will make or cause to be made such report.

The driver of a Department vehicle (or any private vehicle being used for business) involved in a collision will:

- Immediately notify NORCOM and their supervisor if the collision occurred within the city limits of Bellevue

- Immediately report the collision to the police agency or jurisdiction if the collision occurred outside the city limits of Bellevue and notify a supervisor

- Not move the vehicle from the collision scene until the arrival of the investigative officer, except under unusual or emergency conditions

The driver of a Department emergency vehicle involved in a collision may leave the scene of the collision before the arrival of an investigating officer when:

- The driver is engaged in an emergency response; and

- There are no injuries; and

- No other aid is immediately required; and

- The driver has given sufficient identification to the other driver; and

- The other driver has been advised to contact the Bellevue Police Department

- NORCOM has been advised of the collision

**Collision Investigation**

Motor vehicle collisions involving Department vehicles (or private vehicles being used for City business) on either a public street or private property will be investigated in accordance with this procedure and the following:

- Collisions occurring in the City of Bellevue, when there is injury to or death of any person, or damage to the property of any one person equal to or exceeding the State minimum dollar amount for reportable collisions (RCW 46.52), will be investigated by the Traffic Unit and reported to the State by the investigating officer and the driver(s) of said vehicle(s), as required by existing state law. In addition to the state reports, the driver(s) will submit a complete written report detailing the circumstances of the collision to the Traffic Unit.

- Investigating collisions occurring outside the City of Bellevue is the responsibility of the agency having jurisdiction where the collisions occur.

If the agency of jurisdiction declines to investigate the collision, the driver(s) will notify the on-duty traffic supervisor as soon as possible. In addition, the driver(s) will submit a complete written report describing the circumstances of the collision to the Traffic Unit.

The Traffic Section Commander may direct that a parallel investigation be completed on certain city vehicle collisions occurring outside the City.

**Accident Review Board**

An Accident Review Board will review the circumstances attending to each Department motor vehicle collision. The Board will consist of the following members:

- The Traffic Unit Commander

- The Traffic Unit Accident Investigation Supervisor

- A representative of the City's Risk Management Office
- A representative of the Patrol Section

The Board will decide if the collision was preventable or non-preventable in accordance with current Accident Review Board Guidelines.  Accident Review Board Guidelines are maintained in the Traffic Unit.

# CHAPTER 20

# EQUIPMENT AND PROPERTY

## 20.00.010 DEPARTMENT EQUIPMENT/PROPERTY 01/2006

All equipment will be clean, in good working order, and conform to Department specifications.

Department-owned property will only be issued or reissued to authorized users.

Employees will maintain Department property and equipment assigned to them in good condition.

### Damaged - Inoperative Equipment/Property

Employees will immediately report any damage to departmental property to their supervisor. The immediate supervisor will be notified of any inoperative, defective, or hazardous conditions existing in any Department equipment or property. In the event that Department property is found bearing evidence of damage which has not been reported, it will be prima facie evidence that the last person using the property or equipment was responsible.

### Repair of Equipment

It is incumbent upon all employees to maintain their issued equipment in good order, and to make appropriate and timely notification to the appropriate supervisor and/or appropriate agency for necessary repairs or maintenance.

With the exception of what would be generally accepted as routine inspection, maintenance and cleaning, employees will not dismantle or attempt to repair any Department equipment unless they are qualified and authorized to do so.

### Lost - Stolen Equipment/Property

Employees will immediately report to their supervisor the loss or theft of any departmental property assigned to or used by them, whether the assignment or use is permanent or temporary. Employees will be responsible for the cost of replacement of Department property damaged or lost due to their negligence

### Surrender of Equipment/Property

Employees are required to surrender all Department property in their possession upon separation from the Department, or when otherwise so instructed by a supervisor.

When an employee's employment is terminated, they will make an appointment with the PSU to return all Department owned property. This will be cross checked with the last inventory form on file for the employee. After the PSU has collected the returned items, the property will be evaluated as to whether they can be reissued or need to be disposed of.

### Individual Lockers (updated 01/2006 and 10/20/2010)

Any employee assigned an individual locker assumes total responsibility for maintaining the condition and security of said locker. A suitable lock will be provided by the Department, and failure to properly secure the lock will void any right of the employee to recover from the City for the loss of personally owned property. The only locks allowed to be used on department lockers are the ones issued by the department.

Locker exteriors will remain free of pictures, notes, stickers or personal markings, with the exception of a department designated name plate.

**Use of Cellular Telephones 10/2005**

City-owned or leased cellular telephone lines shall be used only for department business. An available conventional telephone is preferred for department business because it is confidential, secure, and cost-effective. Use of a city cellular phone line for personal use is specifically prohibited, except when urgent circumstances require cell phone use. The employee is required to remit the full amount owed for personal calls within 30 days of first notification by the department. If the employee provides reasonable proof of inability to pay within 30 days, a practical payment plan will be agreed to between the employee and the city to remit the full amount to the City.

The City of Bellevue, in compliance with state requirements, must audit all city-owned cellular telephones and their use, which will include, but not be limited to, a review of the monthly billing. A second line may be installed at the employee's expense to accommodate personal calls. The personal line and its use shall be billed directly to the employee at the address s/he supplies. The assigned employee will be responsible for the personal billing.

Special features such as direct connect or talk groups should be limited to non-critical incidents. Conventional methods should continue to be used for all tactical situations to ensure dispatch, officers and supervisors are aware of the situation unless conventional means are not possible.

**Wireless Communication While Operating a Department Vehicle 9/2008**

This section of this policy is intended to ensure that BPD policy is consistent with Washington State law. Under RCW 46.61.667, a person operating a moving motor vehicle while holding a wireless communication device to his or her ear is guilty of a traffic infraction.

Employees will not operate a moving department vehicle while using a wireless communication device except in the following circumstances;

- The vehicle is an authorized emergency vehicle, which is defined as a Department vehicle equipped with lights and a siren.
- The device is in hands free mode, which is defined as using a speakerphone, headset, or earpiece;
- The employee is using the device to;
    - Report illegal activity;
    - Summon medical or other emergency help; or
    - Prevent injury to a person or property.

**Moving of Property**

Employees will not alter or move equipment, furnishings, or property outside of the Section to which the property is assigned without permission of the commanding officer of the section.

## 20.00.020 ISSUING PROPERTY AND EQUIPMENT(CALEA 17.3.1 & .5.2)

Property purchased for Department use must be obtained in accordance with the procedures as outlined in the city's "Purchasing Cookbook." Oversight for Department-owned property issued to personnel shall be delegated by the Deputy Chief of the Administrative Services Division. The actual issuing of property to employees will be completed by the Personnel Services Unit (PSU). Equipment used in specialty units will be issued through the commander of the unit.

When an employee is hired by the Police Department, the PSU will document any property that is issued to the new employee on a Clothing and Equipment form. Every effort will be made to reissue equipment and clothing that has been turned in from previous employees and is still in good working or usable condition. Employees will sign the form after they have received their equipment.

## 20.00.030 OPERATIONAL READINESS OF EQUIPMENT(CALEA 17.5.3)

Stored Department property will be maintained in a state of operational readiness.

It is the responsibility of each supervisor to check the condition of Department property issued to them, their squad or unit, and the personnel assigned to them as part of routine inspection duties to be conducted at least every six months. All equipment will be checked for operational readiness. Operational readiness includes care and cleaning, preventive maintenance, repair, and responsiveness.

It is incumbent upon all employees to maintain their issued equipment in good order, and to make appropriate and timely notification to the appropriate supervisor and/or appropriate agency for necessary repairs or maintenance.

## 20.00.040 PERSONAL EQUIPMENT (CALEA 41.3.4)

Police officers are required to register with the Department, the description and serial numbers of all personal police equipment they may carry. Only equipment authorized by the Department may be carried on duty.

## 20.00.050 BODY ARMOR (CALEA 41.3.5 & .6)

The Department wishes to maximize officer safety through the use of body armor in conjunction with other Department-issued safety equipment and safety procedures. Wearing of body armor by uniformed personnel, and some sworn officers in plain clothes assignments, shall be mandatory under the conditions explained in the procedures associated with this policy.

### Issuing Body Armor

Officers will be issued body armor. Issued body armor and the Department's replacement procedures will conform with standards prescribed by the Personnel Services Unit with the approval of the Chief of Police.

### Use of Body Armor

Commissioned police officers and Police Support Officers, in uniformed assignments, are required to wear the issued body armor while on duty and while in uniform performing authorized off-duty employment unless exempted as follows:

- When a Department-approved physician determines that an officer has a medical condition that would preclude the wearing of body armor
- When temporarily exempted by a supervisor or command officer for a period no longer than two work days based upon the determination that circumstances make it inappropriate to mandate body armor

Commissioned officers in a non-uniform assignment are required to wear body armor when:

- Engaged in police activity involving risk or personal injury, i.e., raid, search warrant, high risk arrests
- Directed to wear body armor by a supervisor or command officer

During periods of hot weather (80 degrees Fahrenheit or higher), officers, with approval of their supervisor, are authorized to remove the rear armor panel.

Officers will wear only Department-approved body armor.

Officers wearing dress uniforms are not required to wear body armor.

Supervisors are responsible for ensuring that body armor is worn, properly maintained and that replacement is sought for worn or damaged body armor.

Officers are responsible for proper care and maintenance of body armor in accordance with manufacturer's instructions and training received from the Personnel Services Unit.

Body armor that is worn or damaged will be replaced as necessary.

**Personnel Services Unit Responsibilities**

The Personnel Services Unit will be responsible for:

- Ensuring officers are properly fitted with body armor to allow for as much comfort as possible
- Reviewing technological advances that may necessitate a change in body armor
- Training programs that inform the officers about body armor and emphasize its safe and proper use
- Replacing damaged or unreasonably worn body armor

## 20.00.060 SPECIALIZED EQUIPMENT (CALEA 17.5.3 & 46.1.8)

The Bellevue Police Department maintains specialized equipment to be used during unusual occurrences.

The equipment is assigned to the specialized units and maintained by the assigned commander or designee of the following units:

- SWAT Team
- Negotiators
- Bomb Squad
- Crowd Control Unit

An inspection of the equipment shall occur quarterly, at a minimum. Refer to the individual team or unit manual for equipment lists.

## 20.00.070 CRIME SCENE EQUIPMENT (CALEA 83.2.4)

Officers will be supplied with the equipment necessary to properly process crime scenes in a timely and efficient manner. To assist with processing of a major accident or large/complex crime scene, the Department has an Accident Investigations Trailer, Accident Investigations Van, and an Investigations Division Van. The vehicles and trailer are equipped with materials and supplies that can aid in securing, preserving, and processing accident/crime scenes.

Access to the Traffic Unit trailer and Accident Investigations Van should be coordinated through a Traffic Unit supervisor and use of the Investigations Division Van should be coordinated through an Investigations Unit supervisor when possible.

The minimum equipment to be provided to those whose responsibility it is to process scenes will include, but not be limited to, the following:

- **Latent Print Recovery Kits**

Latent print recover kits are issued to each Patrol Officer. Additional Supplies can be obtained by coordinating efforts with their supervisor, the evidence technician program supervisor or any evidence technician. Detectives will have latent print recovery equipment available in their supply room and in the Investigations Division van.

- **Photography Equipment**

Some officers have Department-issued cameras. Officers not possessing a camera may request one from an evidence technician or another officer. For enhanced photography capabilities, officers can coordinate with the Investigations Division for access to a variety of cameras or the services of the Department's contracted professional photographer.

- **Sketch and Diagram Materials**

Both the Traffic Unit and Investigations Division have materials that are available to all personnel to assist them in sketching and/or diagramming a crime or accident scene.

- **Packaging Materials**

These are required to collect and preserve physical evidence. They are maintained in the evidence room in City Hall, patrol car trunks, and in the Investigations Division Van.

- **Accident Investigation Supplies**

Accident Investigation Supplies are located in the Traffic Unit vehicles and in the Accident Investigations Van and Traffic Unit Trailer. If Patrol Officers have occasion to need additional materials, aside from what is already carried in their vehicles, they can access these items by contacting an on-duty supervisor or Traffic officer.

## 20.00.080 RESPIRATORS

### SCBA

SCBA means an atmosphere-supplying respirator for which the breathing air source is designed to be carried by the user.

Personnel assigned to the Explosive Unit will enhance safety of operations through the use of SCBA worn in conjunction with other department-issued safety equipment during the performance of their duties.

### SCBA Issuance

SCBA will be issued only to department explosive unit officers who have been medically cleared by an approved physician/licensed health care professional (PLHCP).

SCBA will be used only by explosive unit officers who have passed an annual quantitative fit test.

Issued SCBA, and the related repair and replacement procedures will conform to the standards established by manufacturer, the state, and city.

**SCBA Use**

Explosive unit officers may be required to use SCBA under certain situations during the course of their duties.

Explosive unit officers may be exempted from wearing Air Purifying Respirators for the following reasons:

- When a PLHCP determines that an officer has a condition that would preclude wearing SCBA
- When the officer displays any medical and/or physical conditions that would prohibit the wearing of SCBA
- When exempted by a supervisor

Explosive unit officers will use only state approved SCBA equipment.

SCBA equipment will be inspected prior to use and on a monthly basis.

**Maintenance and Repairs**

The Explosive Unit Commander or designee is responsible for ensuring that the SCBA equipment is properly worn and used, inspected and maintained, and that worn or damaged equipment is repaired or replaced.

Repairs or adjustments to respirators must be made only by persons trained to perform such operations, who must use only the respirator manufacturer's NIOSH-approved parts designed for the respirator.

Repairs must be made according to the manufacturer's recommendations and specifications for the type and extent of the repairs to be performed.

Reducing and admission valves, regulators, and alarms must be adjusted or repaired only by the manufacturer or a technician trained by the manufacturer.

Individual explosive unit officers are responsible for the proper wearing and use, care and maintenance in accordance with manufacturer's instructions and state standards of individual SCBA equipment.

**Bomb Squad Commander Responsibilities**

The Bomb Squad Commander will be responsible for:

- Ensuring each explosive unit officer is medically cleared to wear SCBA
- Coordinating annual SCBA training
- Ensuring the related records are maintained for each explosive unit officer issued SCBA

**APR**

APR means a respirator with an air-purifying filter, cartridge, or canister that removes specific air contaminants by passing ambient air through the air-purifying element.

It is the policy of the Department to maximize uniformed personnel safety through the use of air purifying respirators (APR) in conjunction with other department-issued safety equipment during the deployment of crowd control agents (chemical munitions/gas), diversionary/distraction devices, or other tactical situations.

**APR Issuance**

After receiving medical clearance by an approved physician/licensed health care professional (PLHCP), commissioned uniformed personnel will be issued an APR (and appropriate filter) and carrier.

The issued APR will conform to the standards prescribed by the State and PSS.

Commissioned uniformed officers will undergo annual quantitative APR test fitting and training.

**APR Use**

During an unusual occurrence, commissioned uniformed personnel may be directed by a supervisor or command officer to wear an APR while performing crowd control & dispersal duties or other tactical duties.

Commissioned uniformed personnel will wear only department issued and approved APR.

Commissioned uniformed personnel will be exempted from wearing an APR for the following reasons:

- When a PLHCP determines that an officer has a medical condition that would preclude wearing an APR
- When the personnel displays any medical and/or physical conditions that would prohibit the wearing of an APR
- Personnel displaying facial hair that interferes with a proper fit and seal of the APR
- When exempted by a supervisor or command officer

**Maintenance**

Supervisors are responsible for ensuring that personnel properly care and use the APR. Supervisors will ensure that APR's are properly maintained, repaired, and replaced as necessary.

Repairs or adjustments to respirators must be made only by persons appropriately trained to perform such operations, who must use only the respirator manufacturer's NIOSH approved parts designed for the respirator. Repairs must be made according to the manufacturer's recommendations and specifications for the type and extent of repairs to be performed.

Each officer is responsible for the proper care, maintenance, and monthly inspection of their assigned APR in accordance with the manufacturer's instructions, state requirements, and training.

APR's that are damaged or worn beyond repair will be repaired and/or replaced as necessary by trained personnel.

**Patrol Section Responsibilities**

The Patrol Section Major will be responsible for:

- Ensuring each commissioned uniformed officer is medically cleared to wear an APR

- Ensuring each commissioned uniformed officer is issued an APR, filter, and carrier
- Ensuring related records are maintained for each commissioned uniformed officer issued an APR
- Coordinating the annual APR training programs
- Coordinating the repair and replacement of worn and damaged APR

## 20.00.090 BUILDINGS AND KEYS

**Security** (CALEA 72.4.11)

Any employee who becomes aware of a threat to any department facility or any person there-in must report the threat to an on-duty supervisor immediately and document the incident with a case report.

**Care of Department Buildings**

Employees will not mar, mark or deface any surface in any departmental building. No material will be affixed in any way to any wall or surface in or on departmental buildings without specific authorization from a supervisor.

**Department Keys**

Employees will have in their possession only those Department keys assigned to them by a supervisor, and will obtain permission from their supervisor before having duplicates made of any Department key, or before lending or furnishing Department keys to unauthorized person/s. This includes electronic cardkeys issued to employees.

## 20.00.100 INSPECTIONS (CALEA Chapter 53)

The Department requires regular inspections of facilities, equipment, personnel, and operational guidelines. These inspections are normally performed by Section Commanders, Captains, supervisors or another assigned employee, with a frequency that ranges from daily to annually, depending on the particular function to be inspected. Inspections include commissioned and non-commissioned personnel, their equipment and facilities.

**Line inspections**

Assigned personnel (Police Support Officer (PSO), Officer, Supervisor or Captain) will utilize the necessary inspection document, if applicable, and complete the inspection and documentation in a timely fashion. Except for daily visual inspections of personnel, vehicles, and facilities, most inspections are documented on check sheets and are maintained by the person assigned the task, with a copy being sent to the Operations or Administrative Services Office Manager.

**Inspectional areas and frequency of inspection**

- **Appearance, uniform, equipment** – daily roll calls conducted by the supervisor. Repeat discrepancies to be noted by the supervisor on the officer's monthly activity log, supervisor comment section.
- **Case reports, operational paperwork** – daily by the squad supervisor. Repeat discrepancies to be noted by the supervisor on the officer's monthly activity log, supervisor comment section

- **Personnel Performance** – evaluations to be completed annually (includes knowledge and application of standards)

- **Vehicles** – monthly, by volunteer staff; inspected daily by officers. Damage and safety issues to be reported immediately to a supervisor. A list of vehicle damage, safety and equipment issues will be included in each Section's Quarterly report.

- **Armory equipment** – includes: special weapons, extra service weapons, shotguns, less lethal, Taser, AR-15, for operational readiness – monthly, assigned by the SWAT Commander. Operational readiness and equipment condition will be documented in the Quarterly report.

- **First aid kits, holding cells, booking area safety and security** – daily/weekly written report by PSO. Records of the safety checks will be maintained by the Holding Facility Supervisor. Equipment and facility condition will be reported in the quarterly report.

- **Police facility** – cleanliness, good repair, security – all employees are expected to report observed facility problems to a Watch Commander or Supervisor during their shift. The Patrol Captain or his/her designee, who is assigned the responsibility of the facility, will check both interior and exterior on a weekly basis. A report on police facility conditions will be included in each Section's quarterly report.

- **Uniform and Issued Equipment** – at least annually, as directed by section Commanders, all commissioned personnel must have their uniforms and equipment checked for operational readiness and to ensure that all issued equipment is accounted for.

- **Emergency equipment for operational readiness** – includes SWAT and Crisis Negotiations Teams - monthly by the SWAT Commander or his/her designee. A status report will be included in the SWAT Commander's quarterly report.

- **Other areas** – as assigned by the Operations or Administrative Services Deputy Chiefs or Chief of Police.

**Corrective Measures**

Supervisors are expected to take corrective action immediately for minor problems that become evident during inspections.

If a problem is of such a nature as to require repair or replacement of equipment, a memo will be directed to the appropriate Command staff officer stating the nature and cause (if known) of the problem, and the corrective action or repair necessary.

In all cases where it was determined that corrective action was necessary to the extent a report was made, the person who conducted the original inspection will re-inspect the person, procedure, or area of the building to ensure that corrective action has been taken. This shall be completed within thirty (30) days of the original inspection.

Written reports detailing the status of the various functions, programs, and inspections/audits are outlined in quarterly reports or in a separate report to the Chief of Police. Section Commanders have the responsibility to insure that these reports include all the mandated reporting requirements.

Written reports to the Administrative Services Division Deputy Chief of Police are required for the annual uniform and equipment inventory if the inspection shows any deficiencies.

Written evaluations will be submitted through the chain of command to the Chief of Police annually and as directed, usually on an employee's anniversary date or as part of a disciplinary action.

The Investigations Commander or his/her designee will perform monthly inspections on the special investigation fund and paperwork.

The Property & Evidence Technician will submit a report to the Chief of Police after each annual auction.

The supervisor of the evidence function will inspect the evidence area on a quarterly basis.

The Chief of Police may require other inspectional reports as necessary for a particular request, requirement, or law.

**Patrol Line Inspection**

Patrol, Traffic, and Courts and Custody Unit Supervisors are required to perform "line inspections" on a semi-annual basis. Line inspections will be performed during the fifteen-day period immediately following the January and June shift changes. Inspections include commissioned and non-commissioned personnel, their equipment, and facilities. It is the responsibility of the Captains to ensure that their Supervisors perform the necessary line inspections.

Within fifteen days of the January and June shift changes, each supervisor will report in writing to their assigned Captain the names of personnel inspected, any uniform and equipment deficiencies found, and what corrective actions were taken. The assigned Captains will then submit these reports to the "Line Inspection Patrol Captain" who will prepare a written summary for the Patrol Section Major.

**Inspection areas**

- **Appearance, uniform, equipment**

Each supervisor will make sure that each of his/her assigned officers have the proper uniform and equipment and that all equipment is in proper working condition (see checklist).

- **Personal performance**

Each supervisor will ensure that an annual evaluation has been conducted for each of his/her assigned officers during the previous year.

**Inspection checklist**

Each supervisor will complete a line inspection checklist for each of his/her assigned officers. Each supervisor will list any deficiencies observed and what corrective actions have been taken to remedy any deficiency.

Each supervisor will ensure that all remedial actions have been completed within 30 days of the initial inspection when the deficiency was discovered.

**Investigations and ENTF**

Unit Supervisors are required to perform "line inspections" on a semi-annual basis. Line inspections will be performed during the fifteen day period immediately following the March and September shift changes. Inspections include commissioned and non-commissioned personnel, their equipment, and facilities. It is the responsibility of the Captains to ensure that their Supervisors perform the necessary line inspections.

Within fifteen days of the March and September shift changes, each supervisor will report in writing to their assigned Captain the names of personnel inspected, any uniform and equipment deficiencies found, and what corrective actions were taken. The assigned Captains will then submit these reports to the Investigations Section Major.

## 20.00.110 WORKPLACE INSPECTIONS 01/2006

To establish uniform guidelines for the inspection and maintenance of employee work areas. Employees do not have a reasonable expectation of privacy in the workplace.

In order to promote effective utilization of Department Property and the areas used by Department personnel to perform their duties, it is necessary to ensure that all Department resources are being used for their intended purposes. The practice of performing workplace inspections for work related reasons may be conducted in order to supervise, control, and maintain the efficient operation of the Department, its property and its personnel. Should the Department determine to conduct a general inspection, a two week prior notice will be given to employees.

For the purpose of this policy, the term “workplace” includes those areas and items owned and issued by the department. Inspections of the workplace may be made for legitimate work related reasons.

### Use of locks

All lockers, desks, file cabinets, offices, and other areas of the workplace will be secured only by Department issued locks.

A spare or extra key to all desks, file cabinets, City Vehicles, and other areas of the workplace except lockers will be maintained by the Personnel Service’s Unit Captain. A master key or combination to lockers will be maintained only by the Chief or Deputy Chief of Operations and kept in a secured location. No duplicate keys will be made.

### Inspections (updated 10/20/2010)

The employee will be notified of an inspection unless the notification may compromise the investigation, and offered the opportunity to be present for the inspection where reasonably feasible and timely.

Inspections of the workplace will be conducted by supervisory personnel, except that locker inspections may be conducted by only the Chief or the Deputy Chief.

Personal property will only be inspected in accordance with the general law.

# BELLEVUE POLICE DEPARTMENT MANUAL

## CHAPTER 21

## INVESTIGATIONS

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### 21.00.010 CRIMINAL INVESTIGATIONS (CALEA 42.2.1)

Only sworn officers of this Department conduct criminal investigations. When initiating or being assigned to a criminal investigation, officers will strive to develop information through appropriate and available resources, including but not limited to witnesses, victims, informants, evidence collection, surveillance, and gathering background information. Officers must follow laws, policies, rules and regulations as well as their training when utilizing existing investigative resources, and will conduct themselves in a courteous and professional manner. Self-assigned criminal investigations are strictly prohibited.

Unless directed by a supervisor, employees will not provide information about a criminal investigation to sources outside the law enforcement community. If an employee has Information believed to be "newsworthy" s/he should seek clearance for the release of information via their supervisor so the release may be coordinated through the Public Information Officer.

### 21.00.020 PRELIMINARY INVESTIGATIONS 08/20/05 (CALEA 42.2.1)

Unless otherwise directed, Patrol Section and/or Community Services Section personnel will conduct a preliminary investigation on matters reported to the Department. When a preliminary investigation results in a report, upon completion of the report, a Patrol supervisor will determine the need for follow-up and disposition of the case. Investigations which cannot be conducted by members of the Patrol Section due to time, lack of resources, and/or expertise, will be referred to the Investigations Section for review and assignment.

The Investigations Division may initiate preliminary investigations of an administrative or sensitive nature. Such investigations include but are not limited to vice, white collar crimes, and other investigations types as assigned by an Investigations Supervisor or above.

Preliminary investigations are often sufficient to document and close a case, or provide the information necessary for filing of charges. The following steps shall be completed as part of the preliminary investigation:

- Observing all conditions, events, and remarks
- Locating and identifying witnesses
- Maintaining the crime scene and protecting evidence
- Interviewing the complainant and witnesses
- Interviewing/Interrogating the suspect
- Arranging for the collection of evidence
- Effecting the arrest of the criminal
- Reporting the incident completely and accurately

The completion of a preliminary investigation will not preclude the investigating officer from being assigned to the follow-up investigation by his/her supervisor.

**Vice, Narcotics, and Organized Crime Complaints**(CALEA 43.1.1)

The Department recognizes that valuable information regarding vice, narcotics, and/or organized crime may come from diverse sources. When vice, narcotics, and organized crime complaints are received by any commissioned member of the Department a case report with complaint number will be initiated. Upon completion of the preliminary investigation (see above steps for a preliminary investigation), the officer will forward the completed initial case report to his/her immediate supervisor. The supervisor will either:

- Re-assign the case to the officer for further investigation,
- Assign the case to the Investigations Section for follow-up investigation, or
- Assign the case to the Eastside Narcotics Task Force for follow-up investigation.

All vice, narcotics, and organized crime complaints will be investigated to the fullest extent possible. Depending on the nature of the investigation it may become necessary to refer the investigation to an outside agency.

The Investigations Major is responsible for ensuring the Operations Division Deputy Chief and the Chief of Police are promptly advised of any significant activity regarding ENTF investigations.

All vice, narcotics, and organized crime complaints will be tracked and maintained by case number. Case reports will be maintained according to Department procedures.

If information is received that pertains to an outside jurisdiction then an “Assist Official Agency” report and case number will be initiated and the information forwarded to the outside agency. If information is received from an outside jurisdiction then a vice, narcotics, or organized crime report and case number will be initiated, and the outside jurisdiction case report number will be referenced in the report.

**File Maintenance and Security** (CALEA 43.1.2)

All records and reports on active undercover investigations shall be kept secured in a locking file cabinet in the Eastside Narcotics Task Force office. When a member of the Task Force is not present, the files shall remain locked. When an internal inquiry pertaining to any of the suspects and/or informants listed in the reports is received, it shall be handled by the detective assigned to the investigation and/or the Commander of the Eastside Narcotics Task Force or his designee. Release of this information shall be closely scrutinized.

**Physical Evidence** (CALEA 83.2.1)

Physical evidence supporting the criminal investigation will be developed, collected, and preserved per standard practices and in compliance with evidence policies, rules and regulations in this manual and the Department’s **Property/Evidence** Manual.

The Washington State Criminal Justice Training Commission and Washington State Patrol Crime Laboratory may serve as resource and final authority on changes in evidence procedures and should be contacted when questions arise. All methods of handling and processing evidence are subject to change as technology changes.

More detailed information may be found on this topic in the policies in the **Evidence System** chapter.

### Criminal Background Investigations

Background investigations on suspects may include the following information:

- Criminal history
- Financial assets and history
- Arrest warrants
- Weapons permits
- Associated vehicles
- Vehicle registration status (computerized license enforcement file - CLEF)
- Field contacts (FIR)
- Threat assessment
- Identification of other safety risks

Dissemination of background information will be in accordance with RCW 10.97.070 and RCW 42.17.310 (d) and (e).

Background investigation records will be maintained in the case file and retained for a minimum period of six years after the case is closed.

**Surveillance Procedures** (CALEA 43.1.5)

Personnel conducting surveillance operations should attempt to keep the danger to the general public at a minimum.

## 21.00.030 FOLLOW-UP INVESTIGATIONS (CALEA 42.2.2)

When a preliminary investigation cannot provide sufficient information to satisfactorily complete a case, a follow-up investigation may be necessary. An Investigations Supervisor will assign and direct the follow-up investigation of a case and maintain a record of the cases to be investigated. Case records will include the name of the assigned patrol officer, community services officer or detective, case disposition, and other pertinent information.

A follow-up investigation shall include:

- Organization of investigation goals to facilitate identification and apprehension of the suspect(s)
- Reviewing and analyzing reports prepared in the preliminary investigation phase
- Conducting any additional interviews/interrogations that aid in the investigative process
- Seeking additional information through discussion with other officers, use of informants or other contacts
- Reviewing departmental records to locate supportive background information and criminal history to determine suspect involvement in other crimes

- Consulting outside agency resources such as civilian experts or a telephone company
- Review of the results from laboratory examinations
- Dissemination of information to outside agencies as appropriate
- Planning, organizing, and conducting searches or recovery of items pertinent to the investigation including the collection of physical evidence
- Preparing cases for filing with the City Prosecutor or King County Prosecutor's Office
- Assisting the prosecution, i.e., acting as liaison to witnesses and others associated with court proceedings
- Identifying and apprehending suspects not otherwise indicated in preliminary report
- Associating suspects with unreported/previously reported crimes, and initiating the investigative process thereafter

Cases requiring follow-up investigation may include second contact with victims and witnesses as part of the investigative process. Second contact should occur, when applicable, within 72 hours following the assignment of the case to an investigator. When the case is closed, the victim will be contacted, by the investigator, and advised of the status of the case.

## 21.00.040 INVESTIGATION CHECKLISTS

The Department's field report, when properly prepared, serves as a satisfactory checklist for most investigations. However, more complicated investigations require additional efforts.

Criminal investigations which exceed the scope of initial reporting and follow up may incorporate checklists to ensure critical investigative details are not overlooked.

Investigations Supervisors will monitor the application and use of checklists as they relate to assigned cases.

## 21.00.050 CASE MANAGEMENT SYSTEM

The Department shall have a case screening, assignment, and management system designed to provide accountability of investigation efforts or to explain why an investigation is not feasible.

### Case Screening

When a case is forwarded to the Investigation Section for additional follow-up, an Investigation Section Supervisor will screen the case (non-traffic cases only - traffic cases are forwarded to the Traffic Supervisors), applying various solvability factors. A solvable case begins with the initial case report.

The reporting officer must take a complete and accurate initial report and conduct as much follow-up investigative work as possible. The report must answer the question:

**Are there reasons to believe that further investigation effort would lead to the solving of this crime?**
The reporting officer will provide the complainant/victim of the incident with a citizen supplement, a business card, and information which will include solvability factors and the officer's recommended investigative course of the report.

The reporting officer's supervisor must review the report for completeness and accuracy of information and for a determination of solvability factors present. This supervisor may assign the case:

- Back to the officer for additional investigation
- Inactivate the case and send to Investigations as an “Information Only” report
- Forward to Investigations for review and additional follow-up

The patrol supervisor will provide copies of the case reports to the Crime Analysis Unit. The Crime Analysis Unit will provide copies of the reports to the appropriate Investigative Section: Persons, Property, White Collar or Vice/Narcotics.

Felony and misdemeanor incident reports will be assigned for investigation utilizing one or more of the following solvability criteria:

- Can the suspect be named?
- Is the suspect’s address known?
- Can a suspect be identified?
- Can a suspect be located?
- Can a suspect vehicle be identified?
- Are there identifiable latent prints?
- Is there significant physical evidence?
- Can a significant modus operandi be developed?
- Is the crime of a community-sensitive nature or one that would arouse public assistance leading to a crime solution?

In addition to the use of solvability factors, other factors may be of importance in considering case assignment. These factors may include:

- Documented departmental experience
- Documented experience of other law enforcement agencies
- Research and intelligence conducted within the Department
- Research and intelligence conducted in other law enforcement agencies

**Case Assignment**

Investigation Section personnel are appointed to specific areas of assignment determined by that individual detective’s knowledge, expertise, skills, experience, qualifications, and workload. Criminal traffic cases will undergo a similar screening process conducted by a Traffic Supervisor who will assign the case to a Traffic Detective or officer.

Each assigned case will have a due date assigned by the supervisor. This due date will be reflected in both a due date file, and in each individual detective’s current case files as tracked in the Records Management

System. A Unit Supervisor will check each detective's current case files monthly to ensure the cases are handled in a timely manner.

Criminal Case Incident Reports processed by the Records Unit will be submitted to the Investigations Section for review. All available documents pertaining to these incident reports will constitute the case file. After review, Investigations Supervisors will log each case file into the detective case management system, listing all cases received by case number. Also listed will be the date received, and the assigned investigator's name.

The supervisor for each detective will maintain additional files listing the current cases assigned by case file number, along with a return/review date.

Individual case files, once logged, will be distributed to the assigned detective. The detective will keep only active cases and once the investigation is completed, the entire case file will be turned over to the investigating detective's supervisor for review.

Investigations Supervisors shall review case paperwork and determine if additional follow-up investigation is to be assigned. Available resources, including manpower, equipment, and money, will be considered on their availability and on a case-by-case basis. Due to the volume of cases received, the supervisor must decide which cases will result in **productive investigations**. In addition to using the solvability factors listed (I), the supervisor must take note of any special considerations, such as:

- High profile incidents
- In-custody cases
- Domestic violence
- Cases involving the assault/abuse of juveniles

In order to facilitate case management and control, criminal cases will be reviewed and distributed to a particular detective as "assigned" or as "information." Information cases are not assigned for follow-up. They are designed to inform the detective of incidents occurring within their field of expertise.

**Concluded Cases**

If a case is determined not to have any investigative leads (inactive) the complainant/victim will be informed of this status either by telephone or in writing by the investigating officer/detective. The phone call or letter will be used to explain the status of the case, how it can be re-opened, information on crime prevention programs, and crime victim's compensation information if appropriate.

The decision to suspend investigative efforts will be made by the supervisor based on the following criteria:

- Absence of leads or solvability factors
- Absence of adequate investigative resources
- Insufficient degree of seriousness

Once an assigned investigation has concluded, the paperwork will be forwarded to an Investigation Section Supervisor (or Traffic Supervisor) for review and approval.

Detectives who intend to suspend an investigation shall consider the following criteria:

- Exhaustion of leads
- Lack of further leads or solvability factors
- Lack of investigative resources
- Degree of seriousness of the offense(s)

Upon approval, the supervisor will log the disposition of the case file in the Detective Case Management System, initial the case file indicating approval, and turn it over to the Records Unit for maintenance.

## 21.00.060 CASE FILE MANAGEMENT

A unique number is assigned to each case by the Communications Section upon receiving a request from the officer initially assigned to the call. When a case file is forwarded to an Investigation Section Supervisor, it will be recorded in the Investigation's Section Case Management System, as well as the individual detectives' logs, which contains the case number, type of crime, complainant's name, date assigned and the assigned detective's name.

### Case Status Control System

Assigned cases will be given a case assignment in the Records Management System, specifying a review/return date. Assigned cases will be concluded only with one of the following designations:

- **Cleared** – **Arrest/Warrant** – Case has been satisfactorily concluded.
- **Unfounded** – Incident is false or baseless.
- **Inactive** – Available leads have been exhausted and case has not been brought to a satisfactory conclusion.
- **Other** – The case is closed but no other clearance codes suitably describe the method of closure.
- **Exceptional Clearance** – Only used under the following circumstances:

    1. Offender is arrested and clears multiple cases. The first case is closed arrest or closed with a juvenile arrest; the other cases are closed as exceptional
    2. The offender is in custody by another department and confesses to crimes committed in Bellevue
    3. The offender is prosecuted for a lesser crime
    4. Lack of prosecution
    5. Extradition is denied
    6. A juvenile is handled within the department
    7. Offender is killed
    8. Offender commits suicide
    9. Double murder

10. Deathbed Confession

11. Restitution

12. Administrative

An administrative clearance must meet all of the following criteria:

a) The identity of the offender has been definitely established

b) There is sufficient information to support and arrest, charge and turning over to court for prosecution

c) The exact location of the offender is known and he could be taken into custody now

d) Some reason outside of Law Enforcement control that precludes arresting, charging and prosecuting the offender. Example: victim refuses to cooperate

Access to detective case files will be on a need to know basis, with permission of the assigned detective, or Section supervisor/commander.

Purging of case files will be in accordance with State Law and the Law Enforcement Retention Schedule.

**21.00.070 INTERVIEWS** (CALEA 1.2.3 & 42.2.1)

**Constitutional Requirements**

During in-custody interviews and/or interrogations in the course of a criminal investigation, investigators will ensure that the US and Washington Constitutional Rights of persons involved are not violated and will properly inform suspects of their rights (including the right not to answer questions or make statements and the right to counsel). Officers shall not coerce or obtain involuntary confessions from persons suspected of criminal involvement. Particular attention should be given to protect against:

- Failure to inform defendants of their rights, including access to counsel
- Pretrial publicity tending to prejudice a fair trial
- Delay in arraignment

The investigating officer will inform suspects of their rights, including the right to not answer questions or make statements and the right to counsel. Interviews and/or interrogations will not be conducted in a coercive manner.

Suspects to be held in custody will be transferred to an authorized jail facility as soon as possible. Suspects will be made available for arraignment or any court required hearing at the earliest time possible or as local court rules require if they are to be held temporarily in our holding facility.

**21.00.080 INFORMANTS** (updated 11/16/2010) (CALEA 42.2.7)

The Department authorizes use of informants as part of the criminal intelligence gathering system, and to further criminal investigations.

## Informant Development

An informant is an individual who wishes to remain anonymous, but through prior association with the Police Department has been established as a reliable source of information. Informants may be paid or unpaid for the information they provide. Informants are considered to be a departmental resource.

## Use of Informants

Informants who are used as part of the Department's criminal intelligence gathering system will remain anonymous. Personal data will be released to potential handlers on a clearly defined "need to know" basis.

The Commander of the Eastside Narcotics Task Force will coordinate use of informants by Patrol officers or Investigations Section Detectives for criminal investigations of any type. The informant file will be maintained at the Task Force office and the Task Force supervisor will insure all security. Information stored within files initiated by Department employees will be in compliance with policies, procedures, rules and regulations of the Department.

A separate file will be maintained for each informant containing the following:

- Full legal name and alias names
- DOB/sex/race/height/weight/hair and eye color/scars, marks, tattoos
- Residence and work addresses with phone numbers to each
- Subject's current occupation and past training
- A listing of each vehicle, including description, year, make, model, color, license and general condition
- A listing of all hangouts
- A listing of associates by name, address, DOB, and vehicle description
- A criminal history and M.O. information on the informant which includes:
    1. A rap sheet, criminal and traffic, should be attached
    2. A copy of an original fingerprint card should be included
- A current photo of subject
- Complete debriefing information that the C.I. provides will be in writing and followed investigated to determine the factual content and reliability, and whether an investigative case will be initiated

Additional information from an informant will be added to the C.I. file when it is received.
Informant files are maintained by the Eastside Narcotics Task Force Supervisor and investigators whose duties require such access. Access to informant files will be established on a "need to know" basis as determined by the Investigations Supervisor.

Methods to ensure file maintenance and security include but are not limited to:

- Ongoing review of existing security procedures
- Evaluation of potential/developing security deficiencies

- Modification of security procedures as required
- Public disclosure of information contained in informant files will be restricted according to the guidelines as set forth in RCW 42.17.310, subsection (D) and (E)
- The combination on any safes containing files and/or money will be changed at least every 2 years

Under circumstances where informant information must be shared with outside investigators/agencies, informant identity may be preserved by the Investigations Supervisor who will oversee discretion of the exchange of information.

Informants will be paid at the prevailing rate adopted by the Eastside Narcotics Task Force.

Informant payments require supervisory approval in advance and are entered into the C.I. file. Informant expenses of substantial or continuing amounts must receive supervisory approval. Informant expenses are to be logged in the C.I. file.

Informant payments require a receipt signed by the informant and witnesses are recommended. Where circumstances prohibit an informant's signature and an amount of $50.00 or less is involved, a signature may be waived provided two officers are present; they must sign and date the transaction on the receipt, and supervisor notification must be made at the earliest convenience.

All expenses/reimbursements are to be accounted for on issued receipts. The receipt will detail the purpose of the expense and location. All expenditures are to be recorded in a daily log indicating purpose and location. Department funds will be produced on demand. An accounts ledger will be completed on a daily basis. Informant funds will be secured and access restricted to the Investigations Supervisor or their designees.

Informants of the opposite sex should be contacted with two officers present. All informant contacts are to be documented in the daily log, C.I. files, and other appropriate reports. Confidential informants must be 18 years old or over, except with Command staff approval.

At the discretion of the Investigations Supervisor, informants will, prior to utilization, be required to read and acknowledge the Department's informant acknowledgment form.

Juvenile informants and their legal guardians must sign a hold harmless agreement before utilization, and must read and acknowledge the Department's information acknowledgment form.

Juvenile informants shall be used only in cases where no other alternative is available and then only with approval of Command staff. The safety of the juvenile shall be the paramount concern. If there is a potential safety risk involved, they will not be used. An officer shall not be criticized for ending an investigation where it is done because of considerations of the juvenile informant. Consultation with the appropriate prosecutor should be completed prior to approval of the use of a juvenile informant.

Patrol Officers who develop informants must follow the above guidelines and coordinate with the Investigations Supervisor to insure the informant is reliable, credible, and their identity remains confidential.

## 21.00.090 POLYGRAPH (CALEA 42.2.6)

The polygraph is used as a technical aid for the detection of deception in criminal investigations. Use of the polygraph shall be in compliance with all relative Federal and State laws and shall not be used as the sole determinant for filing charges against a subject accused of allegedly committing a crime.

### Voluntary Examination

Excluding a court order to conduct a polygraph exam, an examination will only be given to a person who has voluntarily agreed to submit to the examination in writing.

### Procedures Governing the Use of the Polygraph

The polygraph will only be administered by a licensed polygraphist, whose license is on file with the Department.

Polygraph operators and/or examiners must be graduates of institution(s) providing training for this purpose.

Any investigator may authorize a polygraph examination following the guidelines established in the following procedure.

### Basic Uses of Polygraph

Investigators must remember that the polygraph is a supplement to, not a substitute for, a good field investigation.

The final result of a polygraph examination will be based upon the thoroughness of the investigation prior to having the person take the examination. The best time to use the polygraph is when the investigation has narrowed down to one or several individuals who, after preliminary interrogation, still maintain their truthfulness and innocence.

In an official criminal investigation within the statutory authority, the examination may be conducted upon:

- Suspects
- Victims
- Witnesses
- On other matters only upon the order of the Chief of Police

Polygraph examinations will not be conducted on a person once he has been formally charged with a crime, except when a stipulation and agreement is made by the King County Prosecutor's Office or the Bellevue Prosecutor's Office. Other exceptions may arise and should be referred to the polygraphist for approval.

### Preliminary Arrangements for Polygraph Examinations:

A polygraph examination must be administered under strictly controlled conditions; therefore, the examination will be conducted at the Bellevue Police Department's designated polygraph office.

When a polygraph examination is requested, the polygraphist will advise the requesting person or the requesting agency of the first available time and a definite appointment will be made. If the polygraphist is not available at the time of the request, a name and telephone number are to be left with the Investigations Divisions Police Secretary. A return call will be made as soon as possible. The polygraphist will be the only one to make and confirm all appointments. Once an appointment is made, the investigator should not cancel the appointment unless the subject confesses.

### Case Records Required for Polygraph

The following records are required before a polygraph examination can be made:

- Crime reports of suspect offense(s)

- Background information of the person to be examined
- Any statements or denials made by the person

The investigator should provide the above information at least two full days before the appointed time. On a complicated case, information should be submitted several days prior to the scheduled time.

**Interview Prior To Time of Examination;**

The investigator should not attempt to interview the subject of a polygraph on the day of the exam. Intensive interviews should be avoided prior to the examination so an accurate determination of truthfulness or untruthfulness of the person can be accomplished. If this is unavoidable, the person should be allowed to rest for at least thirty minutes prior to the examination. This can be accomplished while the examiner learns the case facts from the investigator.

If deemed necessary the person may be interviewed briefly prior to the examination, but only to determine opportunity to commit the crime and motive or desire. Prolonged interviews produce an exhausted or antagonistic person who may then not be a fit subject for the examination.

**Factors that may Prohibit Examinations**

If possible, the person undergoing a polygraph exam should have a normal amount of food and sleep during the twenty-four hour period preceding the polygraph examination. A person's physical and mental condition should be as nearly normal as possible;

A person suffering from the influence of alcohol, sedatives, opiates, physical pain, severe cold, or respiratory disorders is not considered to be in a fit condition for an examination.

A polygraph examination will not be conducted on any person, if the polygraphist feels the person is physically or mentally unfit, or the examination may be a detriment to his health.

The investigator must keep in mind that there are several other factors that can be cause for non-examination:

- Subjects who are pregnant
- Persons with paralysis
- Persons with amputations affecting placement of instrument attachments
- Persons recovering from recent major surgery – usually the human body requires at least six months to recover
- Persons with physical disabilities – high or low blood pressure and cardiac (heart) trouble
- Persons suffering from severe cold or respiratory disorder
- Narcotic addicts and alcoholics, especially during their withdrawal period
- Person with emotional instability resulting from their involvement in an incident, especially if the incident was of a violent nature

**Information given/withheld from the person**

The polygraph examinee should not be advised of the method by which the examination is to be conducted. The person should be told that he will feel no discomfort, will not be subject to injections of any type, and that the polygraphist will explain the entire procedure.

The officer should assure the examinee of the competency of the polygraphist and the soundness of the polygraph technique.

**Details of crime to be withheld**

The investigative officer should avoid disclosing to the person any details or facts established during the investigation.

Facts concerning the crime, which could only be known by the perpetrators, should never be told to the person, press, or the general public. These facts could be of vital importance to the polygraphist in test and question formulation.

The following information should not be divulged:

- Method of entry – tools used to make entry, point of entry, extend of damage at point of entry, whether or not entry was made by use of key.
- Property taken – specific amount, denominations of currency, unusual articles, and description of articles.
- Weapon or force used to commit the crime – club, knife, poison, also number and location of wounds and bruises.
- Evidence left at the scene of the crime by person – tools, weapons, articles of clothing.
- Unusual acts of suspect before, during and/or after the commission of the crime.
- Means of exit from the scene – if by vehicle, anything unusual about same, such as dents, missing portions, loud muffler, damage; if on foot, direction taken from scene, if noted.
- Locations from which property was taken – where safe or cash box was located, type of container from which money or articles were taken such as green metal cash box, cigar box, laundry bag, paper sack, or color of the container.

**Juvenile suspects**

Juvenile suspects under the age of 14 years are very difficult to examine because of lack of maturity, both physical and mental. Many times, a conclusive opinion cannot be obtained by use of a polygraph because of these factors;

A parent or legal guardian must sign a consent form prior to conducting a polygraph exam on a juvenile.

**Administering the Examination**

Examinations will be conducted without the investigator or investigating agency represented during the complete examination, however, the investigator must be accessible during the examination.

While in the polygraph session, the custody and the well being of the person being tested will be the responsibility of the polygraphist, unless the person is a prisoner. If available, the investigator will be able to view the entire polygraph examination from the observation room.

Both the investigator and the subject should be prepared to stay whatever length of time is necessary for the examination.

The investigator, or agency representative, will be required to be present if examinee is:

- Potentially violent
- A juvenile
- In custody

## 21.00.100 INTELLIGENCE INFORMATION (updated 11/15/2010) (CALEA 42.1.6)

The intelligence process involves the collection, evaluation, organization, analysis, dissemination and review of intelligence information. The Department will comply with RCW 10.97, and the following guidelines will be adhered to with regards to the intelligence process.

### Intelligence Gathering

Any member of the Department may collect information. Collection involves initial gathering of intelligence and collection of raw information. Initial collection of information is not considered intelligence. The data produced as a result of evaluation, comparison and analysis are considered intelligence. Training will be provided as needed for those Department members that are actively involved in the gathering of intelligence information.

Department members shall collect and maintain criminal intelligence information concerning an individual only if there is reasonable suspicion that the individual is involved in criminal conduct or activity and the information is relevant to that criminal conduct or activity or relates to activities that present a threat to the community.
Department members shall not collect or maintain criminal intelligence information about the political, religious or social views, associations, or activities of any individual or any group, association, corporation, business, partnership, or other organization unless such information relates to criminal conduct or activity and there is reasonable suspicion that the subject of the information is or may be involved in criminal conduct or activity.

### Reasonable Suspicion

Reasonable Suspicion or Criminal Predicate is established when information exists which establishes sufficient facts to give a trained law enforcement or criminal investigative agency officer, investigator, or employee a basis to believe that there is a reasonable possibility that an individual or organization is involved in a definable criminal activity or enterprise. In an inter-jurisdictional intelligence system, the criminal intelligence manager is responsible for establishing the existence of reasonable suspicion of criminal activity either through examination of supporting information submitted by a participating agency or by delegation of this responsibility to a properly trained participating agency which is subject to routine inspection and audit procedures established by the Department.

Employees of this Department will not engage in any illegal activity in collecting intelligence information; nor will any member employ or direct another to engage in the collection of intelligence information through illegal means.

Information will be submitted to the Lieutenant supervising the unit receiving the information. After reviewing the information, the supervisor will distribute the information to the Crime Analysis Unit, East Side Narcotics Task Force, and/or the Special Enforcement Team.

**Terrorism Information/Intelligence** 11/07 (CALEA 46.3.2)

Field gathered information, of a domestic or international terrorist nature, will be submitted to the Lieutenant supervising that unit using standard forms and procedures already used for criminal information. The lieutenant will forward this information to an intelligence Detective assigned to the Crime Analysis Unit who will evaluate and/or verify it. This intelligence will then be forwarded to the appropriate agencies, task forces, and other organizational entities by the Crime Analysis Unit.

Crime Analysis intelligence detective(s) will be responsible for maintaining a current list of those entities that require and are authorized to receive terrorist based intelligence.

Information, collected through a field interview initiated by an officer receiving a notification from the FBI's Terrorism Screening Center through NCIC, will be immediately given to the TSC directly over the phone, in accordance with the instructions on the notification. Officers will then submit it as per the above directions. Apprehensions and arrests resulting from TSC warrants will be documented through normal reporting procedures with a copy of the report being sent to the analysis unit.

**Information Evaluation**

Information will be evaluated. That information found to be accurate and requiring immediate follow-up will be assigned for investigation. The originating officer will be advised of the assignment. Information that is accurate and does not require immediate attention will be assigned as caseloads permit.

The various units' personnel will file information that does not require follow-up.

**Verifiable Crime Information**

Verification is the first step in translating raw information into intelligence information. Where criminals interrelate and the verification process demonstrates that the modus operandi (MO's) is developing, the MO's then become the basis for predicting activities of criminal groups. Forecasting allows strategic planning which offers the opportunity of law enforcement interception. Only verifiable crime related information germane to the mission and objectives will be retained.

**File Retention** (CALEA 42.1.6)

Intelligence files will be retained for a period of up to three years and will be reviewed annually by the Investigations Commander or a designated supervisor.

Intelligence files containing information relating to monitoring or tracking registered sex offenders as defined by RCW 9A.44.130 may be retained indefinitely.

**Security** (CALEA 42.1.6)

Intelligence files will be kept in locked file cabinets. Access to these files include the Crime Analysis Unit personnel, the Fraud and Organized Crime Unit, Property Crimes and Persons Crimes Unit supervisors, the Commander of the Investigations Section, ENTF Commander, Deputy Chief of Operations, the Chief of Police and any specifically named designee. Other Department personnel requesting access must obtain authorization from the Investigations Section Commander or his/her designee.

Department members maintaining criminal intelligence information shall ensure that administrative, technical, and physical safeguards are adopted to insure against unauthorized access and against intentional or unintentional damage. A record indicating who has been given information, the reason for release of the information, and the date of each dissemination outside the project shall be kept. Information shall be labeled to indicate levels of sensitivity, levels of confidence, and the identity of submitting agencies and control officials. Each Unit must establish written definitions for the need to know and right to know standards for dissemination to other agencies.

Employees involved in the collection and storage of intelligence information shall assure that security requirements are implemented. The following security procedures are required:

- Restrict access to its facilities, operating environment and documentation to organizations and personnel authorized by the project
- Store information in the system in a manner such that it cannot be modified, destroyed, accessed, or purged without authorization
- Institute procedures to protect criminal intelligence information from unauthorized access, theft, sabotage, fire, flood, or other natural or manmade disaster

Units may authorize and utilize remote (off-premises) system data bases to the extent that they comply with these security requirements.

**Dissemination**

Personnel or authorized recipients shall disseminate criminal intelligence information only where there is a need to know and a right to know the information in the performance of a law enforcement activity. Personnel shall disseminate criminal intelligence information only to law enforcement authorities who shall agree to follow procedures regarding information receipt, maintenance, security, and dissemination which are consistent with these principles.

This policy shall not limit the dissemination of an assessment of criminal intelligence information to a government official or to any other individual, when necessary, to avoid imminent danger to life or property.

All dissemination will be noted in the proper log in accordance with RCW 10.97.

**Annual Review/Reevaluation**

The purpose of the annual review is to determine the current validity status of information kept in intelligence files. Each respective supervisor will review their Unit's intelligence files annually. Information in the files will be classified as active, inactive or to be purged. Active information consists of that which is currently being investigated, inactive consists of information that requires no further follow-up and is closed or pending until further information becomes available. Information to be purged is that which is no longer accurate, relevant or useful for follow-up activity.

## 21.00.110 PERSISTENT OFFENDER IDENTIFICATION (updated 10/20/2010) (CALEA 42.1.5)

The Department uses the identification of persistent offenders as defined in RCW 9.94A, "Sentencing Reform Act of 1981".

Whenever an investigation involves a suspect with criminal history rising to the level of "persistent offender", the investigating officer or detective will notify the prosecutor upon filing of charges.

## 21.00.120 TASK FORCE OPERATIONS (CALEA 42.2.5)

Task force operations will be implemented when Department, local, or regional police resources combined can supplement conventional methods of operation.

Use of Department personnel and resources as part of a task force will require a written agreement or memorandum of understanding between the participating agencies that identifies the following:

- The task force purpose, mission, and objectives for each agency participant
- Command authorities and responsibilities for each agency
- Methods of accountability for task force operations.
- Identification of each agency's resources made available to the task force
- Established criterion to analyze the effectiveness of the task force, determination of task force needs, and whether or not continued operation is in the best interest of the community and participating agencies

Authorities to exercise police power(s) in multi-jurisdictional task force settings are stated in the "List of Agencies Authorized to Exercise Peace Officer Powers". (RCW 10.93.070)

## 21.00.130 CHILD DEATH INVESTIGATIONS

Whenever a member of the Department investigates the death of a person under the age of 18:

- The on-scene supervisor shall be responsible for making the appropriate command notifications. The on-scene supervisor shall make direct contact with the on-duty or on-call Investigations Section supervisor.
- An Investigation Section detective shall respond to all deaths involving minors

**Exception:** If the death resulted from a motor vehicle accident, a Traffic Unit supervisor may assume responsibility and designate personnel to investigate the incident.

- The Investigations or Traffic Unit supervisor shall liaison with the on-scene supervisor and on-duty or on-call Watch Commander to determine the need for additional personnel to respond to the scene.

Infant Death investigations shall require coordination with the King County Medical Examiners Office. This task shall be the responsibility of the Investigations Section Supervisor and/or the lead investigator.

## 21.00.140 MALICIOUS HARASSMENT

### Definition

A person is guilty of malicious harassment if he/she maliciously and intentionally commits one of the following acts because of his or her perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap:

- Causes physical injury to another person; or
- Causes physical damage to or destruction of the property of the victim or another person; or
- 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.

Malicious Harassment is a Class C felony.

### Response

Department personnel shall respond to reports of the crime of Malicious Harassment (RCW 9A.36.080) in accordance with its significance as both a felony and a matter of great community concern.

All personnel will be sensitive and responsive to the natural anxieties of the victim(s) of Malicious Harassment. Officers will preserve all relevant evidence and immediately conduct a thorough follow-up investigation whenever this crime is brought to the attention of the Department.

It will be the responsibility of command and supervisory officers to make certain that a reported crime of Malicious Harassment is properly documented and a priority follow-up investigation is expeditiously completed in an attempt to both identify and charge any persons responsible for the crime.

## 21.00.150 CHILD SEXUAL ABUSE

It is the policy of the Department that all personnel will respond to a report of child sexual abuse or exploitation, as defined in RCW 26.44.020 and as prohibited in Chapter 9.68A RCW, in accordance with its significance as a felony or gross misdemeanor and as a matter of great community concern.

Department personnel are to be sensitive and responsive to the apprehensions of and dangers to victims. Department personnel are to make every reasonable effort to involve state and community social services in providing the victim refuge from recurrent sexual abuse or exploitation.

Whenever this crime is brought to the attention of any member of the Department, an immediate preliminary investigation will be conducted and all relevant evidence preserved. Command and supervisory officers are to be especially diligent in insuring that all reports are properly documented. Follow-up investigation will be given priority attention for expeditious completion to both identify and charge the person(s) responsible for the crime.

### Crime Types

Child sexual abuse and exploitation include, but are not limited to the following crimes:

- Statutory Rape in the First Degree (RCW 9A.44.070)
- Statutory Rape in the Second Degree (RCW 9A.44.080)
- Statutory Rape in the Third Degree (RCW 9A.44.090)
- Indecent Liberties (RCW 9A.44.100)
- Communication with a Minor for immoral Purposes (RCW 9.68A.090)
- Incest (RCW 9A.64.020)
- Sexual Exploitation of a Minor (RCW 9.68A.040)
- Lewd Act (Exposing) (BCC 10A.88.030)

### Protective Separation of Child from Abuser Authorized

The Revised Code of Washington establish legal means whereby a child subjected to sexual or physical abuse can be separated from the person accused of committing the abuse. The statutory provisions are:

- RCW 13.34.050 Court Order To Take Child Into Custody
- RCW 26.44.050 Taking Child Into Custody Without Court Order
- RCW 26.44.063 Temporary Child Abuse Restraining Order. This occurs in dependency court and not in criminal court. It is a civil action usually initiated by CPS or other Guardian Ad Litem

### Custody of Child Victim

In those incidents where the offender is believed to be in the home, there is a need to determine whether there is a reasonable risk of continuing abuse/exploitation. Here separation of the offender and the child are necessary to protect the child from further abuse, it is important that the investigator gather as much information as possible to establish "reasonable cause to believe that the child is abused or neglected and would be injured or could not be taken into custody if it were necessary to first obtain a court order pursuant to RCW 13.34.050. With such probable cause, the investigator/officer may take, or cause to be taken, the child into custody without a court order (RCW 26.44.050).

### Duties of Responding Officer/Investigator

When a report of child sexual abuse or exploitation is received by Patrol, the Patrol Supervisor will:

- Direct the responding officer to document the complaint and take the initial case report. In most cases, the child victim interview will be delayed to a more appropriate time with a trained child interview specialist pursuant to the King County Special Assault Network Agreement. However, the patrol officer may perform a limited interview of the child victim if it is necessary to establish probable cause in the case of continued contact with the suspect where the officer fears for the immediate safety of the child.
- Expeditiously notify a Detective Supervisor who will determine if a detective call out is necessary

When a report of child sexual abuse or exploitation is received by Detectives, the Detective Supervisor will immediately assign an investigator.

The assigned investigator will initiate an offense report and conduct a preliminary investigation to determine the elements and sufficiency of the complaint. The City of Bellevue adheres to the King County Special Assault Network Agreement and follows the protocols set forth therein. The investigation should also include the following, without interfering with the integrity or completeness of the investigation:

- A determination of the need for a child abuse restraining order, or to take the child into custody and place the child in shelter care. Where a need for either option is apparent, the investigator will so inform the appropriate prosecutor or Child Protective Services and assist in serving the order/taking the child into custody.
- Determine the appropriate method of interview determined by the age of the child. Children ages 4 through 11 shall be interviewed by the King County Prosecutor's Child Interview Specialist; Children ages 12 to 16 Joint Interview with the King County Prosecutor; All other cases to be interviewed by the Detective.
- The Child Victim's Bill of Rights shall be provided in all cases to either the child or the primary caregiver. A referral to community support services where applicable.

Where facts obtained in the preliminary investigation support the validity of the complaint, the investigator will arrange for the appropriate interview and will notify all appropriate persons including parents or guardian, the CPS case worker and victim advocate of the date and time for this interview.

In those situations where the Juvenile Court hearings are pending or where the offender is likely to leave the jurisdiction, or where an arrest of the offender has been made, the investigator will attempt to arrange for the joint interview immediately (usually within 24 hours) as dictated by the situation.

Except in those cases where there is clear evidence that the complaint is fabricated, all investigations will be completed in a timely manner and presented to the appropriate prosecuting authority for filing of criminal charges or a written "decline."

## 21.00.160 MISSING PERSONS (CALEA 41.2.5)

The Department will immediately respond and investigate all cases of reported missing persons. Juveniles reported as runaways will be immediately investigated as missing persons until information indicates otherwise.

### Collecting Information

The responding officer will gather essential information regarding subject's description, and circumstances surrounding the disappearance to complete the incident report, as well as information needed to complete a WACIC and/or NCIC entry.

If the officer develops information on the location of the subject, all reasonable effort must be made to locate the individual. Depending on the missing person's age or mental capacity, the search could utilize the use of specialized K9 units (Bloodhounds), aerial searches, ground searches, neighborhood canvassing, or use of the reverse 911 system (with approval from a Captain or above) and/or the news media.

All missing person's reports, including runaways, will be investigated at the scene of the disappearance. Phone call reports are typically not acceptable. There are occasions when the reporting party will be calling from another jurisdiction to report someone missing.

Information should be noted, NCIC/WACIC entry completed, and arrangements made to meet with the reporting person at the site of disappearance, i.e., residence, school, etc.

When the missing person is a juvenile, a custodial parent/guardian must sign the report listing the juvenile as missing.

### Notifying the Supervisor

Upon gathering preliminary information, the officer will notify an on-duty supervisor of the incident. The supervisor will contact an investigations supervisor if necessary and notify the on-duty Watch commander who will oversee all investigations of a suspicious nature, a small child, and an elderly or handicapped person.

### Entering Missing Persons Information into WACIC

Missing persons can only be entered into WACIC or NCIC if they fall within the following four categories. A signed missing person police report is required and must contain sufficient informative detail in the report narrative to document the following classifications:

- Disabled (D)

Under proven physical/mental disability or is senile, thereby subjecting themselves or others to personal and immediate danger

- Endangered (E)

Under circumstances indicating their physical safety may be in danger

- Involuntary (I)

Under circumstances indicating the disappearance was not voluntary, i.e., abduction or kidnapping

- Juvenile (J)

Any juvenile as defined by the laws of the State of Washington. (Juvenile still under parent or court control)

The Department's PIO may be called upon as necessary to create a press release and coordinate the release of information and a photo of the missing person to the media.

The information on the missing person, as well as a picture, if available, will be made available in Patrol.

The missing person will be entered in the state WACIC computer immediately after taking the report.

The missing person will be cleared from the WACIC computer when:

- The missing person has been located
- The person is no longer considered missing

**Follow-up**

Follow-up contact with the reporting person is assigned to the Investigations Section. The report will be routed to an Investigations supervisor who will assign the case to a Detective.

**After-hours Notifications**

When a missing person report is received during non-business hours and the on-duty patrol supervisor or watch commander believe that the circumstances surrounding the disappearance are suspicious, he/she will notify the on-call Investigations supervisor. The on-duty/on call Watch Commander shall be notified who will assist with staffing coordination if necessary and make appropriate notifications up the chain of command.

**State Patrol Missing Persons Report**

Within 30 days, the assigned Detective will complete the Washington State Patrol's missing persons report. If the missing person is not located within the first 30 days, a release of information form is required. The information release form will be signed by a family member of the missing person and gives permission to release dental records to the investigative Detective. RCW 68.50.320 requires police action on this matter.

## 21.00.170 LINEUPS, PHOTO MONTAGES AND SHOW-UPS (CALEA 42.2.11 & 42.2.12)

**(added 7/10)**

One of the most important steps in developing probable cause for arrest, charging and subsequent conviction is the positive identification of the suspect by victims and witnesses. The manner in which identification procedures are prepared, conducted, and documented can affect the reliability, fairness, and objectivity of the

identification. Attention to the details of composition, witness instructions, conducting the identification procedure, and documenting the process will assure a sound and defensible identification.

*Composition:* Lineup or photo montage preparation procedures will result in a photo montage or lineup in which the suspect does not unduly stand out.

*Witness Instructions:* Instructions provided to the witness prior to presentation of a lineup, photo montage, or show-up will likely improve the accuracy and reliability of any identification obtained from the witness and can facilitate the elimination of innocent parties from the investigation.

*Identification procedures:* An identification obtained through a carefully choreographed lineup, photo montage, or show-up conducted following the procedures specified in this document will have stronger evidentiary value than one obtained without these procedures.

*Documenting the process:* Preparing a complete and accurate record of the outcome of the identification procedure improves the strength and credibility of the results obtained from the witness. This record can be a critical document in the investigation and any subsequent court proceedings.

## Composition of Photo Lineups and Photo Montages

Fair composition of photo lineups and photo montages enable witnesses to provide more accurate identification or non-identification.

The investigator shall compose the lineup or photo montage in such a manner that the suspect does not unduly stand out.

In composing a photo lineup or photo montage, the investigator should:

1. Include only one suspect photo in each identification procedure.
2. Select fillers (photos of non-suspects) based on one of the following criteria:
    a. When there is an adequate description of the suspect provided by the witness, select fillers who generally fit that description; or
    b. When there is a limited/inadequate description of the suspect provided by the witness, or the description differs significantly from the suspect, select fillers who resemble the suspect in significant features.
3. Include a *minimum* of five fillers per identification procedure.
4. Complete uniformity of features is not required. Avoid using fillers who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.
5. Create a consistent appearance between the suspect and fillers with respect to any unique or unusual feature (e.g., scars, tattoos) used to describe the suspect by artificially adding or concealing that feature.
6. Consider placing the suspect photo in different positions in each lineup or montage, across cases and with multiple witnesses in the same case. Position the suspect photo randomly in the identification procedure.
7. When composing photo montages, do not present the suspect photo in the first position.
8. When showing a new suspect, avoid reusing fillers in lineups shown to the same witness.
9. If multiple photos of the suspect are reasonably available to the investigator, select a photo that resembles the suspect description or appearance at the time of the incident.
10. Once completed, and prior to presenting it to witnesses, critically view the photo montage to ensure that the suspect does not unduly stand out.

11. Ensure that no writing or information concerning previous arrest(s) (e.g. BA numbers) is visible to witnesses.
12. Preserve the presentation order of the photo montage. In addition, the photos themselves should be preserved in their original condition.

### Witness Instructions

Prior to presenting a sequential photo lineup or six pack photo montage, the investigator should instruct the witness that:

1. He/She will be asked to view a group of individuals.
2. It is just as important to clear innocent persons from suspicion as to identify guilty parties.
3. Individuals present in the lineup or depicted in the photos comprising the montage may not appear exactly as they did on the date of the incident because features such as head and facial hair are subject to change.
4. A photo of the person who committed the crime may or may not be present.
5. If the witness believes the photo of the person who committed the crime is present, the witness should inform the investigator or officer.
6. The officer or investigator will ask the witness to state, in his/her own words, how certain he/she is of any identification.

Avoid making statements to the witness that could unduly influence his/her identification.

Additional instructions related to sequential lineups and photo montages: If the investigator or officer presenting the photographs does NOT know the suspect, either a sequential photo lineup or a six pack photo montage may be utilized; however, the sequential photo lineup method is recommended.

1. Individual photos will be viewed *one at a time*.
2. The people in the photos will be viewed in random order.
3. Take as much time as needed making a decision about each person or photo before moving to the next.

All persons or photos will be presented, even if identification is made.

### Identification Procedures

The identification procedure should be conducted in a manner that promotes the reliability, fairness, and objectivity of the witness' identification.

The investigator shall conduct the identification procedure in a manner conducive to obtaining accurate identification or non-identification decisions and shall employ procedures that avoid prejudicing the witness.

<u>Photo Montage</u>

If the suspect is known to the investigator or officer, the six pack style (i.e.- six photos on the same sheet) photo montage should be used. When presenting a photo montage, the officer or investigator should:

1. Provide viewing instructions to the witness as outlined in the previous section.
2. Confirm that the witness understands the nature of the photo montage procedure.
3. Avoid saying anything to the witness that may influence his/her selection.
4. If identification is made, avoid reporting to the witness any information regarding the individual he/she has selected prior to obtaining his/her statement of certainty.
5. Record any identification results and witness' statement of certainty.

6. Document in writing the photo lineup procedures, including:
    a. Identification information and sources of all photos used.
    b. Names of all persons present at the photo lineup.
    c. Date and time of the identification procedure.
7. Instruct the witness not to discuss the identification procedure or its results with other witnesses involved in the case.

Lineups

If necessary, lineups will be conducted at the Seattle Police Department in accordance with their policies and procedures.

Show-ups

When conducting a show-up, the investigator should:

1. Determine and document, prior to the show-up, a description of the suspect.
2. Transport the witness to the location of the detained suspect to limit the legal impact of the suspect's detention.
3. When multiple witnesses are involved, separate witnesses and instruct them to avoid discussing details of the incident with other witnesses.
4. Caution the witness that the person he/she is looking at may or may not be the suspect. Avoid making statements to the witness that could unduly influence his/her identification.
5. Obtain and document a statement of certainty for both identifications and non-identifications.

**Documenting the Process**

Photo Lineups and Photo Montages

The record of the outcome of the identification procedure should accurately and completely reflect the identification results obtained from the witness.

When conducting an identification procedure, the investigator shall preserve the outcome of the procedure by documenting any identification or non-identification results obtained from the witness.

When conducting an identification procedure, the officer or investigator should:

1. Record identification or non-identification in writing, including the witness' own words regarding certainty.
2. Include investigator's observation regarding the manner in which the identification occurred. (i.e. Immediate recognition of the identified individual, process of elimination, time taken to make identification, etc.)
3. Ensure results are signed and dated by the witness.
4. Ensure that no materials indicating previous identification results are visible to the witness.
5. Ensure that the witness puts no marks on any materials that will be used in other identification procedures.

Show-ups

The record of the outcome of the field identification procedure should accurately and completely reflect the identification results obtained from the witness. It improves the strength and credibility of the identification or

non-identification results obtained from the witness and can be a critical document in the investigation and any subsequent court proceedings.

When conducting a show-up, the officer or investigator shall preserve the outcome of the procedure by documenting any identification or non-identification results obtained from the witness.

When conducting a show-up, the officer or investigator should:

1. Document the time and location of the procedure.
2. Record both identification and non-identification results in writing, including the witness' own words describing their level of certainty about the identification.
3. Include officer's or investigator's observations regarding the manner in which the identification occurred. (e.g. immediate recognition of the identified individual, time taken to make identification, etc.)

## 21.00.180 Unsolved/Cold Case Investigations (CALEA 42.2.9) 11/07

Definition: Unsolved/Cold cases are unsolved violent crimes that have been inactivated due to lack of investigative leads. If the statute of limitations has not run for the underlying crime, the Commander of the Investigations Unit may authorize designation as an Unsolved/Cold case. Detectives or Detective Supervisors can request that a case be designated as an Unsolved/Cold case. If the statute of limitations has run, the case shall be removed from the Unsolved/Cold case designation and closed. Upon the receipt of new information or every three years, whichever comes first, a detective shall review an Unsolved/Cold case to determine whether the position of persons involved or other factors in the situation have changed and present new opportunities to solve the case. The Forensic Unit and the King County Prosecutors Cold Case Unit should be contacted to determine whether the application of new technology may be successful in solving the case.

The Commander of the Investigations Unit will decide if an Unsolved/Cold case will be re-opened. This decision should be made in consideration of resources including time, funding, and personnel available for investigative and forensic work.

A written summary of the review and any actions taken shall be recorded in the case file.

## 21.00.190 Identity Theft (CALEA 42.2.8) 09/08

Due to the significant personal security threat and potential financial loss that Identity Theft poses to the public, it is the policy of the Bellevue Police Department that all crimes of Identity Theft (RCW 9.35.020) will be investigated by an officer and initially documented on the Case Report Form. The completed report will be forwarded to the Investigation Section.

### Procedures

- Officers will document a report of Identity Theft on the Case Report Form. The title shall be Identity Theft and the initial UCR code shall be 11.06.00 (Bunco/False Pretenses)

- Officers will attempt to obtain as much detailed personal information possible including bank/credit card account numbers, social security numbers, and dates of birth. This information will be included in the case report.

- The initial officer will make every attempt to determine where the actual crime occurred. If that location cannot be determined, the officer should list the location of occurrence as the victim's address.

- Occasionally the victim may already know that the crime occurred in another jurisdiction, but is requesting a case report in order to begin the process of reestablishing correct information with a bank or credit card company. In these cases it is acceptable to complete a case report.

- Officers should provide Identity Theft victims with the following information;

  - A copy of the department's Identity Theft pamphlet
  - Information about websites that are maintained by the Federal Trade Commission and the Washington State Attorney General's office that can provide them with Identity Theft information
  - Officers shall inform victims about the WACIC/NCIC Identify Theft File. The victim can consent to their "identity" being flagged so officers have that information if they contact a suspect using the fictitious information. If the victim wants their information included in this file, a signed "Identity Theft File Consent Document" must be submitted. **See BPD Records ID Theft Manual for further file information**.

- The approved report shall be forwarded to the Investigations Section for review and then forwarded to the Crime Analysis Detective.

**<u>21.00.200</u> Cold Credit Cards** (added 10/20/2010)

Theft of credit card numbers is an increasing problem. The use of these stolen numbers results in millions of dollars of loss each year. Conducting investigations of these crimes is very difficult. In order to better investigate these crimes the Bellevue Police Department Investigations Section in cooperation with the City's Finance Department, maintains cold credit cards.

The credit cards will remain locked in the Investigations Section safe where access is limited to Investigations Supervisors and Command Personnel. Personnel wishing to employ one of these cards must first draw a case number and prepare a follow-up report that clearly states the suspected crime, location, and any other pertinent information, to include an estimate of the expected expense. In no case will an expense of more than $100 be approved without the permission of the Investigations Section Major.

Permission to use a card must first be obtained by an Investigations Section Supervisor. If a Supervisor grants permission to use the card, the Supervisor must notify the Section Commander (Major) via the chain of command. The Supervisor or Commander issuing the card will enter the date and time the card is given to an Investigator/Officer; the case number; card number; and the Supervisor's signature on a log maintained in the Investigations Section safe. When the card is returned, the Investigator/ Officer will notify an Investigations Section Supervisor who will place the card in the safe and log the date and time returned.

The issuing Supervisor will notify the City's Finance Department whenever the card is issued, unless such notification may compromise the case. The Investigator/Officer will retain all receipts when the card is used in a transaction. The Investigator/Officer must make three copies of the receipt; one for the case file, one to be attached to the log in the safe, and one for Finance. The Finance Department will forward the monthly statement for the card to the Investigator/Officer.

The credit card and receipt will be booked as evidence into the Property Room when fraud occurs on the card. Finance will be notified and the card will be cancelled with the bank. Reconciliation of the transaction will be processed under established procedures for City credit cards, which will be handled by police staff. If fraud occurs on the card, the Police Department will work with Finance to dispute the charges with the bank. The Police Department is responsible for the financial amount charged to the card during the investigation.

# CHAPTER 22

# TRAFFIC RESPONSIBILITIES

## 22.00.010 TRAFFIC ENFORCEMENT (CALEA 61.4.4)

It is this Department's policy to enforce violations of traffic laws in a fair and impartial manner. In addition, it is Department policy to educate the public regarding traffic regulations through programs aimed at identifying specific problems, compiling and publishing traffic accident and injury statistics, and by giving notices and warnings of changes in traffic regulations prior to taking enforcement action.

To assist in the practice of public education, in the area of changing traffic laws, the Department makes available informational pamphlets on various traffic safety topics. Additionally the PIO will release updated information to the community, via the media, as changes to traffic laws arise.

Officers will take appropriate enforcement action for violations of traffic laws observed, or reported to them. Officers should be aware that for many violators, traffic law enforcement is an emotionally traumatic experience and in many cases, is the only contact a person has with the Department.

Standardized and consistent enforcement action develops public confidence in traffic enforcement. Officers are expected to use good judgment and to ensure that enforcement actions are commensurate with applicable laws and regulations giving consideration to the degree and severity of the violation committed and the guidelines in this policy.

The enforcement policies do not supplant officer judgment. It is impossible to foresee every situation involving traffic violations. In unusual circumstances, officers should decide what enforcement action is proper based upon the advice of their supervisor, and a combination of training, experience and common sense.

## 22.00.020 VIOLATOR CONTACT (CALEA 61.1.8)

Officers will seek to achieve two objectives during traffic enforcement contacts:

- Taking appropriate enforcement action
- Favorably altering the violator's future driving behavior

In order to minimize conflict between the officer and the violator and achieve the two objectives in a professional and friendly manner, officers, when contacting violator(s) will:

- Be in proper uniform, presenting a pleasant, professional image in grooming, language, bearing, and emotional stability
- Be alert at all times for the unexpected, but not obviously apprehensive
- Be certain that observations of the violation were accurate
- Be prepared for the contact with the necessary forms and equipment
- Decide on the appropriate enforcement action based on Department procedures and the observed violation, not the violator’s attitude

- Greet the violator with the appropriate title and in a courteous manner
- Immediately inform the violator of the reason for the contact (i.e., the traffic law violated) and ask for their driver's license vehicle registration, proof of insurance, or other identification
- Allow the driver to reasonably discuss the violation
- Be alert for signs of physical impairment, emotional distress, and alcohol and/or drug abuse which may necessitate actions other than releasing the violator to resume driving
- Complete the necessary enforcement document (NOI/C) or issue a verbal warning; make a physical arrest if appropriate
- Explain the enforcement action and any alternatives to the violator. . Provide the violator with a copy of the NOI/C.
- Return the violator's driver's license, vehicle registration proof of insurance, or other identification, and a copy of the NOI/C if applicable
- Advise and assist the violator, if necessary, in safely reentering the traffic flow

## 22.00.030 TRAFFIC STOPS (CALEA 61.1.7)

Officers will balance the need to protect themselves at all times with the need to treat traffic violators courteously. In addition to procedures listed elsewhere in this policy, the following are recommended procedures in handling traffic stops:

- Choose a safe location for the traffic stop
- Inform NORCOM of the location of the stop, the vehicles license number, and description
- Utilize emergency equipment to signal the violator to stop
- Position the police vehicle approximately 15 feet behind the stopped vehicle and offset to the left approximately three feet into the traffic lane
- Exit the police vehicle and remain alert to potential hazards created by passing traffic or persons within the stopped vehicle
- If at night, utilize emergency lights, spotlight and/or flashlight to illuminate the stopped vehicle's interior
- If assistance is needed, request backup through NORCOM
- While approaching, watch occupant(s), and remain alert for driver/passenger actions, weapons or contraband within the vehicle
- Contact should generally be made on the left side (driver side window) of the stopped vehicle, however, right side contacts are permitted when traffic and other circumstances dictate
- Complete the necessary enforcement action. With the exception of inclement weather, officers should write NOI/C's while standing outside the vehicle. Violators should not be allowed to sit inside the police vehicle while the officer issues the NOI/C

- When returning to the stopped vehicle, officers will use the same level of care as upon the initial stop
- When contact is complete, allow the stopped vehicle to reenter traffic first, then safely reenter traffic

Officers should strive to make each contact educational, leaving the violator with the impression that the officer has performed a necessary task in a fair, impartial and courteous manner using one of the following methods:

- **Verbal Warning** (CALEA 61.1.2)

A verbal warning may be appropriate when the violator commits an act which may be due to ignorance of a local unique ordinance, a violation of which the driver may not be aware, or, when in the judgment of the officer a verbal warning is sufficient to reasonably assure future compliance. Issuance of a verbal warning will be at the discretion of the officer unless countermanded by a supervisor.

- **Notice of Infraction/Citation (NOI/C)** (CALEA 61.1.2)

The Notice of Infraction/Citation (NOI/C), should be issued to violators who jeopardize the safe and efficient flow of vehicular traffic by committing hazardous violations, operating unsafe and/or improperly equipped vehicles or for committing other non-hazardous violations as outlined in this policy.

**Information Provided To Violators** (CALEA 61.1.4)

Upon the initial contact, the violator should be immediately advised of the violation that prompted the traffic stop.

At the time a violator is cited, the officer will complete all required sections of the NOI/C.
When the NOI/C is issued at the scene of the violation the officer will give the violator the appropriate copy and any other relevant information. The information provided on the NOI/C includes:

- Whether the court appearance is optional or mandatory
- How the violator may contact the court to obtain appearance schedule information
- Whether the violator may be allowed to pay the monetary penalty/fine in lieu of a court appearance
- The amount of time the violator has to respond to the NOI/C
- The location of the King County District Court, Bellevue Division.

Officers should make a reasonable effort to provide clear and understandable instructions to the violator and to answer all of their reasonable questions.

**Physical Arrest** (CALEA 61.1.2)

Officers will physically arrest persons found in violation of felony traffic laws, driving while suspended, or driving under the influence of intoxicants and/or drugs.

With the exceptions of felony violations, DWLS, and DUI, it is the Department's policy that physical arrest for traffic violations are counterproductive and that traffic violations are best concluded with the issuance of a citation. A physical arrest for reckless driving or other criminal traffic violations will not be made except when it is the officer's opinion that the violation will immediately continue and a physical arrest is necessary to protect the safety of other motorists and pedestrians, or alcohol and/or drug impairment is suspected.

Violators are not required to sign citations. Provide them with a copy of the infraction **High Risk Vehicle Stop** (Rev 8-07) (CALEA 61.1.7)

A High-Risk Vehicle Stop is defined as the tactical stop of a vehicle whose occupants the officer has reason to believe are armed and dangerous and/or involved in a crime of violence and/or pose a significant threat of death or serious bodily injury to police officers or others.

Officers should take appropriate precautions when stopping or contacting occupied vehicles that are considered High-Risk. When an unknown risk stop or contact with an occupied vehicle changes to a High-Risk situation, the officer(s) should immediately consider Transitional High-Risk tactics when appropriate-(see procedure below). All High-Risk stops will be different and may require modification of the stop and extrication procedures. The decision to perform a high risk stop should be based upon articulable facts or observations known to the officer prior to the stop that indicate an officer safety hazard. Firearms should be easily accessible and ready for immediate use.

Crimes warranting High Risk stop tactics include, but are not limited to, murder, burglary, arson, assault, robbery, rape, kidnapping, stolen vehicles, suicidal subjects, shootings, felony domestic violence, felony eluding, weapons violations, and felony traffic violations.

In addition to procedures listed elsewhere in this policy, the following are recommended procedures in handling High-Risk Stops:

- Notify NORCOM immediately of your location, description of vehicle, number of occupants, and type of criminal activity.

- Keep the suspect vehicle in view and request additional units as needed to safely effect the stop. Keep responding units and NORCOM updated to your direction of travel and location.

- The suspect vehicle should not be stopped, unless absolutely necessary, until adequate assisting units have arrived at your location.

- You should plan to stop the suspect vehicle in a location which presents minimal danger to yourself, other responding officers, and citizens in the area.

- Initiate the stop by activating your emergency equipment. The suspect vehicle should be stopped on the extreme right side of the road, when possible.

- Position your vehicle 30-40 feet behind the suspect vehicle. Assisting units should position their vehicles either off-set behind or along side the primary unit separated by 10-12 feet. Position vehicles to provide maximum cover and protection.

- Utilize lighting equipment as necessary to provide optimal officer safety by placing the occupants at a tactical disadvantage.

- Exit your vehicle and utilize it as cover while attempting to keep the public address system accessible. When appropriate, utilize your patrol vehicle public address system for commands. The primary officer should be the only person giving commands to the occupants.

- Immediately establish control of the occupants by having them raise their hands and keep them visible.

- Immobilize the vehicle by having the driver turn it off, remove the keys and place the keys on the roof of the vehicle. Command each occupant of the vehicle to exit individually, giving specific directions to place

them in the appropriate location and search position. It is advisable to have the driver exit first. Additional occupants should only be ordered out of the vehicle after the previous occupant has been searched and secured.

- When all known occupants have been controlled and searched, bluff the vehicle for additional occupants and wait for a response before tactically approaching and clearing the vehicle. Ensure all areas of the vehicle are cleared of occupants. This includes the trunk area.

- Complete the necessary enforcement action in accordance with our current investigative, search & seizure, detention, and other relevant procedures outlined elsewhere in the policy manual.

The procedures outlined above should be used in conjunction with the department's current training for High Risk Vehicle Stops.

## 22.00.040 SPECIAL VIOLATOR SITUATIONS(CALEA 61.1.3)

Classes of persons and situations, as outlined below, often require special processing or procedures when they are encountered in traffic stops. An officer's enforcement action will be guided by the following:

### Out-of-State Traffic Violators

Traffic infractions that are addressed in the uniform traffic code may be handled through a verbal warning or issuance of a NOI/C. Traffic ordinances unique to the City of Bellevue should be handled with a verbal warning. In the event a non-resident is physically arrested, the arrest will be handled in accordance with this policy.

### Juveniles

If the juvenile is under 16, the infraction shall be referred to the Juvenile Court.

If the juvenile is 16 or older, the infraction shall be filed in the appropriate municipal or district court except if juvenile offense charges arise from the same incident, the infraction shall be referred with the criminal case to Juvenile Court.

Do not file traffic infractions in municipal court if there are criminal offense charges arising from the same incident.

### Legislators

Members of the State legislature are privileged from physical arrest in all cases except treason, felony and breach of the peace. They may be issued traffic citations and they may be taken into custody for the purpose of obtaining a breath test, but they will not be incarcerated for infraction or misdemeanor violations during the legislative session. They are exempt from any civil process, fifteen days prior to the commencement and during each legislative session. (State Constitution, Article 2, Section 16.)

### Foreign Diplomats and Consular Officials

Foreign Diplomats and Consular Officials may be issued traffic notice of infractions and citations. They may also be taken into custody for the purpose of a breath test. If a felony has been committed and there is probable cause to believe that a person with diplomatic or consular immunity committed the crime, detain them and obtain an arrest warrant through the prosecutor.

Should the question arise as to proper protocol, the U.S. Department of State Operations Center in Washington D.C. may be contacted. If the State Department confirms that the person is protected by diplomatic or consular immunity, notify the State Department of the incident. The situation will be handled by the U.S. State Department. The Department's investigation involving persons with immunity will be conducted to their normal conclusion with complete thoroughness. Investigations normally involve other persons who deserve to have the investigation proceed as usual, regardless of the final decision to prosecute.

**Military Personnel**

Active duty military personnel driving clearly marked military vehicles are exempt from traffic law enforcement only when traveling in convoys, with the exception of yielding to emergency vehicles.

If a physical arrest is made, the arresting officer will notify the on-duty supervisor. The on-duty supervisor will notify the liaison officer of the nearest Armed Forces Investigative Headquarters Division. This does not apply to the issuance of a NOI/C.

**Physicians and Other Persons En Route to an Emergency**(CALEA 61.3.3)

In the event an officer observes a traffic violation committed by a physician or other person en route to an alleged emergency, the officer will:

- Determine that the violator is en route to an alleged emergency. Advise the violator that traffic laws must be observed and the appropriate options

- If the emergency is extreme or requires excessive speed, the violator may secure their vehicle and be provided transportation by ambulance, aid car, or by the officer, whichever is appropriate

In the event the emergency is not extreme but is urgent, the violator will not be detained but will be advised to proceed in a safe and prudent manner.

An effort will be made not to unnecessarily delay a physician responding to an emergency. The physician's statement that an emergency exists will be accepted.

In no case will the officer "escort" another vehicle by preceding that vehicle with emergency equipment activated.

**Pedestrian and Bicycle Traffic Enforcement** (CALEA 61.1.5)

The Traffic Section is responsible for developing educational programs that promote pedestrian and bicycle safety, particularly programs that impact youth.

Officers will take enforcement action when and where pedestrian and bicycle violations are observed. Hazardous, potential accident causing or post-accident violations may be concluded with the issuance of a NOI.

**Off-Road Vehicular Enforcement** (CALEA 61.1.5)

Officers will take appropriate enforcement action for hazardous violations, as well as for drivers license, registration and vehicle equipment violations when off-road vehicles are operated illegally on city streets and property.

**Parking Enforcement** (CALEA 61.1.13)

Parking regulations will be enforced with reasonableness and impartiality throughout the City.

Enforcement action involves a number of considerations, such as weather emergencies and the severity of violation.

In making enforcement decisions the officer should consider what action will most likely discourage repetition of the violation and whether or not the location of the parked vehicle is sufficiently hazardous to require its removal.

Refer to the Department's Traffic Section Parking Enforcement Guidelines manual for additional information.

**Hazardous Driving Violations** (CALEA 61.1.5)

Hazardous driving violations are defined as those violations of traffic laws or regulations affecting the safe movement of vehicles and pedestrians and which cause or have the potential of causing traffic accidents.

Officers should take enforcement action for observed or detected hazardous violations, with particular attention directed to violations which are frequently found to be a contributing cause of traffic accidents. Enforcement action should generally involve issuance of a NOI/C.

**Equipment Violations** (CALEA 61.1.5)

Officers should take enforcement action for violations of vehicle equipment regulations based on the degree of severity of the violation. A verbal warning is appropriate enforcement action for minor, non-hazardous equipment violations.

The NOI/C is appropriate for equipment violations found to be potentially accident causing or having contributed to the cause of an accident (i.e., defective brakes).

**License Violations** (CALEA 61.1.5)

Vehicle license (i.e., expired registration) and driver's license (i.e., no valid driver's license) infractions generally warrant the issuance of a NOI/C.

**Miscellaneous Violations** (CALEA 61.1.5)

There are miscellaneous violations of traffic laws and regulations where issuance of the NOI/C is appropriate in order to satisfy the intent of the legislative body enacting the law or regulations and to protect life and property. As an example, the NOI/C may be issued for violation of seat belt, motorcycle helmet and uninsured motorist regulations.

**Multiple Violations** (CALEA 61.1.5)

The issuance of a NOI/C for multiple driving violations i.e. stacking charges stemming from the same incident are generally nonproductive and tend to be inflammatory. This practice is generally discouraged.

**Newly Enacted Laws and/or Regulations** (CALEA 61.1.5)

Verbal warnings will be issued for a period of 14 days following the effective date of a new law or regulation.

**Public Carrier or Commercial Vehicle Traffic Violations**(CALEA 61.1.5)

Will be handled in accordance with the enforcement procedures outlined herein.

## 22.00.050 NON-EMERGENCY ESCORTS (CALEA 61.3.3)

Escorting non-department vehicles shall be prohibited except with prior approval from the Chief of Police or Deputy Chief of Operations or their designee.

## 22.00.060 D.U.I. ENFORCEMENT PROGRAM(CALEA 61.1.10)

The Traffic Unit's D.U.I. Emphasis program is designed to detect and apprehend the intoxicated driver and reduce collisions and violations involving intoxicated drivers. Traffic and Patrol officers may work in conjunction with other officers as part of a regional DUI emphasis as requested or needed.

The Accident Investigations Unit Lieutenant will identify the most prevalent periods of violations based on collision and violation data involving intoxicated drivers. The emphasis program will be implemented on an as needed basis, with the periods to be covered determined by the Accident Investigations Unit Lieutenant. The emphasis program increases the number of officers during the targeted period having the primary goals of detection, apprehension, and processing intoxicated drivers.

The Department will strive to participate with other local law enforcement agencies in a regional D.U.I. Task Force. Such participation will be governed by the Washington Mutual Aid Peace Officers' Powers Act of 1985, and by written agreement between participating agencies which addresses operational objectives and control, participation levels, participant qualifications, and personnel policies.

### Supervisory Responsibility

A Traffic Section Supervisor will coordinate the Department's DUI enforcement program including:

- Officer training (including DUI detection and pre-arrest screening)
- Joint enforcement programs with outside agencies
- Conducting emphasis patrols

### Pre-arrest screening

When possible, officers shall administer field sobriety tests to evaluate the extent of a suspect's impairment. The following five field sobriety tests officers are encouraged to use based on their experience and training:

- Horizontal Gaze Nystagmus
- Romberg Balance
- Walk and Turn
- One leg stand
- Finger to Nose

### DUI Arrest Processing (CALEA 61.1.11)

The arrestee will be transported to the Police Department for booking and to provide a breath sample in accordance with RCW 46.20.

The arrestee will be advised of their implied consent warnings. The arrestee will be requested to sign the Alcohol/Drug Arrest Report in the appropriate area indicating advisement and understanding of these rights.

Officers will:

- Take a breath sample using the Department's breath test equipment in accordance with Department procedures. Samples will be taken as soon as possible after the arrest
- Conduct the alcohol/drug interview when appropriate
- Complete the Report of Refusal to Give a Breath Test, if the arrestee refuses to give a breath sample, and forward to the Department of Licensing

**Arrestee Requiring Medical Treatment**:

Arrestee will not be released if their physical appearance and/or breath test reading indicate the need for medical treatment.

Arrestee will be provided necessary medical treatment in accordance with Department procedures.

Continued detention of an arrestee requiring medical treatment will be in accord with existing Custodial Care Standards. Refer to the policies on **Prisoners**.

**Release/Detention of Arrestee**

The arrestee may be released after signing a criminal citation, or posting bail, provided that:

- There are no additional charges against the arrestee that require continued detention
- There is a sober adult available to provide the arrestee with transportation

If circumstances preclude the immediate release of the arrestee, they may be held in the Department holding facility for no more than six hours.

If circumstances indicate that the arrestee will be held for more than six hours, the arrestee must be booked into the King County Jail, or other 24-hour jail facility.

**Taking Arrestee's Blood**

RCW 46.20 establishes guidelines for the taking of blood in lieu of breath testing.

In the event an arrestee is unable to give a breath sample because they have been injured and taken to a medical treatment facility and/or they are physically unable to provide a breath sample, blood may be taken with the arrestee's consent, provided:

- They are under arrest, they have been advised of Miranda and advised of their implied consent warnings as printed on the Alcohol/Drug Arrest Report
- That the blood test is voluntary
- That they are informed that they have the right to refuse the blood test, if they refuse, their driver's license will be revoked

- In the event the arrestee is involved in a vehicle collision which results in death or serious injury, or the arrestee has consumed enough alcohol as to be rendered unconscious, blood may be taken without the arrestee's consent provided:The person is under arrest for vehicular homicide, vehicular assault, DUI unconscious, or DUI with serious injury to another.

- The person, conscious or unconscious, should be advised that they are under arrest, advised of Miranda andadvised of the special evidence warning as printed on the Alcohol/Drug Arrest Report

**Procedure for Taking Blood as Evidence**

Blood may only be taken by a qualified physician, RN, or technician.

An officer will be present when the suspect's blood is drawn.

After checking the expiration date on the 2gray top vials, blood will be deposited into them by the clinical staff. The name and date of birth of the suspect will be written on both vials.

The vials will be booked into the evidence refrigerator for transportation to the State Toxicologist for examination.

**Breath Test Instrument**

Maintenance of the Breath Test Instrument will be the responsibility of the Washington State Patrol Datamaster Technician(s).

Breath test instrument records are maintained by the Washington State Patrol.

Operators of the breath test instrument will be required to pass a certification course and to be recertified on a three-year basis to comply with the State law.

**Arrest Documentation**

Circumstances surrounding the arrest will be documented in accordance with existing Department procedures.

**22.00.070 DRIVING WHILE LICENSE SUSPENED (DWLS)** (updated 08/2010 and 10/20/2010) (CALEA 61.1.5)

**DWLS Arrest Processing**

After confirmation from NORCOM of a DWLS violation, the officer may arrest the driver.

In accordance with RCW 46.55.113, the vehicle is subject to impoundment at the discretion of the officer at the scene.

In the interest of safety, after the impound, the arresting officer will make reasonable transportation arrangements for the passengers and the arrested driver if they are not booked. These arrangements, if approved by a supervisor, may include transportation via police vehicle to a more centralized location.

**Release/Detention of Arrestee**

The arrested driver will in most cases be released in the field with a summons pending charges to be filed by the prosecutor.

The arrested driver may be booked at the station if there are additional charges, warrants outstanding or for investigative purposes.

### Disposition of Arrestee's Vehicle

The arrestee will be given the option of signing a waiver of impound if the vehicle can be secured in a safe location or released to a responsible party.

If the arrestee does not choose the above options, the vehicle will be impounded according to existing impound procedures. Refer to policies concerning **Towing and Impounding Vehicles**.

## 22.00.080 HAZARDOUS ROADWAY CONDITIONS(CALEA 61.4.2)

Roadway hazards, defects, debris, defective signals, defective lighting equipment, abandoned vehicles, and damaged or missing street signs can all result in hazardous conditions leading to accidents or property damage.

Officers observing any roadway or roadside hazard shall notify NORCOM as soon as possible. If the situation involves an immediate hazard, NORCOM personnel may call out the necessary personnel to correct the problem.

Officers observing roadway hazards or defects that are not causing an emergency or immediate action situation may complete an action request form available in the Traffic Office or City Transportation Department office. The form will be forwarded to the Transportation Department. The Transportation Department will take the necessary corrective action and notify the requesting officer after completion of the task.

## 22.00.090 DRIVER'S LICENSE RE-EXAMINATION(CALEA 61.1.12)

Officers detecting a driver who appears to be incompetent, physically or mentally disabled, or suffering from disease or other conditions that prevents or significantly interferes with their exercising reasonable and ordinary care in operating a motor vehicle, will complete appropriate forms to request a re-examination by the Department of Licensing (DOL).

A request for driver re-examination will be made on a form provided by the DOL. The information to be entered is self-explanatory; however, certain portions must be specifically addressed.

The driver's physical impairments must be described in specific detail. The summary portion must be written in such detail that reasonable grounds for the re-examination are established.

The form will be signed by the initiating officer. After review and approval by a supervisor, the form will be submitted to DOL.

## 22.00.100 TRAFFIC ENFORCEMENT VEHICLES(CALEA 61.1.6)

Vehicles used by the Department for traffic enforcement will be distinctively marked and equipped with emergency lights and siren. The Traffic Unit Commander may authorize the use of an unmarked vehicle for enforcement when appropriate.

While on patrol, officers will operate vehicles in accordance with existing laws and in such a manner as to demonstrate exemplary driving behavior.

In areas where fixed-post observation is necessary to maximize the effectiveness of enforcement efforts, officers will park in a safe and conspicuous location and in such a manner that traffic and pedestrian flow is not impeded.

Off-road observations are permitted, however, every effort should be made to remain visible and avoid the appearance of a "speed trap".

The Department does not utilize roadside safety checks as part of its traffic enforcement program.

**Emergency Equipment** (CALEA 41.2.1)

The proper use of emergency equipment is essential to the safety of the officer, motorists and pedestrians. Officers will use emergency equipment in accordance with State law and existing Department policy in the following situations:

- Vehicular pursuits
- Response to an emergency
- Response to a crime in progress
- Pursuing and stopping violators
- Motorist assistance
- Parking (on/off the roadway) when hazardous conditions exist

Officers, unless directed otherwise by State law or Department policy will exercise discretion in the use of emergency equipment. This discretion will be based on the following:

- **Emergency (Red/Blue) Lights**

This equipment, used in conjunction with other equipment, signals a vehicle to stop or signals other users of the roadway that emergency conditions exist and the right-of-way should be relinquished to the enforcement vehicle.

Officers should not assume that lights and/or siren will be sufficient to assure the right-of-way and are obligated to drive with due regard for the safety of all persons using the street.

Once the emergency ceases to exist or both the enforcement vehicle and violator vehicle are safely parked off the roadway, emergency lights may be extinguished at the officer's discretion.

Hazardous warning lights, including 4-way flashers and the flashing headlight system should be used in conjunction with other emergency equipment and as circumstances dictate.

Spotlights are used for the protection of the officer during traffic or criminal stops at night. The spotlight may be used to illuminate the interior of the violator's vehicle so all occupants are kept within view. Officers should not use the spotlight to signal violators to stop and should not illuminate the interior of the vehicle until it has stopped, or nearly stopped.

Emergency vehicle high beam headlights, spotlights, alley lights, hazardous warning lights, and other emergency equipment can all be used to the officers' advantage on traffic stops, motorist assists, traffic

accidents, and area searches. Officer discretion should be used when positioning lights and vehicles to avoid unnecessary interference with homes, businesses, and vehicle traffic while maximizing protection for the officer and persons contacted. Whenever possible, vehicles shall be parked off the traveled portion of the roadway to reduce the potential for collisions.

- **Other Equipment**

Sirens are to be used as needed and in conjunction with emergency lights and in accordance with applicable state law.

Public address system may be used when the officer determines it is necessary to audibly direct persons, such as in high risk stops, in alerting pedestrians to hazards and in relieving emergency conditions.

## 22.00.110 ENFORCEMENT DOCUMENTS

Notices of infraction, arrest citations and supplemental reports form the basis for prosecution of traffic offenders.

Officers will complete all enforcement documents neatly, legibly and in a clear and concise manner sufficient to allow the prosecutor and court personal to fulfill their duties.

All enforcement documents will be submitted to the Administrative Services Section after supervisory review.

The Administrative Services Section maintains guidelines for the processing and distribution of enforcement documents.

## 22.00.120 SPEED MEASURING DEVICES (CALEA 61.1.9)

The Department uses radar in high or potentially high accident locations when speed is a factor, in areas where speed limit violations are prevalent, and in response to citizen complaints concerning speeding violations.

A Traffic supervisor is responsible for the Department's radar program including:

- Equipment specifications
- Operational procedures
- Specifications for proper care and upkeep
- Programmed maintenance
- Maintenance and calibration records
- Operator training and certification

Officers will use radar that is approved and issued by the Department only after successfully completing a basic operator course and receiving certification for the use of the unit.

The proper care and verification of calibration of the unit will be the responsibility for the individual officer to whom the radar unit is issued.

If for any reason the radar does not check out to be in working order, the unit will be immediately taken out of service. It will be the responsibility of the officer to forward the unit to the Traffic Supervisor who will arrange for repair.

## 22.00.130 SELECTIVE TRAFFIC ENFORCEMENT(CALEA 61.1.1)

Selective traffic enforcement is the assignment of personnel to traffic enforcement activities at times and locations where collision history is high and hazardous or congested conditions exist. The Department will employ selective enforcement techniques with the objective of decreasing the number of collisions by increasing traffic officer visibility and increasing enforcement activities in these problem areas.

The identification of selective traffic enforcement areas is an activity of the Traffic Unit. Selective traffic enforcement functions include the following:

- Analysis of collision data
- Analysis of traffic enforcement activities
- Comparison of collision data and enforcement activities data
- Development of selective enforcement strategies including deployment of personnel and equipment
- Annual evaluation of selective enforcement activities and program success
- Review and revision of selective enforcement objectives as the need arises

A Traffic Unit Supervisor will be responsible for the Selective Enforcement Program. The supervisor will seek assistance from the City's traffic engineers in statistical analysis of collision and enforcement data and program evaluations.

The Program Supervisor will manage the Selective Enforcement Program in conjunction with the Traffic Unit Neighborhood Complaint Enforcement Program and other enforcement activities.

Selective enforcement area data will be provided to Patrol officers who will pay particular attention to those areas when not otherwise assigned or occupied.

The Program Supervisor will annually conduct an evaluation of the Selective Traffic Enforcement Program. The evaluation will ascertain the effectiveness of selective enforcement efforts.

## 22.00.140 COLLISION INVESTIGATION (CALEA 61.2.1)

Unless indicated otherwise in this policy, officers will respond and investigate traffic collisions occurring on public roadways within the City and complete a Washington State Traffic Collision Report form when the accident involves:

- Injury to or death of any person
- Damage to the property of any one person up to or exceeding the apparent dollar value of the State minimum (RCW 46.52) for a reportable collisions
- Private property collisions involving any one of the response criteria in the Private Property section below
- Driver impairment due to alcohol or drugs

- Hit and run on a public roadway
- Hit and run on private property with suspect information or serious injury
- Unusual incidents, such as collisions involving hazardous materials, disturbances between the principals or major traffic congestion as a result.
- When in the opinion of the on-duty supervisor an investigation should be completed.

**General Procedures**

If the assigned officer determines, in accordance with this policy, that the collision does not require an investigation, the officer will assist the parties involved in the exchange of information and confirm both driver's driving status.

Late reported collisions (e.g., station reports) will not be investigated except when a death or serious injury is involved or when a supervisor determines an investigation is needed.

The extent of the Department's investigation will be determined by the seriousness and complexity of the collision and as outlined in this policy, and collision investigation guidelines maintained in the Traffic Unit.

Officers will use the State of Washington Police Traffic Collision Report form when completing traffic collision reports. The form is mandatory for all investigations required by this policy and will be completed according to the Instruction Manual for the State of Washington Police Traffic Collision Report.

The Department's collision classification system will conform to RCW Chapter 46 and the current edition of the Manual on Classification of Motor Vehicle Traffic Accidents. Classification information, including the above manual, is maintained by the Traffic Accident Investigation Supervisor.

**Officer Response** (CALEA 61.2.2 & .3)

The Traffic Unit has the primary responsibility for responding to collision scenes and conducting investigations. When Traffic Officers are not available, and the collision does not warrant the call-out of a Traffic Officer, Patrol Officers will conduct the investigation.

Traffic Officers will respond to all collisions involving:

- Death or serious injury
- Possible vehicular assault collisions
- Hit and run, collisions involving serious personal injury
- Major traffic congestion resulting from a traffic collision
- Any collision an on-duty supervisor determines to be beyond the expertise of Patrol personnel

While a Patrol Officer will routinely respond to any of the following incident types, an on-duty or on-call Traffic Supervisor may be consulted to determine if a Traffic unit should be dispatched to the scene:

- DUI
- Police vehicle collisions and/or collisions involving damage to other public vehicles and/or property

- Hazardous materials spills
- Collisions involving a disturbance between the involved parties
- Damage to vehicles to the extent that towing is required

During snow emergencies and other major natural disasters, the on-duty commander may curtail the investigation of non-injury, minor property damage collisions. Employees will inform involved persons to file a citizen accident report at the nearest police station. If possible, the on-duty Commander will inform the media when the suspension of an investigation occurs.

**Collision Enforcement Actions** (CALEA 61.1.5)

When the investigating officer detects a violation of a traffic law and when there is sufficient information to satisfy the elements of a particular violation, enforcement action should be taken.

With the exception of felony traffic offenses or driving while under the influence of alcohol or drugs, collision enforcement (issuance of a Notice of Infraction or Citation) will occur at the completion of the investigation and not at the collision scene.

Officers should inform persons involved in the collision that enforcement action may occur when the investigation is completed.

Officers may take action for regulatory infractions such as driver and vehicle license violations, but should otherwise restrict enforcement to one primary collision causing violation.

**Private Property Collisions**

Private property collisions will be investigated only if they involve:

- Death or possible death
- Driving While Under the Influence of Alcohol and/or Drugs, or vehicular assault
- Serious injury to persons involved requiring hospitalization
- Hit and run with suspect information
- City vehicle and/or property within the City limits
- Collisions which originate on a city street and where injury or damage occurs on private property

Officers, will not be routinely called to private property collisions not involving one of the factors listed above, but if officers are at the scene, officers should assist the parties in exchanging information and confirming both drivers' driving status.

**Collision Scene Procedures** (CALEA 61.2.3)

An important part of the investigation rests with the first officer(s) responding to and arriving at the scene. The responsibilities of the first officer(s) include:

- Responding to the scene safely, exercising good judgment in doing so and at an appropriate speed

- Parking the police vehicle in an effort to protect the scene, preserve evidence and protect the public
- Notifying NORCOM of the type of collision and requesting appropriate assistance
- Providing emergency medical aid (this is a primary responsibility upon arrival)
- Preliminary photographing of the collision scene
- Protecting the scene and gathering any evidence that could easily be destroyed
- Locating drivers and witnesses
- Controlling property belonging to collision victims
- Ascertaining if hazardous materials or other hazardous conditions such as downed electrical wires are present and directing that the proper authorities be called
- Instructing the involved drivers to move their vehicles from the roadway if this can be done safely and if the position of the vehicle is unimportant to the investigation. The intent is to restore traffic flow as soon as possible in minor collisions and prevent additional injury/damage

The first officer(s) will remain at the scene and assist the assigned investigator until released by the investigator, on-duty supervisor, or until another police emergency occurs.

Unless otherwise indicated in this policy, the officer assigned by NORCOM will be responsible to conduct the investigation. In most circumstances this will be in the following order of preference:

- Collision Investigation/Enforcement Officer (Traffic Car)
- Patrol Officer
- Motorcycle Officer

The on-duty supervisor will resolve any differences that may arise regarding investigative responsibility.

Information collection for the state form and supplementary reports that may be required, depending upon the seriousness of the collision, include:

- Interviewing persons involved and witnesses
- Examining/recording vehicle damage
- Examining/recording effects of the collision on the roadway
- Taking measurements, as appropriate
- Taking photographs, as appropriate
- Collecting/preserving evidence
- Ensuring that information is exchanged between the involved parties

The officer at the scene of a collision should ensure that property belonging to accident victims is reasonably protected from theft and is removed to a place of safekeeping if the owner if unable to care for it.

Vehicles will be impounded and inventoried according to existing departmental procedures. Cash, firearms, and items of substantial value may be placed in the police property room for safekeeping.

**Traffic Collision Scene Stabilization**

Officers will use the patrol vehicle's emergency lights, flares, traffic cones and other appropriate warning devices as necessary to protect the scene, alert approaching motorists or temporarily detour traffic.

Once the scene is cleared of vehicles, and the investigation is completed, officers will ensure that all debris has been removed and will promptly remove flares or other warning devices used to protect the scene and restore the normal traffic flow.

If a street is damaged to the extent it must be closed or traffic must be restricted, the Utilities Department should be contacted to provide barricades, portable stop signs, etc.

Officers are authorized to partially or completely close streets in order to efficiently conduct traffic collision investigations.

Officers responding to the scene must keep the situation from getting worse. This responsibility is greater when special hazards such as medical emergencies, fire and electrical hazards are present.

**Injury Collisions**

Officers at the scene of an injury collision will provide immediate first aid and call for Fire Department response. Once aid unit personnel have arrived, officers will provide such assistance as they may need until the medical emergency is over.

**Fire Hazards**

If the collision involves a fire or the potential for fire the Fire Department will be called immediately. Officers should contain the area and protect the public and property from the hazard.

**Electrical Hazards**

If the collision involves an electrical hazard, such as down power lines or damage to transformers, the officers will isolate the area and advise NORCOM to call Puget Power or other appropriate power company.

An officer's involvement will depend on their level of training and experience. The Department will provide officers with updated information and training to ensure they are able to effectively handle accidents involving special hazards.

**Follow-up Investigation** (CALEA 61.2.4)

The follow-up investigation is generally the responsibility of the investigating officer.

The Traffic Unit Detective, with the approval of the collision investigation supervisor, may be assigned to assist the investigating officer and/or to conclude the investigation when follow-up includes but is not limited to:

- Collecting or arranging for the collecting of off-scene data

- Obtaining/recording formal statements from witnesses
- Reconstructing collisions
- Preparing formal reports to support charges arising from the collision

**Use of Collision Specialist**

The Department has officers trained in the advanced and technical aspects of traffic collisions, as well as collision reconstruction.

Department Collision Specialists may be called to conduct the investigation of the collisions listed in this policy.

Other specialists such as photographers, mechanics, surveyors, etc. may be called to assist as necessary, provided that if additional costs will be incurred, the Collision Investigation Supervisor first approves the request.

**Required Collision Investigation Equipment**

Patrol and Traffic cars will carry basic collision investigation equipment. Specialized vehicles will carry basic and specialized equipment.

The Collision Investigation Supervisor will maintain a list of required supplies. It will be the responsibility of patrol and traffic supervisors to ensure that vehicles have the necessary equipment.

**Media Advisories**

Media advisories concerning collisions, road blockages, or other situations having a significant effect on traffic conditions on state highways should be directed to the State Patrol office.

Traffic incidents that only effect local traffic flows, but are going to present a long term problem (more than a few hours), will be the responsibility of the Department. At their discretion, the Patrol or Traffic Supervisor may request that the PIO contact any or all of the local radio stations and relay information concerning major local traffic problems for broadcast.

## 22.00.150 HAZARDOUS ROADWAY CONDITIONS – NOTIFICATION

(CALEA 61.4.2)

A supervisor should request that NORCOM summon the assistance of the Street Department or Public Works Department in the event of any of the following:

- Snow or ice on the roadway creating a hazardous condition
- Roadway flooding that creates a hazardous condition
- Roadway damage that is serious enough to cause imminent danger to motorists or pedestrians if not immediately repaired
- Damage to, or missing regulatory street signs, such as stop or yield signs maintained by the city
- Malfunction of traffic control devices which are maintained by the city, and which cannot otherwise be rendered operational

- Roadway spills of a non-hazardous nature which cannot otherwise be cleared
- Any other hazardous or potentially hazardous roadway conditions which would require the closure of city streets and necessitate the placing of street barricades

Non-emergency notification of public utilities can be directed to NORCOM.

**Non-emergency notification of Bellevue Streets/Signals/Public Works Department in person or via NORCOM**

Officers will notify NORCOM of any after hours (2300 to 0700) weather condition changes which might affect their ability to respond to emergency situations.

When information concerning the failure or damage of public utilities is known, efforts will be made by NORCOM to contact the affected utility service and make them aware of the problem. Officers will attempt to control or render safe any situation involving a public utility, which poses a hazard to members of the community.

The supervisor may request the assistance of the Fire Department in completing a wash down of any flammable material or to stand by on any situation.

## 22.00.160 TOWING SERVICES (CALEA 61.4.3)

Towing and impounding of vehicles shall be in compliance with all State and local laws, ordinances, and agreements.

**Private Towing**

Procedures regarding tow services are governed by the current City Vehicle Impound Agreement and existing Departmental impound policies.

Where possible and practical, officers will request a tow company preferred by the person needing tow service. Upon the person's request for a preferred tow, officers will notify Police Records of such request. If a vehicle is a traffic hazard the preferred tow service must be able to respond within 30 minutes. If unable to comply within 30 minutes the request will be denied.

When a preferred tow service is not requested, officers will notify Police Records which will call tow dispatch to contact the next tow company on the rotating list.

No Department employee will promote or solicit business for any tow service or company.

**Abandoned Vehicles** (CALEA 61.4.3)

When an unattended, abandoned or hulk vehicle has been left on the City street and does not constitute an obstruction to traffic nor jeopardize public safety, a minimum of 24-hours notice will be given prior to impound. Use of the Bellevue Police Notification Form constitutes a 24-hour notice.

The officer locating or receiving a complaint about an abandoned or hulk vehicle will be responsible for attaching the 24-hour notice and impounding the vehicle if necessary.

Prior to impounding, the officer will make a records and registration check through the State Department of Licensing, WACIC, and NCIC.

If current registration is available, make a reasonable effort to contact the registered owner and advise that the vehicle must be removed from the street or it will be impounded at the owner's expense.

If reasonable attempts are unsuccessful in locating the owner and having the vehicle removed, the vehicle is to be impounded. These impounds should occur during normal business hours.

Abandoned or hulk vehicles on private property, which are not required for criminal evidence, are the responsibility of the owner of the property. Complaints of abandoned or hulk vehicles on private property are to be referred to the City's Code Compliance Officer.

**Impound and Inventory Searches (revised 8/10)**

Officers will impound vehicles only as authorized by RCW Chapter 46 or Bellevue City Code Chapter 11. Impounding of vehicles for reasons other than – (1) seizure as evidence of a crime, (2) for forfeiture, or (3) as part of the process of pursuing a warrant to search the vehicle – generally is not lawful under the Washington constitution unless officers have considered reasonable alternatives to impoundment. In the following situations, officers may, at their discretion, impound vehicles without prior notice to the registered owner:

- When an officer has reason to believe the vehicle was used in the commission of a crime or is itself evidence of a crime and the vehicle is necessary for evidence collection, preservation and/or case preparation
- When an officer determines a vehicle to be stolen and the owner is unavailable or the vehicle is required for evidence processing
- When a driver is arrested and taken into custody and because of intoxication or otherwise, the driver is physically or mentally incapable of deciding what to do to protect the vehicle
- When a vehicle is involved in a collision and the driver is physically or mentally incapable of deciding what to do to protect the vehicle
- When an officer finds a vehicle unattended at the scene of a collision and the operator/owner is not available
- When an officer finds a vehicle unattended upon any street and the vehicle constitutes an obstruction to traffic or jeopardizes public safety, and reasonable efforts to locate the driver have failed
- When an officer determines a vehicle is so mechanically defective as to be unsafe for operation on the City streets
- When the vehicle is operated by a driver with a suspended or revoked operator’s license and there are no reasonable alternatives (such as leaving the vehicle locked and parked or allowing a licensed insured driver to remove the vehicle promptly).

Vehicles will not be impounded for reasons other than listed above unless authorized by law and/or the circumstances of the incident indicate the need for immediate action to protect the public safety. Officers will contact NORCOM and request a tow for vehicles to be impounded. When possible, the officer will advise NORCOM of the following:

- Officer's personnel number
- Case number
- Location and reasons for the impound

- Vehicle description - color, year, make, license number.

The vehicle identification number will be provided, if necessary, to identify the vehicle.

The officer will advise NORCOM when the actual impound is completed and confirm the name of the tow company.

The officer will complete the Vehicle Impound/Waiver/Release Form for each vehicle impounded. NORCOM will complete and maintain the Tow and Impound Log for each vehicle impounded.

**Investigative Holds**

A "Police Hold" of an impounded vehicle is authorized if the vehicle is needed for evidence and the on-duty supervisor approves the hold. It will be the responsibility of the supervisor authorizing the hold to ensure that the hold is appropriate and does not result in unnecessary impound or storage fees.

If a hold is placed on a vehicle for investigative purposes, it is the responsibility of the on-duty Patrol supervisor authorizing the hold to notify a supervisor in the Section for which the vehicle is being held. The notified supervisor will be responsible for the continued hold or release of the vehicle to the original tow company.

**Inventory Searches of Impounded Vehicles**

When a vehicle is impounded, an inventory search pursuant to this policy may be conducted. Inventory searches will be conducted as part of standard Department procedures to protect the vehicle owner's property, to protect the Officer and the Department against false claims of theft by the owner, and to protect the Officer from potential danger and will not be a pretext for random search for contraband or other evidentiary items.

1. Determine whether impound is authorized. If not, do not impound or conduct an inventory search.
2. If an impound is authorized, consider reasonable alternatives, such as leaving the vehicle locked and parked or allowing a licensed insured driver to remove the vehicle promptly.
    a. Under the reasonable alternative rule, the vehicle may not be impounded if:
        i. The owner is present, the owner does not wish to have the vehicle impounded, the vehicle may be lawfully parked at the scene and the owner is willing to sign a liability waiver or
        ii. The owner is present, the owner does not wish to have the vehicle impounded and the owner is willing to let a sober, licensed driver remove the vehicle from the scene. The sober, licensed driver must either be at the scene or able to respond to the scene in a reasonable period of time.
    b. The reasonable alternative rule does not apply if:
        i. The vehicle is evidence of a crime,
        ii. The vehicle is subject to forfeiture, or
        iii. A statute expressly requires impoundment.

3. Owner Present: If an impound is authorized and no reasonable alternatives exist, ask the owner, if present, if he or she will consent to the inventory search. The owner is free to reject the protection that an inventory search provides and take the chance that no loss will occur. Drivers or owners present at the time the vehicle is impounded will be asked if their vehicle contains any valuables

which they would like to have relocated for improved security. Drivers or owners will be allowed to lock vehicles and retain keys if they desire. If the owner declines the inventory search, the owner will need to sign the Department Vehicle Impound/Waiver/Release Form indicating that he/she declined the inventory and accepts the risk that loss of vehicle contents may occur.

4. Owner Not Present: If an impound is authorized and the owner is not present, the vehicle may be inventoried as a matter of standard procedure.

### Scope of Inventory Search

Absent exigent circumstances or consent, officers conducting an inventory search will not search or look into a locked trunk, closed containers (luggage, boxes, etc.) and closed glove compartments. Locked or closed containers should be inventoried as a sealed unit and not opened absent exigent circumstances. Officers must be able to articulate the reasons for entering closed trunks, containers, etc. Police are not permitted by Washington case law to search the locked trunk of an impounded vehicle absent a manifest necessity for so doing, and the possibility of theft does not constitute manifest necessity. Purses and other non-locked or sealed items may be searched during an inventory search. Officers should inventory valuables or money located during this search.

Evidence of a crime or contraband in plain view or seized during impoundment will be handled in accordance with existing procedures.

Vehicles obviously containing high value property, such as money, jewels, computer equipment, etc., will be safeguarded as reasonably necessary until a responsible party of proper interest takes charge or the vehicle is transferred to the tow company.

The Vehicle Impound/Waiver/Release Form will be prepared for each vehicle that is impounded.

If a vehicle is inventoried, the inventory listing of valuable contents will be completed. Supplemental form(s) will be utilized if more space is necessary.

Upon completing the form(s), the officer will sign the form(s), attempt to obtain the owner’s signature indicating the owner declined an inventory if appropriate and, before releasing the vehicle to tow company personnel, will require the tow truck driver to sign the form(s).

The officer will provide a copy of the form to tow company personnel.

### Release of Vehicles Impounded to Police Facilities

Release of vehicles impounded to a location other than the tow company storage facility will be authorized only if the person requesting the release produces proof of ownership and proof of payment to the impounding tow company for the initial impound charges.

Absent this documentation, the vehicle will then be impounded to the original tow company's storage facility.

### Vehicle Impound Waiver

Vehicle impounds should be avoided if not of evidentiary value or necessary to protect the public. The vehicle impound waiver is designed to avoid departmental liability which could occur when an officer agrees with the responsible party to a disposition of a vehicle other than impounding.

Officers will attempt to obtain a signed waiver in lieu of impounding when circumstances reasonably indicate the vehicle can be left safely parked.

Officers will ensure that the vehicle impound waiver form is properly signed and the person requesting the use of the waiver is the registered owner of the vehicle, lawful spouse, member of the immediate family, or can establish a rightful possession of the vehicle.

The person requesting the use of the waiver must fully understand the vehicle will simply remain parked and locked in that location.

**Third Party Release**

Officers may release a vehicle to a third party in lieu of impounding, provided that:

- Prior to release of the vehicle to another person, the person produces a valid operator's license and is determined to be otherwise qualified and able to drive subject to the registered owner's permission
- The officer completes the release portion of the Vehicle Impound/Waiver/Release form

Towing companies to be placed on the Police tow list must comply with State and municipal codes, controlling license, inspections, and proof of insurance.

## 22.00.170 MOTORIST ASSISTS (CALEA 61.4.1)

Officers have the responsibility of assisting stranded motorists in obtaining needed road services and NORCOM to obtain the necessary services. Officers will stop and render aid to stranded motorists whenever possible. If an officer is unable to stop to assist a stranded motorist, the officer will notify NORCOM of the stranded motorist. NORCOM will send another car to check on the motorist.

If the motorist is outside the city limits, NORCOM will notify the agency having jurisdiction. Officers shall assist motorists by driving them to the nearest phone, or by having NORCOM notify the requested business or individual by phone. If they cannot find a ride, either a taxi will be called for them at their expense, or an officer can give them a ride as described below.

Should a motorist be stranded in a hazardous location, the officer will stay with the motorist until help has arrived. The officer, if possible, will assist the motorist in moving the stranded vehicle to a safe location off the roadway.

Should the officer have to leave the motorist after arranging for assistance, the officer will check back after a reasonable amount of time to be certain the requested assistance did arrive. Appropriate flares will be set out, if necessary.

Officers, prior to leaving the location of the stranded motorist, will see that the motorist and any passengers are in a place of safety and instruct parties to remain in the safe area until assistance arrives.

When stalled vehicles are creating a traffic hazard, the officer will stop and provide traffic control until the hazard is alleviated. Officers may assist motorists with minor repairs such as obtaining fuel, changing a tire, etc.

Officers shall refrain from providing jump-start service to motorists due to the amount of electronic equipment in patrol cars. If circumstances require that an officer assist with jump-starts, they should turn off their headlights, radios, emergency lights, and other electronic equipment to prevent damage from any power surges.

Transporting civilians should be limited to within the city limits. Permission to transport a civilian outside the city limits will be obtained from an on duty supervisor. Officers providing transportation will advise NORCOM of the starting point and destination, as well as starting/ending mileage if civilians of the opposite sex (from the officer) are transported.

Officers shall request a tow truck for stranded motorists upon request. Should the motorist have a preference of towing companies, the preferred company will be called. Should the motorist have no preference, the officer may request the next tow from the rotation list.

Stalled vehicles creating a hazard may be removed by an officer under authority of RCW 46.61.590.

Police vehicles equipped with push bars may be used to push, from the roadway, vehicles creating an immediate hazard. Vehicles should not be pushed further than required to alleviate the immediate hazard. The officer should have the driver sign a waiver of liability prior to pushing the vehicle. The push bar shall not be used for push starting stalled vehicles. Officers pushing vehicles should consider the type of vehicle, roadway grade, weight of the vehicle, roadway conditions, bumper match up, etc. They should advise the driver to place the vehicle in neutral with the brake off and the key on so as not to lock up the steering. Utilize a lower gear when pushing a vehicle. Do not try to maintain contact with the bumper while making a turn into a driveway, etc. Be sure to give clear instructions to the driver prior to a “push”.

The first officer responding to a medical emergency scene shall notify NORCOM of needed aid or medic units and shall provide whatever first aid they are trained in until the aid or medic units have arrived.

### Lockouts

Officers will only be dispatched to requests for motorist assistance that involve lockouts when a small child or pet is locked inside the citizen’s vehicle. A supervisor has the discretion to authorize lockout assistance on a case by case basis. In the event that lockout assistance is provided, the officer should determine if the person has a right to enter the vehicle, i.e., the registered owner. The officer will also advise the citizen that damage may occur to their vehicle and that the Department, and its agents, will not be liable for any such damage.

## 22.00.180 TRAFFIC CONTROL (CALEA 61.3.1, 3.2)

The City and the Department are committed to providing safe driving conditions for citizens traveling on city streets. To support this philosophy, the Traffic Unit and City Traffic Engineering Department will work cooperatively to identify and address traffic operation concerns and deficiencies. Police will regularly forward traffic concerns, of both officers and citizens, in the form of Citizen Action Request Forms to the Traffic Engineering office for review and response.

Copies of all traffic collisions documented by the Department will be forwarded to Traffic Engineering. These reports will be entered into a database twice a month and assist in generating Bellevue's Annual Accident Study. The data generated will also assist in numerous accident reduction projects designed and implemented through the Traffic Engineering Department.

### Incident scenes

The assigned/investigating officer will determine traffic direction and control. Flares, traffic cones, and portable signs will be deployed as needed. Additional officers will be requested as needed. The Streets Department will be notified for additional cones or barricades, as needed, for scene and traffic control.

When traffic control procedures are required at the scene of a blocking collision, the investigating officer(s) will assess the situation and request extra officers and/or equipment necessary to protect the scene.

If traffic control is necessary for an extended period of time, an on-duty supervisor will arrange for officer relief every two hours. The on-duty Watch Commander will be notified to assess the need of notifying the PIO or media directly.

**Manual Traffic Control**

Officers assigned to conduct traffic control will utilize uniform traffic control signals and gestures. The signals can be either hand signals or whistle signals, or a combination of both.

**Hand Signals**

- **Stop Signal**

Upraised hand at the end of an extended arm raised to well above shoulder level, with the palm of the hand clearly facing the approaching driver for whom the signal is intended.

- **Starting Signal**

Signaling a stopped vehicle to start moving begins at shoulder level, with the officer extending their arm toward the stopped vehicle (pointing) and waving the car onward by bending their arm at the elbow and drawing their hand toward their chest. Once traffic in one direction starts to move, the officer turns and faces opposing traffic and delivers the same signal.

- **Pull Up Signal**

Signaling a driver to pull up to a position at an intersection is usually reserved for turning traffic facing opposing vehicular or pedestrian traffic. The officer points to the position at which the driver should pull their vehicle. It is completed by motioning the driver forward to the selected position. If possible, keep the pointing hand and arm in position, to hold the turning vehicle until conditions are safe for the turning movement.

- **Turning Traffic**

Opposing traffic should be stopped using the standard stop signal. When it is safe for the vehicle under direction to turn, the officer motions the left turning vehicle to complete its turn by making a come-along signal with the other hand. Right turning traffic requires little traffic direction unless the turning movement is crossing a heavily traveled crosswalk or has to merge into heavy vehicular traffic.

**Whistle Signals**

- **Stop Signal**

A single long blast

- **Start Signal**

Two short blasts

- **Emergency Stop**

Three or more short blasts

**Reflective Vests**

Except during the initial period required to stabilize an emergency situation, officers, engaged in traffic control or accident scene analysis in the roadway, are required to wear a Department issued orange reflective vest.

During inclement weather, rain or snow, in lieu of the reflective vest, officers may wear the Department issued raincoat with orange portion on outside for visibility and to take advantage of reflective markings.

### Temporary Traffic Control Devices

Temporary traffic control devices may be utilized when traffic signals are inoperable, during special events, or in circumstances deemed necessary by the on scene officer or, the shift supervisor. Special signs and other portable signs are available from the Streets Department and may be requested at any time.

If a traffic signal must be operated manually, a signal technician should be notified as soon as possible. If after hours, NORCOM maintains a list of “on call” signal personnel.

### Fire Scenes and Other Emergencies

Officers assigned to traffic control at fire scenes will be responsible for assuring that roadways in the area are accessible to all emergency vehicles. The officer assigned to a fire scene may close roads as necessary to facilitate the expeditious response of emergency vehicles. Officers will continue traffic control until the conclusion of the incident or until properly relieved by another officer.

Officers will direct traffic in emergency situations created by adverse road and weather conditions. The traffic must be manually directed until the problem is resolved, or until temporary traffic controls are put in place.

The first officer at the scene of an emergency situation will advise NORCOM of the problem and them to contact the appropriate agency needed to resolve the problem. The officer will also request any emergency services that may be required.

## 22.00.190 PHOTO ENFORCEMENT (*added 10/01/09*)

This policy establishes the guidelines for the administration and operation of the Bellevue Police Department’s Photo Enforcement Program. This policy applies to all members of the Bellevue Police Department who may be involved in the administration and execution of the program. The Bellevue Police Department’s Traffic Unit administers this Program.

The City of Bellevue contracted with American Traffic Solutions (ATS) to install, operate, and maintain photo enforcement equipment at selected intersections and school zones in the City. This technology is designed to reduce red light violations at intersections, and to reduce speeding in school zones. ATS captures potential violations, identifies the registered owner of the vehicles, and prepares that information for review by BPD.

An assigned officer and/or supervisor reviews each potential violation and either accepts or rejects it. The reviewer’s signature is electronically placed on each approved citation. ATS mails the citation to the registered owner. The citation includes a photo of the vehicle, a photo of the license plate, and a link to a website where additional information can be accessed, including a video clip of the violation occurring, and an interface to accept electronic payments.

The violator has the same options as with other infraction citations, i.e. submit payment, request a hearing, etc. Bellevue Police and ATS personnel will testify as needed on Photo Enforcement citations.

**NOTE:** Only authorized commissioned Bellevue Police personnel will approve/reject citations generated by this program.

## Procedures

The Traffic Unit Lieutenant or his designee will oversee the Photo Enforcement Program under the direction of the Traffic Commander. The Lieutenant will be responsible for the following:

- Maintaining communication with ATS to quickly resolve any issues related to the program and its operation
- Providing guidance and direction to ATS concerning the issuance of citations (see attached business rules and matrix)
- Holding meetings, as necessary with representatives from the various City departments that make up the Photo Enforcement violation program management team
- Ensuring that trained/qualified officers or supervisors review each violation in a timely manner
- Monitoring the submission to the court of "Advisory to Dismiss" forms and notices to the vendor to reissue citations
- Maintaining a file of citation copies involving City of Bellevue owned or leased vehicles
- Supervising the actions of the Bellevue PD Officers responsible for approving, or rejecting red light violations.
- Provide updated training for the Photo Enforcement violations as necessary.
- Maintaining Photo Enforcement information as needed.
- Completing statistical and analytical reports as needed.

The reviewing officer(s) will be responsible for the following:

- Reviewing all photo enforcement violations for accuracy, quality, and validity
- Preparing for courtroom testimony on Photo Enforcement cases
- Testifying on Photo Enforcement cases as required
- Training additional officers in the violation review process, as necessary
- Providing input on the program's operation and implementing approved changes or modifications

## Citation review

Only authorized officers, supervisors, or other trained Bellevue PD officer(s) and supervisors will approve/reject Photo Enforcement citations. They must have their signature on file (digitized) with American Traffic Solutions prior to conducting reviews.

The purpose of the review is to ensure accuracy, maintain quality control, and confirm the validity of a potential violation. Reviewers will not make judgments on the merits of the case when deciding whether to approve or reject a citation. Reviewers will adhere to the guidelines listed below:

## Red Light Violations

Is there a clear violation? Light is red, first frontal photo shows vehicle behind prolongation of the curb line (stop line), vehicle continues through intersection, etc.

Vehicle identification: Plate legible, plate matches citation information, i.e., make, model, and year.

Location and code: Citation lists correct location of violation, correct violation code, and correct code description.

## School Zone Violations

Is there a clear violation? School Zone sign / lights activated, speed limit clearly marked, school in session, radar unit working properly, etc.

## Photo Enforcement Program Business Rules

The Bellevue Police Department, in partnership with other City Departments and a private vendor, has initiated a Photo Enforcement Program with the overall goal of improving roadway safety by improving safety in school zones, and reducing collisions caused by red light violations at intersections. Unfortunately, voluntary compliance is not enough. Therefore, enforcement is also a necessary component of the Program.

The purpose of this document is to establish the business rules for the City of Bellevue Police Department's Photo Enforcement Program. The business rules establish how the program will be administered.

## Vehicle types

*Privately Owned Vehicles*
A citation for the violation will be mailed to the registered owner of the vehicle. If the owner of the vehicle was not the driver of the vehicle at the time of the violation, the registered owner will have the option to provide the name of the driver and/or swear under oath that they were not the driver and request that the ticket dismissed. The original citation may then be amended in the name of the actual driver of the vehicle.

*Commercial Vehicles*
A citation will be issued to the registered owner of a commercial vehicle when the driver of that vehicle commits a violation.

*Rental/Leased Vehicles*
If the registered owner of the vehicle is a rental car business, the reviewing officer shall provide a written notice to the rental car business that a citation may be issued to the rental car business if the rental car business does not, within eighteen days of receiving the written notice, provide the name and known mailing address of the individual driving or renting the vehicle at the time the infraction occurred.

*Government Owned Vehicles: Not Public Safety*
A citation will be issued to the registered owner of a government vehicle when the driver of that vehicle commits a violation.

*Government Owned Vehicles: Public Safety – Outside Agencies*
All violations that involve a public safety vehicle from an outside agency will be directed to the Traffic Lieutenant. The outside agency contact will be notified of the incident and provided with a copy of the citation. The Traffic Lieutenant will maintain a record of the infraction, the date of referral, the name of the person contacted, and the disposition (i.e. referred to Lieutenant Smith of the KCSO) of the citation.

NOTE: When certain public safety vehicles are equipped and operated in accordance with RCW 46.61.035, the operator may deviate from certain traffic laws.

## Vehicles Owned by the City of Bellevue

The Officer or Supervisor reviewing the citation will identify the department vehicle by contacting the Fleet Manager or his/her designee. Once the department is identified, the citation will be forwarded to the pre-arranged department contact. The Traffic Lieutenant will maintain a record of the infraction, the date of referral, the name of the person contacted, and the disposition of the citation.

## Vehicles Owned by the Police Department

Violations of the traffic laws by department personnel captured by the automated traffic enforcement cameras may subject Bellevue Police Department personnel to discipline. Additional training may be required. The reported violation will be processed according to the following:

With Emergency Lights Activated- Automated traffic enforcement violations involving BPD emergency vehicles that have emergency lights activated, and evidence safe speed and caution, will not be cause for further inquiry or documentation.

Without Emergency Lights Activated- BPD vehicles (emergency or non-emergency, on duty or off duty) reported for automated traffic enforcement violations that do not have emergency equipment activated (or do not have emergency equipment) will be directed to the Office of Professional Standards for inquiry into the circumstances.

- Violations that are deemed justified will result in the ticket being cancelled or rescinded.
- Violations that are not deemed justified may result in the imposition of appropriate discipline. Training may be required for identified performance issues.

In the event that the violation is not deemed justified, the employee will have the option of reimbursing the City of Bellevue for the cost of the ticket. This option may be exercised by the employee only three times in a revolving three year window. The reimbursement to the City of Bellevue will be in lieu of any discipline relating to the Photo Enforcement Violation. Training may be required.

There will be a rebuttable presumption that apparent violations are justified when on-duty vehicles are involved.

*Unmarked or Undercover Vehicles*- Bellevue Police Department personnel who drive unmarked or undercover vehicles should be pro-active about reporting to his or her supervisor violations they have committed in the course of their employment duties (i.e. running a red light during a narcotics follow or responding to back-up another Bellevue Police Department member in need of priority or emergency assistance). BPD vehicles reported for automated traffic enforcement violations that do not have emergency equipment activated (or do not have emergency equipment) will be directed to the Office of Professional Standards for inquiry into the circumstances.

- Violations that are justified in the course of employment duties, and are executed with safety and caution, shall be reported by the employee's Supervisor to the Traffic Section Commander as soon as possible for the purpose of preempting the ticket issuance process by the contractor.
- Violations that are not deemed justified in the course of employment duties or are executed without safety and caution shall be reported by the employee's Supervisor to the Office of Professional Standards. Such violations may result in the imposition of appropriate discipline. Training may be required for identified performance issues.
- In the event that the violation is not deemed justified, the employee will have the option of reimbursing the City of Bellevue for the cost of the ticket. This option may be exercised by the employee only three times in a revolving three year window. The reimbursement to the City of Bellevue will be in lieu of any discipline relating to the Photo Enforcement Violation. Training may be required for identified performance issues.
- There will be a rebuttable presumption that apparent violations are justified when on-duty vehicles are involved.

*Vehicles driven for Off-Duty activities*- Off duty Bellevue Police Department personnel who commit traffic violations captured by automated traffic enforcement cameras are subject to the ticket and the monetary penalty. However, if the off duty member (driving a privately owned vehicle or a police department vehicle) commits the violation for a compelling reason, such as assisting another member who is in immediate need of assistance, he or she should report the violation through his or her chain

of command. Violations will be directed to the Office of Professional Standards for inquiry into the circumstances.

- If the violation is deemed to be justified the Office of Professional Standards will notify the Traffic Section Commander who will preempt issuance of the ticket. If the Chain Of Command believes it is necessary to view the violation to make the evaluation, the member's Section Commander will contact the Traffic Section Commander to view a copy of the violation.

- Violations that are not deemed justified may result in the imposition of appropriate discipline. Training may be required for identified performance issues.

- In the event that the violation is not deemed justified, the employee will have the option of reimbursing the City of Bellevue for the cost of the ticket. This option may be exercised by the employee three times in a revolving three year window. The reimbursement to the City of Bellevue will be in lieu of any discipline relating to the Photo Enforcement Violation.

# BELLEVUE POLICE DEPARTMENT MANUAL

## CHAPTER 23

## RADIO COMMUNICATIONS

(revised 11/16/2010)

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### 23.00.010 NORCOM

The City of Bellevue participates in a regional 800 MHz Radio system. The Core Mission of the North East King County Regional Public Safety Communication Agency (**NORCOM**) is to provide high quality emergency service communications to the public for emergency medical services, fire and police. Use of the 800 MHz system and the associated "talk groups" is strictly managed and all employees will comply with the procedures of system use.

Complete NORCOM policy and procedures are available on the J Drive at: J:\NORCOM SOPs\Ch 6 – Police.

Brief, business-related communication, using plain language, is expected from all Department members utilizing the radio system. Employees will use airtime only as needed to carry out business functions, to ensure its availability for emergency or other business related radio traffic.

**Radio Discipline**

All employees of the Department operating the radio will strictly observe procedures for such operations as set forth in Department regulations, policy, procedures and by the Federal Communications Commission.

**Record Disclosure**

Disclosure of Radio Communications Procedures is governed by state law. Any request for Radio Communications Procedure records shall be handled by NORCOM.

### 23.00.020 TALK GROUPS

**Primary Talk Groups**

- **NC POL-1 -** Primary talk group for Bellevue, Medina and Clyde Hill Police.

It is generally used for radio transmissions related to on-going incidents. It is primarily used for dispatching both emergency and non-emergency calls. If NC POL-1 is to be closed for emergency traffic only, units not assigned to the emergency will be advised to move to NC TAC-1.

- **NC TAC-1 -** Secondary talk group for Bellevue, Medina and Clyde Hill Police.

When NC POL-1 is closed for emergency traffic, units not assigned to the emergency call will be moved to this talk group. NC TAC-1 will now be used for radio transmissions related to on-going incidents. It also takes over the primary dispatching for both emergency and non-emergency calls.

**Officers should limit use of NC TAC-1 for any non-essential transmissions**. If they wish to communicate with other units they are to use the NC C/C 1 talk group. Any other radio communications can be made over the primary dispatch talk group.

- **NC DATA -** Primary talk group for records checks and information retrieval for all NORCOM agencies.

Additional talk groups, their designations and use are found in NORCOM policy and procedure.

## 23.00.030 EMERGENCY TALK GROUP

**Officer Emergencies**

**Whenever Officers activate their radio emergency button the following actions will occur in the NORCOM Center:**

- Upon receiving an emergency alert activation from any radio (e.g. 1B4), the NORCOM Center will immediately contact the unit (on the emergency talk group:

  **Radio acknowledges activation [radio ID number], what is your status?**

- If able to respond, the officer will advise location and status

  **1B4, [location is] N.E. 8th and 116th, code 4**

- If in a sensitive situation, but able to communicate, the officer will respond with:

  **[Agency name] Unit Officer ID], [location is] N.E. 8th and 116th**

- The NORCOM Center will immediately send back-up cover units to the location.

If there is no response, The NORCOM Center will dispatch a back-up unit and notify the on-duty police supervisor, advising of the situation and the officer's last known location. The police supervisor will coordinate a search for the officer until located.

## 23.00.040 ALPHA CODE USE

**Confidential or Critical Information**

The alpha codes are identified as follows:

- **Mary – Misdemeanor** Warrant associated
- **Frank – Felony Warrant associated**

- **Ocean -** Officer safety issues to include armed and/or dangerous subjects; dangerous mental emotional subjects(*Note: not to include DOC or court order information)
- **Sam - Stolen** vehicles or stolen license plate information.

Alpha Code is a term used to provide an "alert" to a field unit, prior to the transmission of confidential or critical information, such as "wanted" status or officer safety information.
Alpha Codes may also be used by a field unit to convey that they are in a sensitive or critical situation that requires additional units.

**NORCOM Unit" followed by an "alpha" code**

When information is being broadcast by a field unit, the transmission will be:

**[Agency name] Unit – [unit identifier] – [alpha code]**

The receiving unit should take appropriate precautions and then transmit:

**(Unit identifier), go ahead**

Before the information is transmitted, an attempt should be made using this code, to advise the involved officer of the information/situation prior to the dispatch of a back-up officer. However, sending additional officers should not be unduly delayed if such contact cannot be made quickly.

Other sensitive information such as Department of Corrections (DOC) information, Terrorist Screening Center information and protection orders or other court related information should be preceded by "Are you clear to copy."

**Radio – [unit identifier] – are you clear to copy?**

## 23.00.080 EMERGENCY CALL RESPONSE

Assigned officers should respond directly to an incident unless there is a conflicting emergency, or unless directed otherwise by a supervisor. Officers will acknowledge receipt of the call with their radio designator and location.

In situations where a perimeter is needed, officers will advise NORCOM of their location on the perimeter.

## 23.00.090 NON EMERGENCY CALL RESPONSE

Non-emergency calls will be dispatched in accordance with procedures for that priority of call.

Assigned officer(s) will proceed directly to the call and will not stop for traffic violations unless, in the opinion of the officer, the circumstances surrounding the violation necessitate a stop. In any case, the officer must weigh the necessity for the stop against the necessity to respond promptly to the call.

Assigned officers who are delayed in responding will advise NORCOM of the reason. Depending upon the circumstances, NORCOM may reassign the call.

Officers should refrain from volunteering for non-emergency or emergency calls in lieu of units assigned unless:

- The officer volunteering is significantly closer and the response time may be a factor in Successfully handling the call; or
- Other specific reasons exist for doing so (e.g., prior knowledge of the situation, Officers in the FTO program).

If additional units do volunteer for a call, NORCOM may re-designate which unit is the primary assigned unit on the call.

Officers will not normally be dispatched to report calls during the last 30 minutes of their shift.

## 23.00.120 MESSAGE BROADCAST

### Message Construction

Standard radio procedure calls for the use of plain language broadcasts in most instances. Certain messages are broadcast in a formatted structure, and others utilize codes. The word "Break" followed by a pause, means that more of the same message is to follow.

## Direct transmitting

Direct Transmitting is used in assigning calls on the primary talk group. NORCOM will provide only pertinent information.

Example:

NORCOM: 1B4, copy a burglary complaint

Field Unit: 1B4, [location]

NORCOM: 12345 Bel-Red

If a field unit changes talk groups and is no longer monitoring their assigned radio talk group, the NORCOM Center must be notified. The NORCOM Center will also be advised when the unit returns to its primary talk group.

The telecommunicator on the NC DATA talk group has responsibilities in addition to monitoring NC DATA. For this reason, officers will wait for a response from NC DATA before proceeding with their request.

Example: 4B4, DATA (pause). 4B4 go ahead

## Call-up Procedure

One unit calling another will state their designator first, followed by the unit designator being called.

Example: If 1B5 is calling 4B4, the broadcast will be:

**1B5 to 4B4"**

The NORCOM Center does not have to use a designator unless they are transmitting on a talk group other than their primary talk group.

Once contact has been established between two units who have identified themselves, radio designators do not need to be used with each subsequent transmission in the exchange as long as there is not participation or interruption by a third unit.

Any broadcast not directed to another specific unit will also begin with the transmitting unit's designator, so that everyone knows who is transmitting.

Example: **4B4 with an ATL**

## Acknowledgments

Employees will acknowledge with their unit designator and location when:

- Acknowledging receipt of a call; or
- Someone calls their unit without a message immediately following.

Other types of messages may be acknowledged with the word "copied" preceded by the unit designator. NORCOM Center personnel may also use specific acknowledgments to verify not only that the message was heard, but to verify the accuracy of the message received. These acknowledgments may involve repetition of all or part of the message.

### General Broadcasts

The NORCOM Center or a field unit may make a broadcast of general information which must be conveyed to all field units (e.g., updated suspect information on crime that just occurred).

The NORCOM Center will broadcast:

**Radio to all units: Prepare to copy information on (type of incident).**

Pause for several seconds to allow officers to prepare to copy the information.

A field unit will broadcast:

**Unit designator to Radio and all units: Prepare to copy information (on type of incident).**

The field unit should pause until the NORCOM Center has cleared the air for broadcast.

### Information – Official Agency Incidents

The purpose of these calls is to alert the dispatcher and appropriate field units of outside agency police activity in our jurisdiction where no action or response from our police department is needed. These types of calls include: other agency warrant service and surveillance/stakeouts in Bellevue. This information should be given to the on-duty Patrol supervisor and the on-duty Traffic supervisor. It will be the responsibility of these supervisors to communicate the information to the appropriate field units and oncoming shifts as necessary. The NORCOM Center is responsible for documenting these notifications in the CAD incident.

### Vehicle Stops/Contacts

Any officers or PSO's announcing a vehicle stop (traffic stop, disabled vehicle, etc.) will advise NORCOM and relay this information in the following order:

- Unit designator
- Location
- Plate
- Vehicle description.
- 

## 23.00.130 RADIO DESIGNATORS

NORCOM Policy and Procedure address Radio Designators.

## 23.00.140 DISPATCH AND CALL-OUT PROCEDURES

### Death Messages

NORCOM will dispatch death notifications messages to officers by telephone or MDC. These messages are not to be broadcast over the radio talk group. Refer to **Death/Serious Injury Notification** Policy for further details.)

## Bomb Threat Incidents

All bomb threat incidents should be dispatched via MDC or telephone whenever possible. These calls should not be broadcast over the air regardless of the location of the incident. In order to ensure that field units have copied the dispatch of an MDC bomb threat, the dispatcher should advise the officer of a "Priority Call on your MDC."

Example: "1B4 Priority Call on your MDC."
"2B3 Call Radio for a Priority Incident."

For bomb threats at schools, the SRO should be dispatched with an advisory to the on-duty Lieutenant. If the SRO is not available, a district unit should be dispatched.

A notification should be made to the Bomb Squad Commander on any bomb threat dispatched.

## Emergency Messages

Only the following types of emergency message calls will be dispatched and delivered:

- Messages involving the potential safety of life or property
- Welfare of a resident is in question or may be at risk
- The urgency of the message warrants Bellevue resources to deliver the message

## Missing Persons

When the Department is notified of a missing person, regardless of age, the call will be dispatched and an officer response made.

## Request for PD Assistance Outside City Limits

A request for police response outside the City of Bellevue requires on-duty Patrol supervisory approval.

In emergency situations (e.g. officer needs help) where a request for back up is received from a neighboring community (Clyde Hill, Medina, Kirkland, Redmond, etc.) the NORCOM Center will send back up immediately. The NORCOM Center will confirm the patrol supervisor's knowledge of the response.

Requests from other agencies for non-emergency response will require supervisory approval if outside our jurisdiction (e.g. a request from Bellevue Fire for police assistance in Newcastle).

## Requests for PD Assistance by Outside Agency

Requests for arrest warrant service or probable cause arrest assists by an outside agency should be handled by the NORCOM Center with a telephone call to the Patrol Supervisor prior to dispatch. Misdemeanor arrest warrants will not be served between the hours of 2200 and 0600 unless there are unusual circumstances.

## K-9 Request

In response to a request for a Bellevue K-9 unit, the NORCOM Center will announce to the K-9 and on-duty Patrol supervisor, the location and nature of the request. If no K-9 is on-duty, contact must first be made with the on-duty supervisor.

This protocol includes and applies to requests from Clyde Hill PD and Medina PD.

### Call Out Procedure for SWAT Team, Hostage Negotiators, Detectives, and Bomb Squad

The procedures to be employed for activation of these specialized teams will be defined by Section Commanders. The Patrol Supervisor will notify the NORCOM Center when a call out has been made and who was contacted.

### In-Service

Officers are required to check in-service with the NORCOM Center at the beginning of their shift, both for on-duty and off-duty assignments. Radio call sign, personnel # and car # will be given.

### Out-of-Service

Officers are required to check out-of-service with the NORCOM Center at the end of their shift, both for on-duty and off-duty assignments. If NORCOM has not heard from an officer by the end of their shift, NORCOM is responsible to check on the air to determine the officer's status. A Lieutenant will be notified at that time if the NORCOM Center does not receive a reply from the officer or from another officer who may know the status. Lieutenants will be responsible for contacting officers, should officers not log their out-of-service status with the NORCOM Center.

## 23.00.160 NORCOM AUDIO RECORDING REQUESTS

All requests for audio recordings must be approved by the requesting officer's supervisor. Approval may be authorized by the Lieutenant, Captain or Section Commander.

## 23.00.170 MOBILE DATA COMPUTERS 6/2005 (CALEA 41.3.7)

**Principle:** The Bellevue Police Department's patrol vehicles have been equipped with Mobile Data Computers (MDC's) that allow for transmission of electronic messages both computer to computer, multi-computer, and between computer and NORCOM's Computer Aided Dispatch System (CAD).

The MDC's have been placed in the vehicles to enhance the efficiency of the officers on duty. They are intended for police operations and not as a personal communication tool. Users of the MDC shall be ACCESS certified and follow the rules and guidelines as set forth in this Standard.

### Policy

**User Agency Access Policy:** NORCOM is the owner of the CAD and MDC systems and thereby has primary responsibility for maintaining the integrity of those systems.

While NORCOM does not have the authority or the desire to dictate user agency policy or suggest disciplinary action, NORCOM does reserve the right to restrict or deny system access should professional standards not be met by a user agency.

No employee shall knowingly make use of or access any computer equipment to which he/she is not authorized.

Should the individual actions of a User necessitate potential limitations or denial of usage of the system, the severity of the violation(s) will determine whether a warning is issued to the User Agency or whether it is brought before the Joint Operations Board for a decision to deny access.

An agency may petition the Joint Operations Board for a User's reinstatement to the system at such time they determine no further violations will occur.

**User Agency System Access**: The system accommodates the logging on of up to two (2) persons per MDC. Any time a determination is made that an employee is not to have access to the system whether temporary or permanent, they shall notify NORCOM techs to ensure that the CAD Security File is updated.

**Electronic Messaging:** NORCOM is equipped with a CAD system that allows for the transmission of electronic quick messages and computer to computer or multi-computer message sending. The system is intended for the enhancement of NORCOM operations. The NORCOM owns an MDC software system, New World that interfaces with the CAD System. The Washington State ACCESS System for Police Departments is also in place at Bellevue Police Records and NORCOM. Strict rules and guidelines apply. Refer to ACCESS Manual.

**Practices:**
Use of the MDC equipment in a moving vehicle is inherently dangerous. Officers using this equipment while operating a motor vehicle must exercise caution and avoid potential distractions created by the use of the MDC. Should a collision occur related to the use of the MDC, the policy/procedure related to City vehicles involved in a collision will apply.

Members of the Bellevue Police Department may use the MDC's only for official business. Message sending capabilities shall not be used for transmission of information that promotes discrimination on the basis of age, gender, marital status, race, creed, color, religion, national origin, sensory, mental or physical disability, or sexual orientation.

- Sexual harassment.
- Personal political or religious views.
- Any unlawful activity.
- Union business.
- Personal opinions or comments regarding a call.

No one but trained, authorized members of the Bellevue Police Department shall access or otherwise make use of the MDC's.

No member shall attempt, in any manner, to circumvent the security system of the MDC.

No member shall tamper with, or attempt to repair, any hardware component for which he/she has not been specifically trained and assigned to maintain and/or repair.

No member shall modify, reconfigure, add to, or delete from any software application, operating system or peripheral device unless specifically trained and assigned to do so.

No member shall knowingly make a fictitious, unauthorized, anonymous, or inaccurate entry into the MDC data base and/or message handling system.

No member shall knowingly make use of, turn off, or log off any computer terminal to which he/she is not logged on without permission from a supervisor or commander.

No member shall make use of any other individual's security password as a means of security access to any computer.

No member shall record, disseminate, or cause to be recorded and/or disseminated, any record or records of system security passwords or devices of other persons without the expressed written permission of the Deputy Chief or his/her designee.

Any member who has cause to believe that the computer system security, security file and/or integrity has been violated, compromised, or jeopardized, shall immediately report the same to his/her supervisor or commander.

**Responsibility:**

Employees have no expectation of privacy when utilizing the MDC.

Electronic messages cannot be protected against unauthorized access caused by:

- User's failure to maintain password security.
- Devices logged onto the system, but left unattended by users.
- Messages forwarded to others by recipient.
- Messages printed at locations where individuals other than the intended recipient may view.
- Messages directed to the wrong recipient.
- Messages saved/stored by the member prior to logging off the system and/or leaving their computer.

It shall be the responsibility of the supervisors and commanders to enforce this policy and to monitor messages being sent by employees.

- The Watch Commander will be responsible for routinely monitoring MDC messaging to ensure compliance with professional standards and policy.
  As part of an investigation, a supervisor or commander shall take action to gather facts and may review and/or monitor messages being sent.

**<u>Procedure</u>**

**Dispatching Incidents:**

Under normal circumstances, the basic information on all incidents will be dispatched verbally. Incidents should not be sent from NORCOM to an MDC without a verbal advisement to the assigned unit(s).

Under special circumstances where verbal communication would jeopardize the effectiveness or safety of an incident, total MDC communication may be utilized.

All verbal transmissions from responding units that change status or location will be recorded by NORCOM, regardless of the MDC capability of the responding unit. NORCOM should not assume nor expect responding units to record critical information in the CAD System.

Priority one (1) through three (3) incidents will be dispatched verbally and via MDC in their entirety. Priority four (4) and five (5) incidents may be dispatched via MDC with minimal information verbalized to the officer (i.e., "1B12, a Theft Report MDC"). NORCOM will ensure the officer(s) acknowledge the advisement.

NORCOM should pay special attention to MDC transactions to remain aware of officer location and status. As with non-MDC equipped units, status checks will be performed accordingly.

Should an MDC unit not respond to a transmission requiring a response, NORCOM will attempt to gain the attention of the unit by verbalizing the unit number, followed by the phrase "Acknowledge MDC". In the event the officer does not respond, NORCOM will attempt to ascertain the unit's status. Should this attempt fail, immediate back-up shall be dispatched to the unit's last known location.

**MDC User Procedures:**

- **Routine Transmissions**
  Responding units may initiate all routine status changes, such as en-route, on-scene and clear.

- **Critical Transmissions**
  Critical requests should not be made via MDC, such as a law enforcement request for a fire/EMS response or a request for backup or assistance. Units should also avoid "silent" transmissions on important tasks to allow units without MDC have to monitor activity.

- **On-View Incidents (Traffic Stops)**
  Officers utilizing the on-view function of the MDC shall verbalize the incident to NORCOM and identify their intent to initiate the CAD incident themselves by immediately following the advisement with the term MDC (i.e. "1B12, Traffic MDC"). The fact that an incident was on-viewed through an MDC does not change NORCOM staff responsibility to check officer status and respond accordingly.

Recommended practice: Continue to call out traffic stops on the air.

**Access 4/09**

The ACCESS interface is available to law enforcement MDC equipped units.

While an MDC unit is capable of performing a variety of ACCESS inquiries Records shall continue to perform these queries upon request. Under no circumstances shall Records refuse a data inquiry or direct an officer to utilize their MDC for that purpose.

MDC equipped units are designed to alert the user of any possible warrant, officer safety or stolen vehicle information.

The Officer must communicate with Records to confirm all pertinent warrant information to ensure that he/she has the correct subject and/or plate.

Once the subject and/or plate confirmation has been made, Records shall phone the originating agency and verify the return. When completed, Records will document the warrant information in the appropriate CAD call.

A Central Computerized Enforcement Service System (ACCESS) is a computer controlled system operated and maintained for all law enforcement and criminal justice agencies within the state and administered by the Washington State Patrol (WSP). All users will conform to the rules, regulations, policies, or procedures developed by NCIC and adopted by the WSP. These are provided to users during ACCESS certification/re-certification training.

The ACCESS System shall only be used for official law enforcement business. Each user must observe all restrictions placed on the use or dissemination of information received through ACCESS. Although some records may be public information, if the information is obtained through ACCESS it must only be used for

criminal justice purposes. Those records that may be considered public would have to be released through a formal public disclosure request. Queries or messages not pertaining to law enforcement business (e.g. personal inquiries) are strictly prohibited. Vehicle records may be released to tow operators as specified by Washington State Law.

Users shall not use any information obtained through the ACCESS system, including Department of Licensing (DOL) and Department of Corrections (DOC) information, for private business or personal reasons or furnish any information so obtained to any other person for such use. Accessing criminal history on family or friends and accessing vehicle registration for personal use are examples of misuse. Users do not have to disseminate information in order to be in violation.

All allegations of ACCESS misuse must be investigated. The Chief of Police and the ACCESS Information Security Officer (WSP) shall be notified of any allegation of ACCESS misuse.

**Terminal Security**

All users are responsible to ensure the security of the terminal sites and information received. Terminal locations must be secure from unauthorized access, and all employees authorized to use the system shall be instructed on the proper use of equipment and the dissemination of information received.

**Technical Agency Coordinator**

The Major of the Administrative Services Section shall designate a Technical Agency Coordinator (TAC) to act as the point of contact for the WSP and the Federal Bureau of Investigation (FBI). The individual designated to function as a TAC must meet all WSP requirements for TAC's. TAC responsibilities include but are not limited to;

- the Department contact for audits conducted by the ACCESS audit staff;
- Responsibility for proper operator performance and strict adherence to regulations;
- Prompt notification of violations to the ACCESS Section;
- Ensuring proper training and certification

**Reporting of Equipment or Connection Problems**

Field Units/Supervisors are responsible for the reporting of any problems with individual MDC units or connection to NORCOM tech support. If the AVL (Automatic Vehicle Locator) system is down, NORCOM Center Dispatchers/Supervisors will notify the Information Technology Department, and the on-duty patrol supervisor.

If you are unable to broadcast using your radio because of a poor coverage area, you can move to an area with better coverage or use an alternate form of communication such as your cell phone, MDC or a land line. If you locate an area of poor coverage, report this area immediately to Dispatch so they can document and schedule a radio technician to resolve the issue.

## 23.00.180 REVERSE 911

Reverse 911© Community Telephone Notification is a device that provides a means to be in contact with the community by sending pre-recorded messages to residents and/or businesses within a certain geographical area or by pre-defined lists, if their information is contained in the database.

## Authorization

Authorization for use of the system must be given by the Fire Chief, Fire Battalion Chief, Chief of Police or Police Captain (or Police Lieutenant if no Police Captain is available) in charge of daily field operations or any of their designees in charge of daily operations for the purpose of advising citizens to take actions which would protect their safety or to enlist their assistance with a public safety mission, such as locating a missing child. The system use should be limited to events or situations that directly affect the lives and safety of citizens within the area called.

## Message Construction

Instructions for constructing outbound messages are found in the Reverse 911© procedure manual in the NORCOM Center.

# BELLEVUE POLICE DEPARTMENT MANUAL

## CHAPTER 24

## PRISONERS

### 24.00.010 TREATMENT OF PRISONERS

Prisoners will be treated in a fair and humane manner at all times. They will not be subjected to verbal abuse or to physical force other than may be required in subduing violence or assuring detention. No officer will strike a prisoner or suspect except as may be necessary in the prevention of an escape, or in self defense, or in the prevention of violence to another person. Officers will not expose prisoners to unnecessary hazards.

**Caution in Handling Prisoners and Suspects**

Officers will be cautious in the arrest and detention of prisoners or suspects and will take all necessary precautions to prevent an escape or the carrying of weapons on such person/s after their arrest.

Officers will not place items or objects adaptable for use as weapons or permit such items or objects to remain unattended in any location where they would be readily accessible to prisoners, suspects, or suspicious persons.

**Prisoner Searches** (CALEA 70.1.1)

Officer safety and public safety are of paramount importance when transporting an in-custody prisoner. Whenever an officer makes an arrest or receives someone who is in custody, it is the arresting/receiving officer's responsibility to search the subject for weapons or contraband prior to transportation.

A thorough pat down search will be conducted on prisoners each time they are out of the custodial officer's immediate control or there is a change in custodial officer. The search shall include determination of the contents of all pockets and clothing articles, as well as purses and baggage.

Whenever possible, when searching a prisoner of the opposite sex, officers shall obtain the assistance of an officer of the same sex as the prisoner. If an officer of the same sex is not available, officers shall, whenever possible, have another officer witness the search.

Searching a prisoner of the opposite sex does not relieve officers of the responsibility of ensuring that prisoners are unarmed, and not in possession of contraband prior to transportation.

All prisoners shall be searched upon entering the holding facility. The search shall be thorough and include inspection of the contents of pockets, shoes, socks, hats, baggage, and other items of clothing or luggage where weapons or contraband might be hidden. Officers shall use the metal detectors present in the booking room to facilitate a thorough search of the prisoner.

Specific requirements for strip and body cavity searches can be found in the chapter on Searches. Strip searches shall be in accordance with current policy and procedures.

## 24.00.020 PRISONER TRANSPORT

Prisoner transport operations shall be assigned under the Operations Division under direct supervision of a Captain assigned to the Patrol Section. The Department expects all employees involved in prisoner transport operations to treat prisoners with respect and conduct themselves in a safe manner in accordance with the policies, procedures, rules and regulations in this manual.

When transporting prisoners, purses and baggage shall not be left in the prisoner compartment with the prisoner. They will be kept in the driver's compartment or trunk of the vehicle.

Juveniles will not be transported in the same vehicle with any adult prisoners.

**Transport Vehicle Security** (CALEA 71.1.2)

At the beginning of shift, when taking control of a vehicle from another officer, or when an officer uses any Department vehicle to transport a prisoner, it is the transporting officer's responsibility to inspect the vehicle both before and after each transport to ensure that contraband and weapons are not present and to ensure that prisoners do not have access to weapons or contraband.

In the event that contraband or weapons are located, the officer assigned to that vehicle shall notify an on-duty supervisor. The officer previously utilizing the vehicle shall be contacted to properly process the items. If the officer cannot be contacted, every effort should be made to determine if the contraband or weapons are evidence. If so, the items will be processed as evidence and the appropriate supplement report will be written. If the items are not evidence, they will be processed as "found property", and a copy of the report shall be forwarded to the previous officer's supervisor.

**Transport Officer Security** **(rev 4/09)** (CALEA 70.1.3)

Prisoners shall normally be transported in the rear of barrier-equipped vehicles. At no time will prisoners be transported in the front seat of a vehicle. At no time will a single officer transport a prisoner in a non-barrier equipped vehicle.

Transport of prisoners in non barrier equipped vehicles must have supervisor approval. Supervisors shall consider the type of prisoner, the circumstances of the need to transport in a non barrier equipped vehicle and/or any exigent circumstances that may be present before granting approval.

Transporting officers shall ensure that when using a barrier-equipped patrol vehicle for transport, that the sliding window on the barrier is properly secured.

Officers shall not routinely sit within the prisoner transport section of the transport vehicle (patrol car) unless a special need arises. In this case, the officer will be seated behind the transport vehicle driver.

Barrier-equipped vehicles, such as the transport vans, that do not allow the driver or passenger to observe the prisoners shall be equipped with video monitors to allow observation of the prisoners.

**Prisoner Security** (CALEA 71.1.4 & .5)

Transporting officers shall maintain proper supervision of prisoners at all times and shall not lose sight of prisoners during transport.

When possible, officers will make every effort to separate male and female subjects during transports.

During lengthy transports, prisoners shall be afforded the use of toilet facilities only after the officer is satisfied that adequate security can be maintained.

When prisoners are to be transported long distances, primarily from non-contiguous counties, consideration should be given to whether or not it might be more practical to have the prisoner transported via the state-wide reciprocal agreement wherein counties regularly transport prisoners across the state from facility to facility.

The transporting officer accepts the responsibility of the safe delivery of the prisoner.

Transport should not be interrupted to render police services unless there is grave or imminent danger to third parties and failing to act would result in serious injury or death. Prisoner security, potential for a setup for prisoner escape, and danger to the community must be considered. The transporting officer will notify NORCOM with their location and intent to interrupt transport to render police services.

Prisoners who are being transported to, from, or between custodial facilities will not be allowed to communicate with others. All requests for communication shall be denied by the transporting officer.

**High Risk or Multi-Prisoner Transports** (CALEA 70.1.8)

Transporting officers are required to bring to the supervisor's attention any other issues or factors they believe could compromise their own or a prisoner's safety or provide the opportunity for escape during transport. The supervisor will attempt to resolve the issue prior to the transport.

NORCOM and the on-duty supervisor will be immediately appraised of any emergency or unusual occurrence during a prisoner transport. A backup officer will be requested from the closest jurisdiction for any situation that requires a single transport officer to stop and enter the prisoner compartment of the transport vehicle. Officers are discouraged from entering the prisoner compartment when there are two or more prisoners present unless there are additional officers present to provide back-up assistance

When present, seatbelts should be used with all prisoners If a prisoner requires assistance to fasten their seatbelt and there are more than two prisoners being transported, a second officer should be present to provide security while a prisoner is being assisted with their seatbelt.

If a prisoner to be transported to court or another agency presents a potential security hazard, the transporting officer will immediately notify the Courts and Custody Lieutenant, or the on-duty supervisor if the Courts and Custody Lieutenant is not available. The on-duty supervisor will contact the agency or court involved, and make arrangements for security measures with the appropriate agency or judge.

Additional security measures at court include but are not limited to:

- Extra officers assigned to courtroom security
- A search of the courtroom and places the prisoner may be held
- Searches of those entering the courtroom by hand, or metal detectors
- Keeping the prisoner in additional restraints in the courtroom.

A prisoner who is a potential security hazard will not be transported from a secure facility until the on-duty supervisor has been notified, taken the appropriate actions and advised the transporting officer to commence with the transport.

## 24.00.030 SPECIAL TRANSPORT SITUATIONS (CALEA 70.3.3)

This agency operates a six-hour holding facility. Under no circumstances shall members of this Department provide transportation of prisoners from our facility to:

- To a medical or dental appointment
- Attend funerals
- Visit ill persons
- Attend the reading of a will
- Any other personal function

When the need arises to transport a Department prisoner from Issaquah Jail under any of the above circumstances, an on-duty supervisor should be notified to ensure adequate staffing is available for such use. Transportation of prisoners from Issaquah Jail under any of the above circumstances shall be by an armed officer.

**Sick, Injured, and Disabled Prisoners** (CALEA 70.3.1 & .2)

Any prisoner complaining of sickness or injury, or who, in the judgment of the officer, appears to be sick or injured, whether complaining of same or not, will be treated as follows:

- The prisoner will, if possible, be processed and released in the field if a full booking procedure is not absolutely necessary.
- The transporting officer will request Fire EMS to respond to the prisoner's location. Based upon EMS recommendation, the prisoner will be administered first aid by the aid crew, or transported to a hospital emergency room. If prisoners have insurance providing medical care at a local medical care facility, they may be treated by that facility, if they request and it is practical to do so.
- The sick or injured prisoner will be transported to a medical care facility by the EMS vehicle or ambulance. An officer will accompany the prisoner if transported by EMS vehicle or ambulance
- The transporting officer will write a report to document any medical attention or first aid given to a prisoner, including the dates, times, places, and names of the provider(s). The report will be filed with the case report. A copy of the EMS unit report will be included in the case if EMS units are able to provide it.
- If a prisoner requires hospitalization or dies in custody, a supervisor will be immediately notified. The supervisor will then make a determination if a command officer will be notified immediately.

A sick or injured prisoner will be transported in a police vehicle only after clearance by EMS personnel or an examining physician. Transport of a sick or injured prisoner in restraints in a police vehicle is a decision left to the transporting officer.

A sick or injured prisoner in custody for a crime of violence will be restrained as much as is consistent with their sickness or injury. Any sick or injured prisoner transported in a police vehicle must have their hands handcuffed behind their back or handcuffed in front utilizing a belly chain or functional equivalent.

If a prisoner is so physically and/or mentally handicapped that the officer feels the prisoner cannot be safely transported in a police vehicle, EMS vehicle, or ambulance, an alternative means of transport, such as the prisoner van may be considered. The officer will notify the on-duty supervisor of such decision

Prior to transporting a physically or mentally handicapped prisoner or a prisoner wearing a prosthetic device to a custodial facility, other than our own, the transporting officer should contact that facility and advise them of the prisoner's condition so that any special arrangements may be made at the facility prior to the prisoner's arrival. Wheelchairs or crutches may be transported in the police vehicle, but will not be placed in that portion of the vehicle used to confine the prisoner. Additionally, prosthetic limbs that may be readily removed by the prisoner should be transported outside the prisoner confinement area.

**Prisoner Identification and Documentation** (CALEA 70.5.1)

Any officer assigned to transport a prisoner from the Department holding facility to another facility will visually confirm that the prisoner matches the physical description listed in the booking log. Officers should also verbally confirm the prisoner's identity by asking their name and date of birth, or other personal information.

A prisoner transported to any facility based on a court order must be accompanied by a copy of such a court order. Any prisoner removed from a facility, taken to court, and returned to the same facility needs no other documentation than a copy of any court order issued.

A copy of the case/crime report must accompany persons taken into custody and transported to a mental health facility, pursuant to the Involuntary Commitment/Mental Health Act, whether the person is transported by ambulance or police vehicle.

Officers transporting prisoners to court will check with a PSO or the Court to determine if there is any information to be delivered to the court with the prisoner. If there is a court packet, it must be delivered to the court clerk when the prisoner arrives.

Any officer assigned to transport a prisoner to a facility outside King County, but within the State of Washington, will phone such facility to ascertain what documents are required by that facility, and secure such documents prior to transporting the prisoner.

Any time an officer takes someone into custody and makes a field transfer to another agency, it shall be the officer's responsibility to see that the officer from the other agency is verbally apprised of any information concerning the mental or physical state of the prisoner or any officer safety issues related to the prisoner.

**Bookings in Other Jurisdictions** (CALEA 70.1.6)

An officer transporting a prisoner to another facility shall comply with the regulations of that facility.

The officer shall secure their weapon(s) prior to allowing a prisoner to exit the vehicle

Officers will secure their weapons before entering any security perimeter of any jail/holding facility

Handcuffs or other restraining devices shall not be removed until the prisoner is within the security perimeter of that facility. In many cases, the receiving agency shall determine when restraining devices shall be removed.

An officer transporting a prisoner from one facility to another shall provide all documents required by the accepting facility (per contractual agreements), and will further provide any special notations on the prisoner's health, behavior, potential for escape, or propensity to violence.

If the transporting officer has the prisoner's property, the prisoner or the officer must sign the property release section of the property receipt before leaving the property with the accepting facility.

### Meals

In the event of a long transport during an extradition, transporting officers may permit the prisoner to have meals. Selection of the type meal and the location of the eating facility should be random to diminish the likelihood of escape.

Feeding prisoners in transit may require summoning assistance from other agencies to ensure adequate security. Whenever possible, this will be arranged in advance of the transport.

In the event that it is necessary to transport a prisoner via commercial transportation, meals may be provided in conjunction with the carrier's regular schedule. Officers will continue to ensure that food, containers, and eating utensils are not capable of being used as weapons, and that the best possible security is maintained.

When an officer intends to transport a citizen in a Department vehicle, for the purpose of providing a citizen assist, or other non-criminal matters, the transporting officer may ask for permission to search that subject solely for the purpose of maintaining officer safety. Such persons should be asked for permission to conduct a frisk or pat down search for weapons. The transporting officer should inform the citizen that this is for safety purposes only, and refusal to submit to such a search may cause the officer to refuse transportation.

## 24.00.040 USE OF RESTRAINING DEVICES (CALEA 70.2.1)

The following devices or combinations are approved for the restraint of prisoners when used in accordance with Department approved training:

- Department issued handcuffs
- Belly chains or functional equivalent
- Leg iron cuffs
- Leg cord cuff restraint (hobble)
- “Flex-Cuff” type plastic restraints

### Restraint of Prisoners During Transport

All persons who are taken into custody, who are transported in a police vehicle, will be handcuffed with wrists behind the back. Unless circumstances at the time of the arrest (i.e., prisoner was combative or resistive) prohibit the officer from doing so, all prisoners will be handcuffed in the "double-lock" position. Such circumstances shall be documented in the arrest/case report as appropriate. Refer to other sections of this policy for handling prisoners who are injured, ill, or handicapped.

A prisoner may be handcuffed with the hands in front if done in conjunction with use of a belly chain or functional equivalent.

When transporting more than one prisoner, they may be handcuffed with hands in front and arms intertwining, or right hand to right hand, or left hand to left hand.

Prisoners who require transport for an extended period of time will be handcuffed in front utilizing a belly chain or functional equivalent.

### Use of Handcuffs

Handcuffs are normally necessary for use at all times when officers are processing and transporting arrested/lawfully detained persons. Officers/PSO's may, at their discretion, process and transport prisoners such as those who are aged, pregnant or infirm without handcuffs, provided the officer is able to maintain control over the prisoner. Other restraints are permitted for unruly prisoners with the exception of the tactic known as "hog-tying." Refer to **Use of Force** policies.

All prisoners will be secured with restraints while in the courtroom.

### Use of leg cord cuff restraints

Use of leg cord cuff restraints is authorized on prisoners who are so combative that any other means of restraint presents a substantial risk of injury to the transporting officer, other prisoners, or to the prisoner himself. For example, when no alternative means of full restraint (such as medical restraints) is available or feasible.

### Securing Prisoners

During transport, the prisoner should be secured to the seat by means of a seatbelt, and the prisoner should be positioned on their side, rather than the stomach, to avoid restraint asphyxia. This is particularly important for individuals exhibiting the signs of high agitation, psychotic drug/alcohol use, and obesity. If it is not possible to transport a subject in a manner described above, officers are encouraged to summon an aid car or private ambulance for transport.

In no event will a prisoner ever be secured to any portion of a vehicle while in transport other than by use of the seatbelt.

### "Hog-Tying"

Officers will not Hog-tie prisoners for transportation in Department vehicles. "Hog-tying" a prisoner during transport may cause the phenomenon of "Positional Asphyxia. Using such a restraint method may interrupt a prisoner's normal breathing process and lead to serious injury or death.

### Transport of Combative Prisoners

If necessary, the legs/ankles of a combative prisoner may be secured with restraints and the cuffed prisoner then placed in the transporting vehicle in a sitting position.

Securing the legs together in this manner is not considered to be "hog-tying," in that there isn't any linking of the wrists and ankles at the lower back.

## 24.00.050 PRISONERS AT MEDICAL CARE FACILITIES (CALEA 70.3.2)

If a prisoner is transported to or from a medical care facility for treatment, an armed officer will accompany them. The officer will maintain in visual contact with the prisoner as much as possible, and will always maintain good security practices. The officer should evaluate a suspect's security risk based on criminal background, the nature of the offense, physical condition, mental condition, and statements and actions observed. Officers may have to accompany a security risk prisoner in an EMS vehicle or ambulance during transport, or may accompany a non-security risk prisoner by following the aid unit in a separate vehicle.

If the prisoner is unrestrained while being treated, officers shall use caution. They should guard against any possible escape or an assault/hostage situation of any medical personnel or other patients.

Subjects in custody on our charges, who due to illness or injury are being housed as an in-patient in a medical care facility, will be the responsibility of this Department unless custody has been relinquished to King County Jail **(See furlough procedures)**.

If the suspect is a security risk, it may be necessary for a guard to be posted to maintain custody and security of the prisoner. Prisoner security details will be organized by an on-duty supervisor who will keep the on-duty Watch Commander updated.

Supervisors will need to arrange for regular rotation of officers to prevent fatigue.

When released from treatment, information regarding the prisoner's condition should be obtained from medical staff and documented. All instructions for future treatment and medication should be obtained in writing and signed by the attending physicians. Before transport, the prisoner should be searched and restrained.

## 24.00.060 PRISONER ESCAPE (CALEA 70.1.7 & 72.4.10)

If a prisoner escapes while being transported within the Bellevue city limits, the transporting officer will immediately:

- Notify NORCOM of such occurrence
- Provide the location of the escape and the prisoner's last direction of travel
- Advise what the prisoner is in custody for, and if the prisoner is a danger to the public, him/herself, or other officers
- A complete physical description of the prisoner, including any clothing (i.e., holding facility clothing)
- Attempt to immediately return the prisoner to custody, if it is safe and practical to do so. If a PSO is transporting a prisoner that escapes, and loses sight of a prisoner long enough for the prisoner to have armed him/herself, the PSO will immediately terminate their attempt to apprehend and will notify armed officers of the last location the prisoner was seen and their direction of travel
- Notify an on-duty supervisor and the appropriate Watch Commander. This may be accomplished via NORCOM
- Request additional manpower and coordinate their placement and activities through the supervisor
- Advise the on-duty supervisor of any information which will assist in determining other Department resources the supervisor may want to utilize such as K-9 team or S.W.A.T.
- Prepare the necessary reports concerning the incident to include case/crime reports, prosecutor forms, teletypes, and patrol information sheets
- If the prisoner is recaptured, the transporting or arresting officer shall additionally process the prisoner through another booking on escape charges, when appropriate
- Request NORCOM to notify surrounding agencies

If a prisoner escapes while being transported in another jurisdiction, the transporting officer will:

- Immediately notify NORCOM

- Notify the local jurisdiction where escape occurred. Request appropriate aid from the local jurisdiction. Depending on the situation, this may be done via NORCOM or directly by the transporting officer

- Attempt to immediately return the prisoner to custody, if it is safe and practical to do so. If a PSO is transporting a prisoner that escapes, and loses sight of a prisoner long enough for the prisoner to have armed him/herself, the PSO will immediately terminate their attempt to apprehend and will notify armed officers of the last location the prisoner was seen and the prisoner's direction of travel

- Notify an on-duty Bellevue supervisor as well as the appropriate Watch Commander as soon as possible. NORCOM may assist with notifications

- Assist the jurisdiction in which the escape took place by providing all information concerning the escapee, including descriptions, reason for in-custody status, and possible destinations, and preparing any necessary reports requested by such jurisdiction

- Prepare the necessary reports, for this Department, concerning the incident to include case/crime reports, prosecutor forms, teletypes, and patrol information sheets

In the event that a prisoner escapes in another jurisdiction and is recaptured by that jurisdiction or by a Bellevue officer in that jurisdiction the local jurisdiction shall have priority in arrest and charging of offenses against the prisoner. In the event that the local jurisdiction declines to process the prisoner or proceed with charges, the Bellevue officer shall take custody of the prisoner and process them for any additional charges that apply to the incident.

## 24.00.070 HOLDING FACILITY (updated 10/20/2010) (CALEA 72.7.1)

### Holding facility Classification - W.A.C. Designation - Hours of Detention

Under regulations promulgated by the Washington State Jail Commission, and contained in Washington Administrative Code Section 289-14 et. seq., the Bellevue Police Department Holding facility is classified as a “Six Hour holding facility” (WAC 289-02-020(9)), and thus designated as a facility in which a person may be held in custody for a maximum of six (6) hours.

### Facility Operations

Holding Facility operations shall be assigned under the Administrative Services Division managed by the Administrative Services (PSU) Captain and supervised by the Lieutenant in the Courts and Custody Unit. The Department expects all employees involved in holding facility operations to treat prisoners with respect and conduct themselves in a safe manner in accordance with the policies, procedures, rules and regulations in this manual.

If emergency circumstances do not allow for release or transfer within six hours, the on-duty Patrol Supervisor will notify Records of the delay and any delay shall be documented in the officer's arrest report.

Emergency circumstances shall include any delays caused by lack of staffing due to emergency calls for service. Prisoners shall be released or transferred as soon as possible.

Persons arrested and detained in the holding facility are to be booked and released, afforded the opportunity to post bail, or transported to the King County Jail or other appropriate facility as promptly as circumstances permit.

The Department’s booking facility is not capable of accommodating prisoners with special needs and disabilities. Those prisoners must be taken directly to King County Jail or other approved facility.

## Training

All personnel using the Holding Facility will receive initial training on its operations, to include fire suppression and equipment provided for use by the Department, and retraining at least once every three years.

## Access to Facility

Only commissioned officers, their detainees and essential Department staff will be allowed in the holding facility. No other persons will be permitted entry unless authorized by a police supervisor.

Essential persons are officers, detainees and Department employees conducting business in the holding facility. All other persons are considered nonessential persons.

Nonessential persons (janitorial staff, etc.) are permitted in the Holding facility only when accompanied by a police officer or PSO and all prisoners are locked inside of a cell. If no prisoners are inside the facility, janitorial staff may enter without an officer present. However, they must cease their cleaning duties and leave facility when any officer arrives with a prisoner in custody.

Sworn personnel may be asked to grant a non-essential person access to the holding facility to conduct maintenance and/or janitorial services. Non-essential personnel entering the holding facility must be escorted and upon completion of their activities, their work must be checked to ensure that tools and other material are not left behind.

The Department Holding facility is not open to the general public for viewing/tours, etc. unless approved by Command Staff. No tour will be given while prisoners are being detained in the Facility.

Access by outside agency officers will be gained by use of an intercom on the outside of the Holding facility. Records staff shall monitor the intercom system at all times. The Washington State Patrol BAC technician shall be granted one electronic cardkey. Additionally, other non-department personnel may be granted an electronic cardkey if authorized by Command Staff and such access is for the furtherance of official business.

## Facility Security and Maintenance

While prisoners are being booked or detained, firearms and knives are to be secured in the locker located outside the entrance to the Holding facility. This policy also applies to any back-up firearms/weapons.

The Holding facility is accessed via an electronic cardkey system. The cell doors are manually accessed via one set of Holding facility cell keys, which shall be kept in the key box in the officer bay. An extra set of cell keys, with a manual cardkey over-ride (emergency only) will be kept at the booking counter.

If the working set of Holding facility keys cannot be located, the on-duty Patrol Supervisor is to be notified immediately and he/she will provide the lieutenants' set of keys.

The on-duty Patrol Supervisor will authorize use of the spare set of keys and will take the necessary action to attempt to locate the missing keys

In the event that the Holding facility keys are lost, the on-duty Watch Commander will be notified and, if necessary, the locks will be re-keyed and new sets established and maintained as required herein.

Damage to the Holding facility caused by a prisoner will be reported to the on-duty Patrol Supervisor, who may direct that a report of the damage is included with the prisoner’s arrest record or that a separate criminal charge be initiated. A copy of the report concerning the damage will be forwarded to the Risk Management Office.

The doors of unoccupied cells (1-6) shall remain closed and locked. All doors leading out of the secure booking area or to the outside of the facility shall remain closed and locked at all times except when accessing the doorway. The PSO's are responsible for checking all the doors in the Holding facility on a weekly basis, and entering the information in the Security Data Base.

The fenced Sallyport entrance gates shall be locked and secured at all times unless prisoners are being brought into or out of the facility. In the event the Cardkey system is out of order, the Custody Unit Supervisor or the on-duty Patrol Supervisor shall open the gates on a temporary basis via the manual override switches in the sally port.

**Safety Inspections**

To ensure the safety of our employees and others who may enter the holding facility, the following safety inspections and maintenance function shall be performed as indicated:

- A weekly documented visual inspection by a PSO, supervisor, or officer for weapons and/or contraband.
- A semi-annual documented testing of fire equipment by a City Facilities technician.
- A daily visual inspection of the automatic fire detection devices and alarm system as required by local fire code, if so ordered.
- A weekly documented sanitation inspection of the holding facility by a PSO, supervisor, or officer, for conditions conducive to the harboring or breeding of insects, rodents, or other vermin.
- All bars, locks, windows, walls, floors, ventilation covers, glass panels, access plates, protective screens, doors, and other security devices shall be inspected for wear or detainee tampering at least weekly by a PSO, supervisor, or officer.

**Search of Prisoners and Cells** (updated 10/20/2010) (CALEA 72.4.5 and 72.5.1)

Upon entering the booking area, each prisoner shall be thoroughly searched. Each person to be placed in detention will be searched for contraband/weapons as necessary to protect the safety and security of staff, prisoners, and the facility.

Searches will be conducted by a person of the same sex as the prisoner whenever possible. The scope of each search will be sufficiently thorough enough to identify all prisoner property, money, and any weapons or contraband carried by the prisoner. Belts, shoelaces and any other item that may be used to harm a person or property will be removed from the prisoner and placed with the prisoner's property in the property locker.

Booking room cells will be checked each day during routine security checks conducted by the PSO's. Additionally, Officers and PSO's will perform a security check of cells used by prisoners, including a search for weapons and contraband, prior to and immediately after each use of a cell. Any discovered contraband, weapons, or other items will be collected and reported immediately to the Courts and Custody Unit Supervisor.

Strip searches, if required and authorized by a Patrol supervisor, will be conducted by a person of the same sex as the prisoner. The search will be conducted in a private area that is out of view of the security cameras. Refer to **Strip and Body Search** policy.

Prior to being placed in a cell, all prisoners will be scanned by a metal detector that is maintained in the holding facility for this purpose.

Any evidence found on a prisoner during the booking process is the responsibility of the officer discovering it and will be tagged as evidence and placed in the Evidence Entry Room. Contraband found will also be tagged and placed in the Evidence Entry Room and the person will be charged as applicable.

**Booking** (CALEA 72.1.3, .1.7, .5.3, & .6.3)

Arrest Report – Book of Arrests – Confidentiality: The following information will, when applicable, be recorded concerning each person detained in the holding facility. Only the information required to be maintained in the Book of Arrests is open to the public. Arrest reports are confidential and only for criminal justice agency use. Confidential information may be released pursuant to court order, written permission of the subject thereof or in accord with RCW 70.48.100, Chapter 10.97 RCW and/or Chapter 42.17 RCW where applicable.

An Arrest/Detention Report (ADR) will be completed (per WAC 289.14.130) as soon as practical and submitted for review and filing when applicable to ensure a timely court appearance for all Bellevue Police prisoners booked into Holding facility.

**Medical Inquiry and Response**

During booking, each prisoner will be observed closely for apparent medical problems or injuries, and questioned concerning current illness, injury, medication and treatment. The prisoner's responses, or lack thereof, and the booking officer's observations will be recorded in the arrest report.

During booking, each prisoner will be observed and any visible body deformities, trauma markings, bruises, lesions, jaundice, or obvious physical limitations will be documented in the case report.

If a prisoner appears mentally ill and either incapacitated or a danger to self or others, a Mental Health Professional will be consulted to determine if the prisoner should be transferred to Harborview Hospital or if s/he can be detained in the King County Jail. Any prisoner appearing to be under the influence of drugs shall be questioned as to what type of drug they have ingested and their condition shall be monitored closely. If necessary, the prisoner shall be transported to Overlake Hospital or Harborview Medical Center for examination by a qualified medical professional prior to being booked and placed in detention.

If the suspect is refused by King County Jail due to their mental illness related behavior, the suspect should be taken to Harborview Crisis Triage Unit. The CTU staff will attempt to stabilize the prisoner's behavior while treating any immediate medical problems. The CTU will permit a police hold, if officers indicate it so on the mental health contact report form, and speak to the staff of the CTU in person regarding their request. (41.2.8b)

**Holding facility Log**

The following information will be recorded by the booking officer on a timely basis in the Holding facility Arrest Log:

- The name of each prisoner, appropriate ID numbers, with the hour, date and cause of detention; and
- The hour, date and manner of each prisoner's discharge from detention; and,
- The cell number where the prisoner was detained

**Records Unit Arrest Log**

The following information will be recorded on a timely basis in the Records Unit Book of Arrests by Records Unit personnel:

- The name of each prisoner with the hour, date and cause of detention; and
- The hour, date and manner of each prisoner's discharge from detention

All prisoners brought into the Holding facility by outside agency officers will be noted on both arrest logs.

**Cell Capacity**

The maximum prisoner capacity for the Holding facility is 28. If an incident results in group or mass arrests that exceed holding facility capacity, procedures found in the Unusual Occurrences Manual under Mass Arrests shall be followed.

Each cell has a rated maximum capacity for prisoners. Cell capacities are as follows:

- Cell #1: 3 prisoners maximum (non-violent)
- Cell #2: 3 prisoners maximum
- Cell #3: 3 prisoners maximum
- Cell #4: 3 prisoners maximum
- Cell #5: 3 prisoners maximum

- Sober 1: 10 prisoners maximum
- Sober 2: 3 prisoners maximum

**Emergency Evacuation Procedures**

When it becomes necessary, for any reason, to evacuate the building or that area of the building containing the Holding facility the Records Specialist responsible for monitoring the detention area by closed circuit video, will immediately notify the on-duty Patrol Supervisor if prisoners are being held. The Patrol Supervisor will assume the responsibility for the removal and security of any prisoner(s) located in the cells.

In the event of a fire, NORCOM will be notified and the Bellevue Fire Department will be dispatched immediately. Officers will aid the Fire Department in gaining access to the Holding facility so that they can fight the fire.

An investigation into the fire will be made by the Department, in conjunction with the Fire Department. A report on the fire incident will be submitted to the Chief of Police via the chain-of-command.

## 24.00.080 PRISONER DETENTION

**Prisoner Segregation** (CALEA 72.5.4)

If the following prisoner separations cannot be accomplished in the holding facility, arrangements will immediately be made to expedite booking and transfer of the prisoner(s) to the King County Jail or other appropriate facility for segregation and supervision:

## ❖ Male and Females

Male and female prisoners will not be confined in the same cell or other area where they are within visual or physical contact.

## ❖ Juveniles

Juveniles will not be confined in any area within sight or sound of adult prisoners.

For the purposes of this procedure, a juvenile is a person under chronological age of eighteen who has not been remanded to Superior Court jurisdiction.

Under no circumstances will prisoners of a chronological age of sixteen (16) or less remain in the Holding facility main booking room at the same time that it is occupied by adult prisoners. (WAC 289.16.130)

If adult prisoners are present in the holding facility, juvenile prisoners should be confined in cells 3 or 4 (juvenile cells). If adult prisoners are within the facility at the same time, activate the electrostatic glass in cells 3 and 4 so that the juveniles will not be able to see out and adult prisoners will not be able to see into the cells. Do not place a juvenile male into the same cell as a juvenile female
Juveniles under the age of twelve (12) are not to be confined in a holding cell. If it is necessary to detain a child under the age of 12, the child should be monitored by the officer outside of the holding facility. Any officer detaining a child under the age of 12 inside the Holding facility shall have the approval of an on-duty Patrol Supervisor. Children under the age of 12 shall be released or transferred as soon as possible.

Any juveniles must be under continuous visual supervision by a law enforcement officer or facility staff while in the booking facility and if locked in a cell shall be <u>personally</u> observed by an officer or facility staff member every 15 minutes.

## ❖ Status Offenders and Non Offenders

Status Offenders are juveniles who have been charged with, or adjudicated for, conduct that would not be a crime if committed by an adult (i.e., runaways, truants, MIP's, curfew violators, driver under twenty-one consuming alcohol). Non-Offenders are juveniles who are subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes, for reasons other than legally prohibited conduct of the juvenile.

Status and Non Offenders **shall not**:

1. Be confined in any regular cell or any locked room

2. Physically be secured to a stationary object (i.e., cuffing rail, heating or plumbing pipes or fixtures) during the period in custody

The area where the juvenile is held must be an unlocked multi-purpose area, such as a lobby, office or interrogation room which is not designated, set aside, or used as a secure detention area.

The juvenile should be removed from areas where the movement of adult prisoners takes place.

The area used to detain the juvenile is limited to providing non-secure custody only long enough and for the purposes of identification, investigation, processing, release to parents or legal guardian, or arranging transfer to an appropriate juvenile facility or to court. In no event can the area be designed or intended to be used for residential purposes.

The juvenile must be under continuous visual supervision by a law enforcement officer or facility staff during the period of time that he or she is in non-secure custody.

**Prisoner Monitoring and Observation (revised 8/10)**(CALEA 72.8.1)

Persons will not be left unattended or unmonitored in the booking room. They must be handcuffed to a rail if left unattended for any period of time. They will not be left in the interview room for more than two hours.

Persons detained in the interview rooms will be searched prior to being placed in a cell.

No prisoner will be left unattended or unsecured inside of the booking room. If at any time a prisoner is out of an officer's immediate presence, they are to be either handcuffed to a cuff-rail or placed inside of a cell (with the exception of Status Offenders and Non-Offenders). No prisoner will be left handcuffed to a cuff-rail for a prolonged period of time in lieu of placing that person inside of a cell.

**When the Records Unit is open and staffed the following will apply:**

When a prisoner is brought into the Holding facility the booking officer will immediately notify Records Unit personnel that a prisoner is being booked and/or placed in a cell. The officer/PSO having custody of the prisoner will remain with the prisoner until such time as the prisoner is placed in a holding cell or custody is transferred to another officer/PSO.

If the prisoner appears to be having any kind of problem, the Specialist will notify the on-duty Records Supervisor or Lead Specialist immediately.

Officers will notify Records Unit personnel immediately of dispositions of prisoners.

When a Records Specialist becomes aware that a prisoner is being detained beyond six hours, the on-duty Patrol Supervisor is to be notified.

Officers/PSOs are responsible for monitoring their own prisoners, however they may request assistance from Records to monitor the detention area. Records will ensure that the video monitoring equipment is functioning and may monitor the detention area as time permits, or if requested to do so during an emergency. To the extent possible, Records will control the monitoring of the area in such a manner as not to invade the detainee's need for privacy while using the restroom facilities.

Officers/PSOs will not **enter** an occupied cell alone to remove a detainee, except in an emergency. In lieu of entering an occupied cell Officers/PSO's should use the cuff port.

Officers may obtain copies of booking room video clips by submitting an e-mail to the Courts and Custody Unit Lieutenant. The e-mail must include a reason for the request.

Outside agencies using the holding facility are required to notify Records upon arrival with the name and date of birth for their subject being processed for DUI and BAC testing. They shall notify Records of their departure. Records will log the information into their Book of Arrests and will request the agency using the holding facility to enter the information into the Booking Log located in the holding facility.

**When the Records Unit is closed and/or not staffed the following will apply:**

Officers/PSOs are responsible for monitoring their own prisoners, however they may request assistance from NORCOM to monitor the detention area. NORCOM will ensure that the video monitoring equipment is functioning and may monitor the detention area as time permits, or if requested to do so during an emergency. To the extent possible, NORCOM will control the monitoring of the area in such a manner as not to invade the detainee's need for privacy while using the restroom facilities.

Officers/PSOs will not **enter** an occupied cell alone to remove a detainee, except in an emergency. In lieu of entering an occupied cell Officers/PSO's should use the cuff port.

Records will process booking/arrest numbers and other requests/information on the following business day.

Outside agencies using the holding facility are required to notify NORCOM upon arrival. They shall notify NORCOM of their departure. NORCOM will request the agency using the holding facility to enter the information into the Outside Agency Booking Log located in the holding facility.

The Bellevue Holding facility is a 6 hour holding facility. Every effort shall be made to transfer detainees as soon as practical to a jail facility or transfer custody of the detainee to another agency's care or release the detainee. Every detainee held within the holding facility shall be personally observed by an officer or PSO every 30 minutes except for juvenile offenders who shall be personally observed by an officer or PSO every 15 minutes.

The observation time and the person making the observation will be recorded in the "Holding facility Arrest Log". It will be the booking officer's responsibility to ensure the detainee is observed. If the booking officer delegates that responsibility, it shall be noted on the "Holding facility Arrest Log" as will any subsequent delegations of that responsibility. "Personally observed" shall not be construed as observing the detainee via closed circuit television. Particular attention shall be paid to those prisoners who:

- Those displaying emotional instability or violence.
- Intoxicated prisoners.
- Physically ill prisoners awaiting transportation to a medical facility.
- Escape risks.

Only under extreme emergent conditions shall this procedure be deviated from, and only then with supervisor approval.

The digital video recording system, which is maintained by the City records all activity inside the Holding facility. All recordings are maintained for 60 days after the recording date. If an incident has been identified for retention, the record will be retained until the appeal process is over. Officers requiring retention of a booking room incident shall complete a request within 60 days of the original incident.

**Telephone Usage** (CALEA 72.7.1)

Every person booked into the Holding facility will be permitted to make at least two phone calls pursuant to WAC 289-16-100(2).

All long-distance calls are to be made at the prisoner's expense or collect, provided that this requirement will not result in a prisoner without funds being denied access to his/her attorney.

During prisoner phone calls, an officer may listen to the prisoner's side of the conversation, unless the prisoner is talking with an attorney.

If the prisoner declines to make the telephone calls allowed, such refusal will be noted on the ADR form.

At no time will any prisoner be allowed to make phone calls on any telephone behind the booking desk in the officer bay. All prisoner calls are to be made in the prisoner telephone booth. If the phone in the booth is out of service the prisoner may utilize the phone on the fingerprint counter.

Signs will be posted in plain view in the holding facility advising detainees of the video recording and audio monitoring of the facility.

**Visitation** (CALEA 72.7.1 & .8.5)

Prisoners who will be detained at BPD and not transferred to another holding facility soon after booking, must be permitted confidential visits by an attorney. Confidential means privacy of conversation. Interview room A may be used after the sound recording has been disabled.

If the prisoner is to be transferred to another holding facility soon after booking is completed, the attorney, legal assistant or other person seeking to contact the prisoner is to be informed of the facility to which the prisoner is to be or has been transferred.

Attorneys and legal assistants, and their accompanying possessions will be searched for weapons and contraband before being permitted to visit a prisoner. Signs will be posted in plain view in the holding facility advising visitors of search/result of refusal/penalty for introducing contraband. Other prisoner visitors are not permitted within the holding facility.

The prisoner will be carefully searched before entering and after leaving the interview room. Each visitor will be required to register his or her name, address, and relationship to detainee before visitation is allowed.

Visitations may be denied if:

- There is not sufficient personnel available to search and process (log in and out) visitors, except visits by attorneys or legal assistants
- The visitor refuses to be searched
- The visitor appears to be influenced or affected by alcohol or drugs
- The visitor attempts, or there is a reasonable suspicion of an attempt by the visitor, to bring contraband into the facility
- There are reasonable grounds to believe that a particular visit would present a danger to security, staff, other visitors, or the prisoner(s)
- The prisoner does not want visitors
- A physician or mental health professional has notified the Department that it would not be in the prisoner's best interest to have visitors

**Use of Sober Cells**

The Sober Cells are to be used primarily for prisoners who are a danger to themselves or others. Any prisoner who presents a threat shall be transported to the King County Jail, Harborview psychiatric unit or other appropriate psychiatric facility as soon as possible. If needed, officers may apply to a prisoner one of

the protective padded helmets stored inside of the booking room. Visual inspection shall be made by an officer or PSO every 30 minutes and indicated on the booking log. Any time a prisoner is confined in a Sober Cell, the on-duty patrol supervisor and records staff must be notified.

**Alcohol Influence**

If a prisoner appears to be under the influence of alcohol the following will apply.

- If a prisoner is intoxicated and appears ill, the prisoner is to be examined by a qualified medical professional prior to being placed in detention, regardless of any breath test which may have been obtained.

- If a prisoner is intoxicated, appears healthy and reasonably coherent and agrees to take a breath test, one or more tests may be necessary. If the first reading is .25 or greater, a second test is to be conducted 30 minutes after the first test. If the second reading is higher than the first, the prisoner is to be examined by a qualified medical professional prior to being placed in detention.

- If the prisoner refuses to take a breath test and is, in the opinion of the on-duty Patrol supervisor, showing significant symptoms of alcohol ingestion, the prisoner is to be examined by a qualified medical professional prior to being booked and placed in detention.

**Physical Illness/Injury** (CALEA 72.6.3)

If at any time, a prisoner appears ill or injured or communicates same, the Bellevue Fire Department will be called immediately to the holding facility and will examine the prisoner and determine the extent of illness or injury and whether additional medical attention is necessary.

The on-duty Patrol supervisor will be immediately notified of any illness or injury involving a prisoner.

Prisoners suffering from the effects of “pepper spray” may be treated with fresh water from the eyewash station inside the Holding facility. The prisoner may also be brought into the fresh air inside of the sallyport if needed. In the absence of any other apparent illness or injury, it will not be necessary to have the Fire Department respond.

Prisoners requiring medical attention at a hospital, will be transported to the closest facility (Overlake Medical Center).

**Medication** (CALEA 72.6.3 &.6.5)

When a person being booked is in possession of prescription medication the booking officer will determine from the prisoner what the medicine is, who prescribed it, what the dosage times is, and when the last dosage was taken. If the prisoner shows no sign of injury or illness and indicates that the prescription medicine is for emergencies, i.e., “Glycerin” for heart trouble, the booking process is to be expedited so the prisoner can either be released, or transferred to a holding facility which can provide appropriate medical care.

Should a prisoner indicate a need to take prescription medication while in departmental custody, the booking officer will inquire as to the immediacy of such need. The prisoner and the prescription medication may be transported to Overlake Medical Center where the medication can be administered by qualified medical personnel.

All medicine will be kept with the prisoner’s property and no medicine (prescription or non-prescription medication) is to be administered by any member of this Department.

### Medical Attention/Written Report

A written report will be made regarding any medical attention or first aid given to a prisoner, including the dates, times, places, and names of the provider(s). The report will be included with the arrest report.

### Special Problem Prisoners

Prisoners who are a danger to their own health and safety and/or to the health and safety of other prisoners and police employees, will be closely supervised, booked expeditiously and transported to the King County Jail or other appropriate facility. The Safety Cell (#1) shall be used for detaining all Special Problem Prisoners.

Special problem prisoners are not to be confined with other prisoners.

Intoxicated prisoners, demonstrating behavior as described above, will be handled with the same amount of care as “Special Problem Prisoners” as described above.

Any prisoner determined to be suicidal by word or action shall be transported to the most appropriate psychiatric facility as soon as possible.

## 24.00.090 PRISONER PERSONAL PROPERTY(CALEA 72.5.1& .3)

Property rights of prisoners shall be protected by a thorough inventory of money and personal property upon entering the holding facility. Money taken from a prisoner for safekeeping should be counted and recorded in their presence. Personal property taken from a prisoner will be recorded on a property form signed by the booking officer and when possible the prisoner. The only items that may be retained by a prisoner while held in the holding facility are:

- Eyeglasses and/or hearing aids. Only if absolutely necessary to see or hear
- Clothing, excluding belts, shoelaces, and any item that can be used to harm persons or property

When most of the prisoner's clothing must be removed for evidentiary or safety reasons, the prisoner will be issued a facility jump suit

All personal property taken from a prisoner will be carefully inventoried and placed in a secure storage locker in the Holding facility including a copy of the completed and signed property form.

All prisoners will be given signed property receipts for money and other property taken from them.

### Delivery of Mail and Packages Prohibited (CALEA 72.8.4)

Persons attempting to deliver mail or a package to a prisoner in our custody will be advised that delivery of such items to prisoners in our holding facility is prohibited. They should be directed to hold the item until the prisoner is released or until the prisoner is transferred to a jail facility such as King County or our contract jails.

### Release of Property (CALEA 72.5.9)

When personal property is returned to a prisoner upon release, or turned over to a person receiving custody of the prisoner, the property form must be signed by the person receiving the property. (i.e., officer, PSO, officer from another jurisdiction, or the prisoner) This form will be filed with the ADR.

Property being released will be inventoried in the presence of the prisoner and compared to the inventory list. All money will be counted in the prisoner's presence prior to his/her release from Department custody.

Any property retained for evidentiary or other investigative purposes will be noted on the receipt and accounted for in the case report.

## 24.00.100 TRANSFER AND RELEASE OF PRISONERS(CALEA 72.5.6 & .8)

Prior to the actual release or transfer of a prisoner, the releasing officer is to:

- Search the cell in which the prisoner was detained; and
- Inform the Records Unit that the prisoner is no longer being detained

A prisoner is not to be released from custody without first determining:

- That continued detention is not required; and
- That the prisoner being released is the correct one from among two or more in detention
- That the person in custody has been positively identified by either personal ID or through the AFIS system via the LiveScan print terminal in the Holding facility

A prisoner is not to be transferred to another agency without first determining:

- That the person receiving the prisoner is authorized to do so; and
- That the prisoner being transferred is the correct person from among two or more in detention
- Prisoners being transported by members of this Department will be restrained with Department approved devices and will be transported in vehicles equipped to provide prisoner security
- When a prisoner is transferred to another agency, the receiving agency is to be informed of any known illness, injury, or medically-ordered diet the prisoner may have and what medical attention was received while in BPD custody

A prisoner will not be received from another agency without first inquiring into the following and documenting it in the case report:

- Determining that the person delivering the prisoner is authorized to do so
- Verifying that probable cause exits for the initial detention
- If necessary the receiving officer will contact the delivering agency to determine if the facts (as presented to the receiving officer) establish probable cause
- If necessary the receiving officer will contact the delivering agency to verify the legal authority of the delivering person to make such detention
- The Receiving officer will inquire as to any known illness, injury, or medically-ordered diet the prisoner may have and what medical attention was received while in the delivering agency's custody

Prisoners released from the Facility shall be released via the sallyport and escorted away from the Holding facility and police parking area.

## 24.00.110 Interview Rooms (CALEA 72.9.1, .2, .3, .4, .5, & .6)

The Police Department has designated interview/interrogation rooms located within the holding facility, adjacent to the Investigations Section, and adjacent to the Records offices. These rooms have different levels of security, surveillance, and privacy.

The interview rooms inside the holding facility are built to the same standards as the rest of the holding facility; however they have material on the walls to help absorb sound. They are as secure as the rest of the holding facility. However, they ARE NOT to be used for temporary detention because of the sound proofing and lack of observation.

Whenever practical, officers shall use a room within the holding facility to conduct interviews/interrogations of suspects. When using these rooms, officers will follow all of the procedures of the holding facility. Prisoners will be secured to the cuffing rail (with the exception of status and non-offenders). Prisoners will not be secured to any other objects in the interview room.

Prior to placing the prisoner in the interview room it shall be searched for contraband, weapons, or any other item that the prisoner might be able to use to harm themselves or anyone else. **An interview room shall not be used as a temporary holding area for persons who are suicidal**.

Whenever practical, officers shall use a room outside the holding facility to conduct interviews of victims and witnesses. Interviews/interrogations of non-custodial suspects should be conducted in the interview rooms near Investigations whenever possible. These rooms have emergency call buttons on the wall adjacent to the inside of the entry door.

When using the Interview/Interrogation Rooms outside the holding facility, officers shall ensure that weapons remain under the direct control of the officer and shall take precautions in protecting his/her weapon from the person being interviewed.

All subjects are subject to a limited search for weapons upon entering any secure area of the department. Subjects shall not be left unattended in an interview room.

The number of personnel in the interview room is in the investigating officer's discretion. However, there should be no more persons than are necessary to conduct a legal and appropriate interview/interrogation. If there is only one officer in the room, it is strongly recommended that another officer observe the interview from another room.

Some of the rooms are equipped with video/audio recording equipment. Other than that, the only items in the room are the table and chairs. The interviewer is responsible for obtaining and removing any other items used during the interview.

Requests for access to restrooms, water or comfort breaks shall be granted in the discretion of the interviewer. Adequate security should be obtained to enable the person to have such requests granted.

Training regarding the use of the holding facility and interview rooms will be done as part of new hire advanced training and through the FTO program.

## 24.00.120 MULTIPLE ARRESTS (CALEA 46.1.3 & 72.5.7)

When a multiple arrest or group arrest incident occurs, officers will follow the multiple arrest guidelines set forth in the Department's Unusual Occurrences Manual. The on-duty or on-call Watch Commander will be appraised of the situation. The Commander will:

- Determine if a need exists for additional staffing and resources
- Inform the Chain of Command; and
- If necessary, establish a field command post and field booking facility, or alternative procedures such as transporting arrestees directly from the field booking area to either KCJ or Issaquah Jail.

If it is decided to utilize the holding facility, the following guidelines should be followed:

**Transport Control**

Personnel at the holding facility and the Command Post shall communicate to ensure safe processing, and release or transport.

The booking process should be as expedient as possible, and arrestees should be held long enough to safely complete these processes.

**Prisoner Processing**

Personnel shall be assigned to the following duties by a supervisor:

- Removal from the transport vehicle of a maximum of five prisoners at a time
- Only one arrestee per Officer/PSO will be processed at a time
- Processing of juveniles separately from adults
- Search of all arrestees prior to the removal of their handcuffs
- If any property is removed from an arrestee it will be placed in a bag that is marked in such a way as to make it identifiable as belonging to that arrestee
- After a thorough search, arrestees will be placed into a holding cell
- The next group of five will be brought into the facility and the process will be repeated
- Fingerprinting and photographing of the arrestees
- Ensure all appropriate paperwork necessary for booking at KCJ or Issaquah Jail has been completed

**Prisoner Transportation**

A determination must be made whether to book an arrestee into King County Jail or Issaquah Jail. Because Issaquah Jail is limited in capacity and staffing, they must be contacted prior to transporting multiple arrestees to determine how many will be accepted.

Arrestees meeting the following criteria must be booked into King County Jail:

- Combative or uncooperative
- Identity is in question
- If the supervisor feels they provide an unacceptable risk to the public.

If multiple arrests are to be transported to King County Jail, notify the jail in advance.

### Transport Vehicles

There are two eleven passenger prisoner transport vans available. Each van contains 8 sets of leg irons and waist chains. Spare keys for both vans are in the PSO office.

## 24.00.130 APPLICATION OF PERSONAL RECONIZANCE

This Personal Recognizance (PR) procedure applies only to persons arrested by the Bellevue Police Department pursuant to warrants issued by the Bellevue District Court.

### PR Qualifying Conditions

Persons may only be released on PR Bond if they meet all of the conditions set forth in the current Bellevue District Court Administrative Order addressing PR release. A copy of this order is maintained in the holding facility and is also accessible on the Department "J drive."

If all the conditions are not met the person will not qualify for a PR.

If all conditions are met, a "personal recognizance form" will be obtained and completed. All the information called for on the PR form must be obtained. The defendant must sign the PR form and will be instructed to appear at Bellevue District Court at 9:00 AM on the Friday following his/her arrest. The PR form must be signed by a Lieutenant or above. A copy of the signed PR form must be delivered by the Department to the Court by noon on the Thursday preceding the defendant's Friday appearance date.

If the documents cannot be forwarded to the Court by 9:00 a.m. on Thursday, the defendant's appearance date shall be set for the next Friday after the documents are filed with the Court. If that Friday is a Court holiday, the appearance date shall be set for the following Monday at 9:00 a.m.

### Clearing Warrants

Before attaching the original warrant to the PR form, the warrant must be cleared out of WACIC by Records staff.

Once the warrant is cleared from WACIC and the warrant is attached to the PR form, the warrant and PR form will be delivered to the Court as indicated above.

### PR Non-Qualification

Warrants marked "Cash Bail Only" do not qualify for a personal recognizance bond.

Warrants marked "Cash Only - Failed to Pay Fine" do not qualify for a personal recognizance bond.

Warrants marked "Cash Only - Failed to Appear in Court" do not qualify for a personal recognizance bond.

# BELLEVUE POLICE DEPARTMENT MANUAL

## CHAPTER 25

## EVIDENCE SYSTEM

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### 25.00.010 EVIDENCE SYSTEM (CALEA 84.1.1)

All employees must follow the guidelines set forth in this chapter to care for, control, and correctly process all evidence or property which may come into their possession in the course of their official duties. Additional guidelines for the handling of property and evidence can be found in the Department's Property/Evidence Manual.

To ensure that all property seized as evidence by employees of this Department is secure, access to Property and Evidence Management Facility shall be strictly controlled.

Only authorized personnel may have direct access to areas used by the agency for storage of in-custody or evidentiary property. Other employees entering this restricted facility must sign in and out and will be escorted by an authorized Evidence Management Facility employee.

Except as provided by laws governing the disposal of property, employees will not purchase, convert to their own use, or have any claim to any found, abandoned, or recovered property or property held as evidence.

### 25.00.020 COLLECTION/SUBMITTING EVIDENCE (CALEA 83.2.1, .2.6, 3.1, & 84.1.1)

Physical evidence collected by members of this Department will be properly marked, logged, inventoried and entered into Department records as soon as possible. The investigator's report will provide an accurate description of the property and the circumstances by which the property came into the Department's possession. Chain of custody records will be maintained from collection, throughout the criminal evidence process and all property/evidence will be placed in control of the Property and Evidence Unit prior to the end of the employee's work shift.

Physical evidence which supports the incident investigation will be developed, collected and preserved in accordance with standard practice. All officers and investigators will have a basic knowledge of evidence processing and collection as taught by the Washington State Criminal Justice Training Center's Police Academy.

The first rule of evidence collection is to secure and protect the crime scene. Employees will process a crime scene in an orderly progression of tasks. For example, observe, photograph or sketch the scene when necessary, identify the location of evidence, fingerprints, obtain impressions, mark and collect evidence.

Employees will take care to prevent the introduction of foreign materials into the process so as not to contaminate potential evidence.

All field officers assigned to the Patrol Section, excluding Traffic officers, will carry an evidence processing kit containing essential tools for evidence processing. Such tools include but are not limited to fingerprint powder, brushes, cards, tape, ruler, and evidence bags. When more advanced crime scene processing is required, an employee designated as an "evidence technician" who has received advanced evidence processing and collection training may be utilized.

When extensive processing is required, the Investigations Section Van, which is equipped with additional crime scene processing materials, may be utilized by requesting its use through a patrol supervisor.

Care must be taken by employees to insure the reliability and safety of all evidence and, when appropriate, employees must wear gloves/protective clothing. Department policy will be complied with when dealing with airborne and blood borne pathogen evidence.

If an item of evidence is seized that is bloody or "hazmat sensitive" such as bloody clothing, a property custodian must be notified regardless of the time of day. The property custodian will meet the evidence collector at the property room to receive the item and place it in a secured, ventilated drying room.

Items of exceptional value (money, jewelry, etc.) must be clearly identified as such for the property custodian so that the item may be placed in a secured safe within the property room.

Employees collecting materials or substances as evidence must also collect a sample from a known source (control sample) available, for submission to the laboratory for comparison with physical evidence collected. The location from which samples from a known source are taken is critical where fractures have occurred, such as in the case of wood, glass, paint, and metal. Other examples include but are not limited to collection of hairs, fibers, fabrics, blood, paint, glass, wood, soil, and tool marks.

The officer who processes the crime/traffic scene will prepare a case report concurrent with a crime scene or collision investigation. The report should include the following information:

- Date and time of first arrival at scene
- Location of crime/accident
- Name of victim, if known
- Name of suspect, if known
- Actions taken at the scene (photographs, measurements, etc.)
- List of physical evidence items recovered
- Case file reference number
- List of personnel entering/leaving the crime scene

A Detective or Traffic scene investigator summoned to assist with an investigation and additional personnel involved in the investigation will prepare a detailed follow-up case report which includes the date and time a request for services was received, the name of the initial investigating officer, the disposition of physical evidence, including photographs and scene measurements.

Physical evidence obtained by investigating officers will be marked at the time of collection. Such mark(s) will include the officer's initials, evidence item number and the date using a property evidence tag marked with an indelible pen in a location that will not mutilate or destroy the value of the evidence. If it is not possible or practical to mark directly on evidence, it will be placed in a proper container which will then be sealed and marked.

Officers will seal the evidence in a proper container. The seal will consist of evidence tape or clear heavy duty sealing tape and the seal will be marked with the officer's initials.

Evidence too large to be placed in a container will have an evidence tag or label affixed to it. This is in addition to any marks placed directly on the item by the investigating officer.

Properly marked evidence items will be secured in lockers in the Station Evidence Entry Room and the locker locked after evidence has been placed therein.

Evidence labels, tags and containers must contain the information necessary for proper identification, storage and integrity maintenance. This information will include, but is not limited to the following:

- Property evidence number containing the officer's initials and the evidence item number. Example: ABC1 (ABC: officer's initials, 1: item number)
- The evidence collector's name
- Location and time the evidence was collected
- Date the item was placed into evidence
- The case number
- A description of the evidence

Detailed information on evidence packaging is located in the Department Property/Evidence Manual.

**Currency**

Currency being paced in the Property/Evidence Unit must be counted by the officer and witnessed by another person, prior to booking it in. Currency must be placed in a Currency Evidence Envelope prior to booking it into the Property/Evidence Entry Room.

Currency in any amount must be placed by the officer in the locked safe located in the Evidence Entry Room.

All currency maintained in the Property/Evidence Unit will be held in the currency safe located in the Gun Room.

**Valuables**

Small items of value such as precious metals, jewelry and gems will be placed in the Property/Evidence Unit currency safe.

**Narcotics**

Narcotic and dangerous drug evidence will be inventoried, weighed, and witnessed by another person prior to being placed in evidence. Misdemeanor amounts of marijuana (less that 40 grams) DO NOT require witness by another person. Narcotics will be placed in sealed containers wherever possible, prior to being booked into the Evidence Entry Room.

Sealed narcotics and their containers will be inspected by Property/Evidence personnel when they are being processed into and out of the Property/Evidence Unit. Broken, altered or otherwise damaged narcotic containers are to be reported immediately to the Administrative Services Commander.

All narcotics will be maintained in a separate and secure area within the Property/Evidence Unit. Narcotics, other than marijuana, with an estimated value of $500.00 or more (as determined by the officer's report) will be stored in the safe located in the Drug Room.

### Marijuana "Grow" Evidence

The following steps will be taken when placing marijuana plants from a grow operation into evidence:

- Photograph the entire number of plants
- Mark/tag a random sample for analysis. (A sufficient number of plants should be analyzed). Samples for analysis must be in a separate evidence envelope
- The entire number of plants should then be photographed again to show which plants of the total number were taken as a sample for analysis
- All of the marijuana must then be weighed to establish quantity/weight involved. This should be done with the plants only and should not include the pots or soil
- The random sample should be analyzed as well as an adequate amount should remain after analysis to allow a defense attorney the opportunity to analyze a sample if needed

The remaining marijuana may then be destroyed.

### Weapons

All weapons will be maintained in a separate and secure area within the Property/Evidence Unit in the Gun Room.

An inventory of all weapons stored in the Property/Evidence Unit will be maintained by the Property Unit Supervisor.

### Hazardous Materials

Any evidence which consists of materials suspected or known by the officer to be classified as hazardous materials will not be received or stored in the Property/Evidence Unit until such evidence has been rendered safe for storage by the Fire Department Hazardous Materials Team or the Department's Hazardous Devices Unit.

## 25.00.030 SEIZED PROPERTY DOCUMENTATION

If items are seized pursuant to a search warrant, they are to be processed in accord with current case law, Department practice, and court ruling.

Property seized civilly or pursuant to a warrant must be documented in a case report including its description and serial number (if applicable).

Monies seized civilly or pursuant to a warrant must be documented by denomination and, if necessary, serial number.

Items seized pursuant to a warrant shall be listed on the appropriate evidence entry form and processed according to policies and guidelines set forth within the Property/Evidence chapter of this manual.

## 25.00.040 FINGERPRINT EVIDENCE (CALEA 83.2.3)

Evidence containing latent fingerprints will be packaged in such a manner that external conditions will not destroy or contaminate existing fingerprints. Latex gloves or similar protective gloves should be worn, and

items should be carefully handled with forceps or tongs, and touched only on non-evidentiary surfaces. If contamination due to handling occurs, elimination prints must be obtained.

Latent prints should be developed and removed from the surface(s) of items with Department approved equipment such as dusting powders, brushes, clear and frosted tape, fingerprint cards, etc.

Wet items bearing latent prints, such as beer cans or glasses, that have condensation on their surfaces, or automobiles covered with rain/dew, should first be allowed to dry under normal conditions. Heat lamps or artificial heat from any source should not be used. If in doubt, consult with the Department's Forensic Specialist prior to processing. Visible prints subject to destruction under conditions of normal processing should first be photographed before extraordinary measures are taken to further develop or collect them.

Should the process of physically lifting a print from the surface of an item subject the print to alteration or destruction, it is recommended that the fingerprint tape be left attached to the item and the print photographed before the item is removed from the scene and processed further.

Items believed to be covered with latent prints which fail to develop under normal processing methods should be packaged to protect their surfaces in order that cyanoacrylate fuming or other advanced forensic techniques may be applied by a qualified person.

Whenever latent prints are removed from an item and placed on a fingerprint card, the fingerprint card should contain the following information: officer's name, date, case number, brief diagram or explanation of source of print and direction of print in relation to surface, and evidence number. All fingerprint cards must be signed and numbered by the collecting officer.

## 25.00.050 CRIME SCENE PHOTOGRAPHY (CALEA 83.2.2)

The Department's contracted professional photographer will be called to assist with crime scene photography whenever a supervisor deems the use appropriate. This will most likely occur when processing major felony crime scenes or fatal traffic accident scenes.

Personnel photographing a crime scene will maintain a record of photographic data that will include the following:

- Case number
- The date and time the photographs were taken
- The location where the photographs were taken (address, location within or around a building, etc.)
- Name and identification number of the photographer

The above information should be logged on the evidence envelope and in a supplemental report.

Due to the time gap between when photographs are taken and when a case actually goes to court, officers should, whenever possible, make brief notes on the back of each photograph concerning the subject of the photograph, or use a "photo log."

Video taping of a crime scene may be used as a supplement to still photographs. The information above should be noted on the evidence envelope and/or on the video cassette.

Crime scene photographs and/or crime scene video will be treated as evidence and booked accordingly to ensure a proper chain of custody.

## 25.00.051 DIGITAL PHOTOGRAPHY 8/2006 (CALEA 83.2.2)

All digital cameras used for crime scene photography shall be operated according to the manufacturer's guidelines and within the policies and procedures of the Bellevue Police Department.

The introduction of digital photography into crime scene processing saves time while permitting the preservation of evidence with quality photographs. The goal in digital image photography is to maintain the original file in a lasting form so that the photographer can state that each photograph is a fair and accurate representation of the crime scene at the time the photograph was taken.

### Definitions

**Digital Storage Media:** can be "compact flash" or “flash memory” cards, also referred to as "Picture Cards”, "Smart media", or “SD Cards,” and are like a reusable roll of film.

**CD-R/DVD-R: Stands for Compact Disk,** Recordable/Digital Video Disk, Recordable. These are write once, read many times, compact disks. The format allows data to be written to the disk only one time. Optically stored data on a CD can be corrupted by scratches, light, moisture and heat.

**Card Reader**: A device that can be connected to a desktop computer that accepts a digital storage media card. This device and associated software transfers photographs from the digital storage media to another, permanent storage media such as CD-R or DVD-R.

**Photographer**: The employee (officer, detective crime scene photographer, other designee) responsible for taking digital photographs at the crime scene.

### Use of a Digital Camera

- Every employee issued a Department digital camera will be familiar with its operation and will ensure that the camera is maintained in operational condition at all times.
- The digital camera utilizes digital storage media instead of a roll of film. Two flash cards will be issued with the cameras. Extra cards will be issued on a case-by-case basis.
- Photos taken in .jpg format will be taken using the digital camera’s highest resolution setting.
- If the digital camera has the ability to take photographs in .tiff or RAW format or another loss-less format, the camera will be set to use this format to ensure the highest quality data capture.
- If the digital camera has a setting that permits a date and time stamp to be placed on the photo, this feature should be <u>turned off</u> prior to taking photographs. This will prevent the stamp from overlaying a part of the photo that may be of evidentiary value.

### Preservation of Digital Photographs and Print Film

- To ensure data integrity, prior to using a digital flash card, the card will be reformatted in the camera by the photographer.
- Digital photos shall not be deleted from the flash card until processing is completed by the Crime Lab and master images transferred to a CD/DVD for permanent storage.
- If an investigation involves a dangerous felony, or if a supervisor requests permanent flash card storage for the master photo set, the flash card may become the primary storage media for preserving digital photographs and will be booked as evidence in accordance with existing procedures. This should be considered as an option to preserve digital photographs from a dangerous felony

investigation or an unsolved crime where adjudication or other needs require preservation for a decade or longer.

- Recognizing the need to view photographs as soon as possible, nothing in this procedure prevents the photographer from downloading photos from the digital storage media to a computer/network folder.

- Prior to downloading photos to a computer/network file folder, the photographer shall ensure that the digital media "Lock" switch is in the "on" position to prevent accidental erasure of the photographs.

- Photographs should not be opened on a computer until after they have been saved to a computer/network.

- Upon completion of a crime scene photo shoot, and transferring a copy of the photographs to a computer/network file folder, when necessary, as explained above, the photographer will book the flash memory card into evidence. The "Lock" switch on the card should remain in the "on" position.

- The photographer shall document in the case report or follow-up report that a digital camera was used. The photographer will indicate the camera brand name, model number, serial number, the description of the photographs (i.e. victim, crime scene, physical evidence), the number of photographs taken, and that the flash memory card lock was activated prior to booking the card into evidence or downloading a working copy to a computer/network folder.

- The photographer is responsible to maintain working copies of photographs in a secure manner. Photographs may be stored on the City's network, using the photographer's access to their personal "F-Drive."

- The Department's Crime Lab shall be responsible for copying photographs into print or a digital disk (CD-R/DVD-R) format.

**Department Crime Lab Digital Image Processing**

The Department's Crime Lab operates a digital photo processing lab capable of processing both film and digital photographs.

- The Crime Lab's photo processing technician will utilize the lab processing machine to burn digital images from the storage media to a CD-R or DVD-R upon request.

- Images submitted to the lab on a digital media card will be processed as requested. Unless the card is to be used for permanent photo storage, the card will be returned to the photographer upon creation of a master CD/DVD containing the photographs from the card. The card must be reformatted in the camera prior to its next use.

- All photographic media must be submitted as evidence to the Property Room prior to any processing action being initiated by the Crime Lab, except as stated below. All requests for processing will be submitted in writing to the attention of the Crime Lab Manager. The request will be specific and unambiguous in its content. Upon receipt of a request, lab personnel will retrieve the media from the Property Room, execute chain of custody documentation and secure the evidence in the photo lab section of the Crime Lab.

- Exceptional circumstances may exist that require urgent processing to facilitate a criminal investigation. If an urgent requirement for processing occurs during or after normal business hours, on holidays or weekends, chain of custody will be established directly between the requesting officer/detective and the Crime Lab. This chain of custody will be used for subsequent Property Room submission.

- In the lab, the media will be processed in accordance with the requesting officer's written specifications. Prints and/or CD will be produced accordingly and delivered to the requesting officer / detective. A master, CD-R/DVD-R of the images will be created by the photo lab technician.

- Following processing, the master CD-R/DVD-R will be sealed in the evidence envelope that originally contained the recording media. Chain of custody documentation will be executed and attached, and the evidence will be returned to the Property Room. To ensure accuracy in Property Room record keeping and bar coding requirements, a highlighted notation will be included on the chain of custody form indicating the evidence envelope content change from recording media to master CD-R.

- When film processing is requested, prints from the developed negatives will be delivered to the requesting officer / detective. Following print development the negatives will be sealed in the evidence envelope originally containing the film cassette. Chain of custody documentation will be executed and attached and the evidence returned to the Property Room. To ensure accuracy in Property Room record keeping and bar coding requirements, a highlighted notation will be included on the chain of custody form indicating the evidence envelope change from film cassette to film negatives.

- Only high-quality CD-R or DVD-R disks will be used for storage of master file images.

## 25.00.060 ELECTRONIC DEVICES CAPABLE OF STORING DIGITAL INFORMATION- SEIZURE

(CALEA 83.2.5) (updated 7/11/2011)

When officers suspect that an electronic device must be seized as evidence, they should contact the Department's Digital Forensics Examiner or Washington State Patrol Crime Laboratory personnel for advice and assistance if they believe the device may contain digital evidence.

Any investigator handling electronic devices with potential digital evidence as part of a criminal investigation should wear latex rubber gloves at all times. Fingerprint powder should not be applied to the equipment. These precautions will minimize the risk of damage to the computer components and electronic media containing potential evidence.

The device should be photographed and documented as it was found. In all instances, stand alone or networked, a Digital Forensics Examiner or the WSP Crime Lab should be contacted and asked for assistance.

### General Guidelines

- If the device is off, leave it off.

- If the power to the device is on, photograph the screen and write down the name of the files and applications running. Do not turn off the system or attempt to search for files of evidentiary value using the operating system.

- Live computer systems often times contain volatile data in the form of Random Access Memory (RAM) that may be lost when power is removed. A trained Digital Forensics Examiner will be needed to extract this potential evidence prior to device seizure.

- For stand alone systems attached to a power source but not running, unplug from the back of the device first if possible and then disconnect any other power sources such as batteries.

- For networked computer systems, the process is more complicated and technical. Do not touch the computer. Photograph the screen and document any programs running. Consult with a Digital Forensics Examiner.

- Photograph the device, including cable connection areas.
- If it is necessary to the investigation, label all cables indicating which cable is connected to which port on each device.
- Photograph and document all attached devices (i.e., printers, etc.).
- Disconnect all cables and attached devices.
- Secure the device against tampering.
- For computer systems, place a piece of evidence tape over areas where external media may be inserted such as CD and multi-media bays, and on the computer case in such a way that if someone were to use the drive or open the case, the changed tape will show tampering.

Subject to legal requirements, search warrants, or probable cause, seize other items that have the capability of storing digital information such as USB thumb drives, floppy disks, CD's, computer tapes, cartridges (i.e., "Zip" or "Jazz" disks), and memory cards. Also consider data bank watches, pocket organizers (i.e., "Palm" devices), pagers, and electronic Rolodex.

If necessary to the investigation, seize other devices attached to the electronic device, such as monitor, keyboard, mouse, printer, external drivers (CD/DVD/Tape), camera, modem, etc.

Seize any manuals for operating systems and programs.

All electronic devices should be packaged following these guidelines:

- Use original boxes and foam inserts, if available
- Boxes are preferable for packing, if available
- Use bubble wrap or solid foam packing, if available
- Do not use Styrofoam peanuts or shredded paper; these will cause static electricity and dust
- Place other storage media in boxes or paper bags. Do not use plastic bags; they can generate static electricity
- Using stickers, mark each item for identification
- Seal each package, initial, and date

Transporting electronic devices and digital media evidence should be accomplished by the following standards:

- Transport the evidence inside the passenger area of the vehicle
- Do not place the evidence in the trunk of the vehicle next to the radio transmitter. Transmitters emit RF and electromagnetic energy that can damage disks and hard drives. Consider turning off the vehicle radio during transport
- Avoid exposure to extreme heat and cold

## 25.00.061 DNA EVIDENCE COLLECTION 11/07 (CALEA 83.2.7)

A DNA (deoxyribonucleic acid) match is a major factor in solving cases where the identity of the offender is not known. Personnel must have a good understanding of where DNA can be found, how to avoid contamination and preserve fragile DNA evidence. Agency personnel who specialize in evidence collection must have special training in collecting and preserving DNA samples for analysis.

If a first responder determines the need for DNA collection, he or she shall notify his or her supervisor and request investigative and forensic assistance. The supervisor shall consult with the supervisors of the Investigations Unit and the Forensic Unit to determine the need to have an investigator and or forensic technician to respond to the scene to assist with evidence collection and preservation. The first responder shall work together with the investigators and laboratory personnel to determine the most probative pieces of evidence and to establish priorities.

The first responder shall:

- adhere to the “Bloodborne Pathogens Exposure Control Plan”
- use universal precautions when handling biological specimens or stains
- be familiar with the techniques to identify, collect, and preserve DNA evidence from sources such as blood, semen, skin cells, tissues, organs, muscles, bones, brain cells, teeth, hair saliva, mucus, perspiration, fingernails, urine and feces
- be familiar with sources of collection techniques to preserve DNA evidence on items such as clothing, eyeglasses, tissue, cigarette butts, bottles, glass, tapes, ropes, ligatures, bedding, hair brushes, and other items that may contain human tissue or fluid samples.
- Work as a team with the investigators and forensic personnel to package and preserve any items according to current Department practices and training.

Biological evidence is fragile and can easily be destroyed. The recognition and recovery of such evidence must be performed properly by the investigator to make the best use of it. If there are any questions, call the Forensic Unit or the Local Crime Laboratory.

The investigator/gatherer shall:

- adhere to the “Bloodborne Pathogens Exposure Control Plan”
- use universal precautions when handling biological specimens or stains
- wear gloves and change them often
- use disposable instruments or clean them thoroughly before and after handling each sample
- avoid touching the area where DNA may exist
- avoid talking, sneezing, and coughing over evidence
- avoid touching his/her face when collecting and packaging evidence
- air-dry evidence thoroughly before packaging, keep the evidence dry and at room temperature.
- avoid direct sunlight and warmer conditions, such as a police car without air conditioning
- put evidence into new paper bags or envelopes, not plastic bags
- not use staples
- seal, label and transport the evidence to ensure proper identification of where it was found and the proper chain of custody
- contact the State Crime Lab or the Department’s Forensic Services Unit for long-term storage issues.

Agency personnel that specialize in evidence collection must have special training in collecting and preserving DNA samples for analysis. Training shall include but not be limited to:

- identification of DNA evidence sources
- information about DNA databases and their potential to provide leads in current and “cold” cases
- evidence collection and storage techniques
- use of DNA evidence in court

DNA samples may be submitted only to laboratories accredited for law enforcement DA analysis by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) OR THE National Forensic Science Technology Center (NFSTC).

Preparation of DNA evidence for submission to an accredited laboratory shall comply with Department evidence packaging and lab submission procedures and any procedures specific to the lab that will examine the evidence.

## 25.00.070 INVENTORY OF EVIDENCE (CALEA 84.1.5)

All evidence collected from a crime scene will be listed on a property/evidence form or supplementary inventory sheet.

The Property/Evidence form will be submitted with the evidence and will include the following information:

- Description of the item, to include the make, model and serial number, if any. Caliber should be provided if the evidence is a firearm
- Name of the person collecting the evidence
- Source (from whom or location). This information may be contained in a narrative if the property/evidence form does not provide space
- Case number
- Property evidence number as described above and in II.A.6 of the Property and Evidence Manual

If a specialist is called to the scene (i.e., police photographer, evidence technician, traffic accident reconstruction, etc.), the date and time of request and the requesting officer’s name will be added to the investigation synopsis.

All information obtained and/or prepared by the attending specialist will be included with the incident report.

**Property Obtained Through Warrant/Asset Forfeiture**(CALEA 84.1.8,)

Property is obtained by this Department through legal process, and seizure and forfeiture of assets as a result of special investigations.

Execution of civil or criminal process requiring the seizure of real or personal property will be performed only by a sworn officer. If the process is executed as part of a plain clothes operation/investigation, an officer in uniform will be present during the execution.

## 25.00.080 CHAIN OF CUSTODY (CALEA 83.2.1)

### Transfer or Removal

Whenever physical evidence is removed from the Property/Evidence Room, or custody is transferred from one person to another, the receiving officer or other employee will complete an evidence Chain of Custody form. The form will include the following information:

- Property/Evidence number
- Date and time the evidence was removed or transferred
- Receiving person's name and functional responsibility
- Reason for transfer
- Case number

If an item of physical evidence is to be removed from the Property/Evidence Room for transport to the Washington State Crime Laboratory, or Washington State Toxicology Laboratory a request for laboratory examination form must accompany it. The form will include the following information:

- The name and location of the laboratory
- A synopsis of the event and examination desired
- Suspect name (if known)
- Victim name
- Requesting officer identification
- Case number
- **All** copies of the Examination form will accompany the Property/Evidence

Whenever items(s) of evidence are released to the Court, the owner or other authorized person, or if the evidence is to be destroyed, the final disposition report section of the evidence Chain of Custody form must be completed. This form must include the following information:

- Name and personnel number of the person authorizing the release
- Reason for release
- To whom the property is to be released (when applicable)
- The name of the officer or Property/Evidence Unit employee releasing/authorizing release of the property

**Evidence Submitted for Laboratory Examination** (CALEA 83.3.2)

To maintain a record of physical evidence submitted to a laboratory for examination, the following information is required on a lab request form:

- Name of the officer or Property/Evidence Unit personnel last having custody of the item
- When packaging items, procedures outlined in the Department's Property/Evidence Manual will be followed

- Date and time of submission or mailing, and method of transmission
- Date and time of receipt in the laboratory
- Name and signature of the person in the laboratory receiving the evidence

## 25.00.090 REQUESTING WRITTEN RESULTS OF LABORATORY ANALYSIS

The Washington State Patrol Crime Lab and Washington State Toxicology Lab provide a written report of laboratory findings as standard procedure on all requests for laboratory examination.

The evidence technician or requesting officer should note the desire for a written report in the narrative portion of requests to crime labs other than WSPCL.

Written reports of laboratory findings received from crime labs are filed with the incident report in the Records Unit and with the item in the Property/Evidence Unit. A copy of the lab report will be provided to the investigating/requesting officer.

## 25.00.100 PROPERTY/EVIDENCE UNIT (CALEA 84.1.5 & .1.6)

The Administrative Services Commander will have overall responsibility for the property and evidence function.

Property /Evidence Personnel will be responsible for the proper and timely documentation and handling of property and evidence from its entry into the property and evidence system until its final disposition.

**Duties and Responsibilities**

Maintain accurate records relating to each item of property/evidence taken into custody, including:

- The date the property was received into the system
- The custody audit trail, including the date, time, destination and personnel involved in every transfer of property into and out of the Property/Evidence Unit
- Disposition of each item of property
- Accurately inventory property in custody
- Provide written notification to property owners regarding custody, release, retention or trade of property in accordance with Chapter 63.32 RCW.
- Release property to the owner or their designee upon showing of proper identification. Record the date, time and identity of the person to whom the property is released. Photocopy the individual's photo identification.
- Fulfill assigned responsibilities relating to the sale, retention, trade or destruction of unclaimed property in accordance with Chapter 63.32 RCW and these procedures.

Property and evidence will be continually challenged for retention based upon the schedule included in the Department Property/Evidence Manual.

Property/Evidence Unit personnel will contact the officer/detective who booked the property into Department custody and inquire regarding the Department's need to continue holding the property for investigative or prosecutorial purposes. Officers/detectives are required to respond to this inquiry within 20 working days.

If the officer indicates no further prosecutorial or investigative need exist to hold the property, obtain the officer's release by e-mail or chain of custody form.

### Audit and Inspection

The commander of the Administrative Services Section, or his/her designee, will conduct an inspection of the Property/Evidence Unit records and contents semi-annually. The semi-annual inspection will be conducted to determine that the Property/Evidence Unit is being maintained in a clean and orderly fashion and that all orders and other directives concerning the Property Management System are being followed.

Unannounced spot inspections of the Property/Evidence Unit facility may be conducted at the direction of the Chief of Police. Property accountability and security procedures will receive primary attention during these inspections.

An annual audit of property held by the Department will be conducted by a supervisor designated by the Administrative Services Division Deputy Chief. This audit supervisor may not be one that is routinely or directly connected with the control of property. This audit must include the contents of the drug and currency safes.

Personnel changes in the Property/Evidence Unit staff will require an inventory of property to ensure that records are correct and properly annotated.

All safe combinations and alarm codes will be changed any time a Property Unit employee is no longer working in that capacity. Keys and safe combinations are under the control of the Property/Evidence Unit staff and the Administrative Services Commander Only.

## 25.00.110 EVIDENCE RECORDKEEPING (CALEA 84.1.1, .1.4, & .1.5)

All property taken or received into custody is to be recorded and placed in the Department property and evidence facilities.

Custody of property is to be recorded on a Crime Report or in a follow-up to an existing Crime Report.

Property taken into custody must be recorded on a Property Evidence form approved for such use. Unauthorized forms will not be accepted by the Property/Evidence Unit.

Each time property leaves the custody of the Property/Evidence Unit, a record of the change of custody will be made using the Evidence Chain of Custody form.

Property will not be disposed of, in any manner, without a release signed by an authorized person. Department employees are to respond promptly to requests for dispositions on property and evidence.

Only those persons specifically authorized by the Administrative Services Commander will be allowed inside the storage area of the Property/Evidence Unit and always in the company of Property/Evidence Unit personnel. No exceptions are authorized.

## 25.00.120 RETURN OF PROPERTY (CALEA 84.1.1)

All items of property and/or evidence will be returned to their rightful owners, auctioned, traded, converted, donated or destroyed within six months of such items clearance for final disposition.

Wherever possible, and with the approval of the Prosecuting Attorney, property being held for evidence should be photographed and released to the owner.

**Return to Owner – Notice**

Property that is not being held as evidence and is legal to possess, will be returned to the owner without delay. Written notice of its availability for release will be sent to the owner. Should the owner fail to reclaim the property within 60 days from the date of written notice, the property may be classified as unclaimed property and disposed of in accordance with Chapter 63.32 RCW.

**Owner Unknown - Retention Time**

Property that is not being held as evidence, has no known owner, and is legal to possess will be held in custody for 60 days after which it will be classified as unclaimed property and disposed of in accordance with Chapter 63.32 RCW.

**Release of Evidence - Owner Known**

The property may be returned without waiting 60 days after the date of final disposition of the case. Written notice to the owner will be provided as required in IV.C. of the Property and Evidence Manual. An owner's failure to respond to the written notice within 60 days will result in the property being classified as unclaimed property and disposed of in accordance with Chapter 63.32 RCW.

## 25.00.130 UNCLAIMED PROPERTY – DISPOSITION (CALEA 84.1.1)

Property, other than that describe in Disposition of Contraband and Weapons, that remains unclaimed upon expiration of the time limits set forth above, may be disposed of by sale, retention or trade in accordance with Chapter 63.32 RCW, Bellevue City Code and this procedure.

Unclaimed property may be sold at a public auction to the highest bidder for cash. Retention times and notice requirements set forth in paragraph IV of the unclaimed property section, Property and Evidence Manual and must be met where applicable. A record of all property to be sold must be referred to the City Purchasing Division of the Finance Department which coordinates all sales of City property.

## 25.00.140 RETENTION OF UNCLAIMED PROPERTY FOR DEPARTMENT USE (6/2006)

Retention of unclaimed property must be authorized in writing by the Chief of Police.

A written request to retain unclaimed property which explains the intended use of the property must be submitted to the Chief of Police by a Section Commander.

Property being retained for use by the Department must be valued at $500 or more, unless an exemption is given by the Chief of Police.

Personnel are prohibited from entering the Property Room for the sole purpose of browsing for property to convert to Department use.

The Property Evidence Supervisor is responsible for tracking property converted for Department use. On an annual basis the Property Evidence Supervisor will contact the appropriate Section Commander and

determine whether the converted property is still in their possession and the property is being used. Property that is no longer being used will be returned to the Property Evidence Room. The Property Evidence Supervisor will make an annual Report to the Chief of Police on the Status of all converted Property.

Before any items of unclaimed property can be retained for use by the Department, a notice of such retention, describing the items to be retained, will be placed in the local newspaper at least once. Such notice will be placed at least ten days prior to the conversion and use of the described items of unclaimed property.

The owner of retained property has the right to reclaim it, without compensation for ordinary wear and tear, within one year from the date of receipt of notice as stated in paragraph IV.C of the Property and Evidence Manual.

Unclaimed property that is legal to possess or sell may be traded for law enforcement equipment.

**Trading Unclaimed Property**

Trading unclaimed property must be authorized in writing by the Chief of Police.

Written request to trade unclaimed property for law enforcement equipment must be submitted to the Chief of Police by a Section Commander.

The request to trade unclaimed property must describe the unclaimed property and its replacement value as well as the equipment to be obtained in trade, the retail value of the equipment and the intended equipment dealer.

Before any items of unclaimed property can be traded for law enforcement equipment, a notice, describing the items to be traded, will be placed in the local newspaper at least once. Such notice will be placed at least ten days prior to the proposed trade.

Unclaimed property that is retained for Department use and equipment received in trade for unclaimed property must be inventoried in Property/Evidence Unit records.

The record will describe the property retained or traded, and the equipment received, as well as the replacement value of the retained property and equipment received in trade, and the date of retention or trade.

At the conclusion of each calendar year, the Property/Evidence Supervisor will provide an annual list of all traded or retained property containing the information required in Property and Evidence Manual, paragraph VI.4.a to the Administrative Services Commander.

The Administrative Services Commander will forward the annual list of retained and traded property to the Administrative Services Division Deputy Chief who will provide a report to the City Council in accordance with Chapter 63.32 RCW Property Disposal.

**Currency**

Money civilly seized under authority of RCW 69.50.505 will, if forfeited by default or following a forfeiture hearing, be deposited in accord with City Finance Department procedures and in accord with the guidelines of RCW 69.50.505. Funds not forfeited following a forfeiture hearing will be returned to the claimant, or distributed as directed by the hearing examiner or court.

If civilly seized funds are forfeited to the city, an Investigations Supervisor or above will prepare a memo to the Finance Director, delivered via the Chief of Police that explains the facts of the forfeiture. Also included in this memo should be information to document the exact amount of funds forfeited; a request for the funds to

be placed in the drug forfeiture account of the city budget; if the defendant has signed a waiver of appeal; if an appeal was made and lost; and/or verification of the expiration of the appeal period.

### Real Property

Any real property obtained by civil seizure and Superior Court forfeiture may be utilized or disposed of in accord with RCW 69.50.505 following either the expiration of the relevant appeal period or the claimant's loss of any appeal filed.

Any real property and/or funds civilly seized by the Eastside Narcotics Task Force (ENTF) will be processed through the ENTF pursuant to the multi-agency task force agreement, and all relevant laws and procedures.

For information on items that may be auctioned please refer to the property and evidence chapter found elsewhere in this manual.

## 25.00.150 DESTRUCTION OF PROPERTY AND EVIDENCE (CALEA 84.1.1)

The Disposition of Property/Evidence is a continuing process by the Property/Evidence Unit. This process ensures that items no longer required for prosecution or follow-up are released to the legal owner, retained for Department use, auctioned or destroyed.

Unless otherwise governed by provisions of law, the officer/detective assigned to the case has final authority regarding the disposition of property or evidence held by the Department.

All Property/Evidence held in the Property/Evidence Unit will be challenged, at a minimum of:

- Felony crimes will be reviewed every 12 months
- Misdemeanors will be reviewed every 6 months
- Found Property and Property for Safekeeping will be reviewed every 60 days
- Property booked for disposal/destruction is reviewed immediately
- Other Property/Evidence not covered above will be processed according to Department policy or legal authority
- The Property Evidence Manual details the preferred procedures for release, conversion, auction and destruction of Property/Evidence

### Disposition of Contraband and Weapons

Property that is contraband will be destroyed.

Firearms and other weapons will be disposed of as follows:

- Unclaimed or forfeited firearms, not retained by the Department for use in accordance with relevant statutes, will be disposed of in accordance with RCW Chapter 9.41 and/or Chapter 63.32 RCW and Bellevue City Code.
- Other weapons not retained for use by the Department will be disposed of in accordance with Chapter 63.32 RCW and Bellevue City Code.

## 26.00.010 DEPARTMENT REPORTING SYSTEM

A management information system provides a continuous and accurate flow of information to be used in management decision-making and problem solving. This system will assist Department administrators with evaluation of workloads, determining staffing levels and other resource needs, and preparing budget components. Operations and Administrative Services Deputy Chiefs will be responsible for their Division's Reports.

It is essential that incidents reported to the Department or its employees be properly documented. Employees must complete reports in a timely manner. Each supervisor is responsible for ensuring that their assigned personnel have properly completed all case reports, follow up, citations, and other paperwork.

Report case numbers for police incidents are manually issued at the request of the reporting officer or other police personnel. CAD generates a master incident number assigned to each call permitting storage and recall of initial dispatched/reporting information.

Personnel generating a case report or follow-up, statements, or other documentation associated with a case must submit the original documents to the Records unit via their supervisor.

Original documentation will be maintained by the Records Unit in the appropriate case file which corresponds with the case number. Records personnel will ensure during the case processing phase that the correct case number is on the written document submitted.

Improperly coded reports will be returned to the employee's supervisor for correction. Cases that can remain electronically stored in the computer system may not have printouts generated, but can be retrieved at any time from the computer system.

The Department has a variety of administrative reports, which include reports and monthly, quarterly, or annual summaries. These reports are designed to provide Department information on operational issues, plans, and activities. A listing of each report, its purpose and frequency, responsibility for the formulation of the report, and the report's distribution requirements can be found in Appendix B of this manual.

**Administrative Reporting Program** (CALEA 11.4.1)

The Department uses a computerized Law Enforcement Records Management System (LERMS) to store and retrieve data. LERMS provides statistical and data summaries of Departmental activities and an administrative reporting system. This is accomplished through the completion and distribution of the following reports:

- **Daily Recaps**

Daily recaps are a summary of the exceptional incidents occurring during the previous 24-hour period. Consisting of written exceptional incident or unusual occurrences reports when they occur, daily verbal briefings and daily incident recap sheets, these reports on significant and/or exceptional incidents will be made through the chain of command.

Field/shift supervisors will ensure that reports on exceptional incidents are completed on all incidents that are noteworthy or require dissemination to other shifts. Similar recaps will be made available to the media excluding confidential information.

Section commanders/managers will ensure that reports on exceptional incidents, as well as any other pertinent information, is passed on to their Division Commander.

Patrol Officers' daily activity-logs are to be completed by all non-supervisory line personnel. This log will give an itemized recap of daily activities, as well as a statistical recap of each employee's daily activity. Other Units may not require daily log sheets but track employee performance through in-person meetings with supervisors and case closures.

When feasible, section commanders/managers will meet with their respective Division Commander on a regular basis to provide information on exceptional incidents, pass along information to be forwarded up the chain of command, and keep their Division Commander advised of the activities of their section. When meeting in person is not practical, other forms of communication (telephone, email, and pager) are acceptable.

The command staff will generally meet on a regular basis (or at the discretion of the Chief of Police) to brief the Chief on information regarding the operation of their commands.

### ❖ Quarterly report

Quarterly reports are prepared by the Section Commanders and civilian managers and presented to the Chief of Police in printed, electronic, and occasionally verbal format. Consisting of a report on performance measures, attainment of goals and objectives, activity trends and reports on section activities, quarterly reports provide Division Deputy Chiefs and the Chief of Police with data required to support decisions for reallocation and distribution of staffing and resources when necessary. The reports will highlight achievements or problems, report on goals and objectives, and reflect accreditation activities. Each quarterly report is distributed to the Chief of Police and management staff when the Chief of Police requests Quarterly Reports.

### ❖ Annual report

Annual reports are submitted by each Section and, once consolidated by the PIO in printed or electronic form, are distributed to each Section of the Department, to the Chief of Police, other City Departments as requested. Consisting of a recap of yearly activities, major accomplishments for each organizational component, crime statistics, and a fiscal recap, these reports may draw upon data from quarterly reports and other Section resources. The report should provide comparative data and statistics that, together, account for the activities of the Department and from which the PIO can build a consolidated Department annual report.

The Department annual report will include comparative statistics, document significant events of the previous year and provide information on attainment of goals and objectives. This report will be distributed to all Section Commanders and is available to all employees. Outside agencies and the public may request a copy of this report as necessary or access the information via the Department’s Internet page.

### ❖ ICMA/Benchmark Cities Report

This annual report compares Part One Crimes to other participating Cities. Copies go to several departments within the City and are published in a national report.

### ❖ UCR/FBI Reports

UCR reports are monthly reports tracking Part One crimes, clearances, and arrests by age/gender/charge, and property loss by category. Copies of this report are sent to WASPC and the FBI. The information is available to anyone who requests it and is published in a statewide report.

### False Information

No employee will give or offer false information, or provide false reports (either verbal or written) to a supervisor, or while engaged in or conducting any departmental or police-related business.

## 26.00.020 INCIDENT REPORTING (CALEA 82.2.2)

Reporting of an incident is required in any one or more of the following categories:

- Citizens' reports of crimes
- Citizens' complaints
- Citizens' requests for service when an officer is assigned to take some type of action
- Criminal or non-criminal cases initiated by law enforcement officers
- Incidents involving arrests, criminal citations, and summons

Depending on the circumstances, reporting may be accomplished through CAD documentation and the appropriate clearing code for a call where a case report is not required.

Officers dispatched to or coming upon an "on-view" criminal act and/or infraction should apply current training and knowledge of properly documenting crimes, arrests, citations, infractions, summons, and potential civil offenses. The information required and procedures for completing Department reporting forms is covered by the Field Training Officer's Manual, and explained to all new officers by the Field Training Officer and the officer's supervisor.

### Written Reports

A written report is required for all arrests. While the type of paperwork to be completed will vary depending on the type of arrest, all arrest reports shall contain sufficient information and supporting information to identify the subject being processed.

Arrest reports will be completed and turned in to the officer's supervisor prior to leaving work at the end of a duty shift. Each officer is to submit arrest reports in a timely manner during the shift to eliminate any potential backlog at the end of the shift. Exceptions may be made on a case-by-case basis with the approval of the shift supervisor.

Arrest reports will be reviewed by the shift supervisor to ensure that the report and all supplementary arrest documents (e.g., fingerprint cards) are properly completed.

### Report Approval 4/09

All written reports must be reviewed, and upon approval, signed by the approving supervisor. Written reports may be approved by any supervisor with report approval authority who is not the author of the report. At no time will the author self-approve his/her own report.

If the reviewer does not believe the report meets department or legal standards, he or she may not be compelled or ordered to approve the report. In the event where a case report review is in dispute, the issue will be brought to the attention of the next higher ranking supervisor.

## 26.00.030 FINGERPRINTS AND PHOTOGRAPHS

### Fingerprint Card Distribution

The four fingerprint cards completed will be distributed as follows:

- One card is retained by the Department
- One card is forwarded to the King County Automatic Fingerprint Identification System (AFIS).
- Two cards are forwarded to the Washington State Patrol Identification and Criminal History Section (WSP AFIS)

### Process Control Number (PCN) Procedures

The Live-Scan fingerprinting system will automatically mark each fingerprint card with the PCN number. Make certain that the correct local ID number is on all the print cards.

The completed packet is to be forwarded to the Court and Custody Unit who then processes it and forwards it to the Records Unit.

Voided fingerprint packets must also be forwarded to the Records Unit.

### Arrest/Detention Reports (ADR's)

The reporting officer must write the correct PCN number on the ADR/Case report in the designated box. The reporting officer must write the correct PCN, BA, and ID number on the top copy of citations.

A photocopy of the ADR, warrant, and citation must be included with the fingerprint packet. This photocopy must be readable and the writing legible, otherwise it must be returned for corrections.

If the arrestee is a juvenile the appropriate box must be checked at the top of the ADR/Case report.

### Criminal Citations

When no ADR is used (i.e. DUI arrests) a PCN, BA, and ID number must be written on the top copy of the criminal citation in an appropriate location.

A photocopy of the criminal citation must be made and attached to the fingerprint packet and forwarded to the Records Unit.

The PCN number, BA number, ID number and "FP" (fingerprinted/photographed) must be written on the top of the criminal citation form when there is no ADR.

### Direct booking to King County Jail - Felony arrests only

The transporting officer must do the following:

- At the jail make a special request to the Identification Technician on duty for a set of three fingerprint cards to be completed on the suspect
- Notify the Records Unit of the special request so that a follow up with a request form can be faxed to the jail. This must be done to ensure that the prints are taken

**Cases filed with the King County Prosecuting Attorney's Office**

The case referral file must include the PCN on the "Super form", which is written in the appropriate box at the top right of the form.

At the jail make a special request to the Identification Technician on duty for a set of three fingerprint cards to be completed on the suspect.

This is only necessary on the "Super form" copy that is sent to the prosecutor.

**Felony and Gross Misdemeanor Arrests**

In accordance with RCW 43.43.735, all adults and juveniles arrested for felony or gross misdemeanor offenses will be fingerprinted and photographed.

Four (4) ten print fingerprint cards will be completed (Red & White card). PCN numbers will be on the cards.

One Washington State Patrol Identification and Criminal History Section disposition report will be completed.

Right hand flat prints are to be taken on this form.

For felony arrests palm prints will also be taken (White 3"x 11" cards - PCN stickers not required).

**Misdemeanor Arrests - Adults**

In accordance with RCW 43.43.735, those adults lawfully arrested and taken into full custody for misdemeanor offenses will be photographed and fingerprinted.

The four print cards and the disposition report must be completed as indicated above. Palm prints are not required.

**Misdemeanor Arrests - Juveniles**

Juveniles lawfully arrested and taken into full custody for misdemeanor offenses will not be fingerprinted or photographed.

## 26.00.040 CALL BACK TO WORK - REPORTS

Employees who are members of the Police Guild shall not be called back to work to complete reports unless a situation exists which requires that the report be completed before the start of the employee's next regularly scheduled work shift. A Watch Commander and/or the Watch Commander's supervisor shall approve an order calling an employee back to work to complete reports.

## 26.00.050 CASE NUMBERING SYSTEM (CALEA 82.2.3)

Each call for service is assigned a number in chronological sequence in the order it is input into the CAD and/or LERMS computer system by NORCOM. If a case number is requested for a report, a unique case

number is manually generated and added to the record. Numbers are assigned by NORCOM and/or Records personnel when the incident is reported, and/or when an officer requests a case number.

The call for service and case numbering system will contain the current year, the unique case number and name of the requesting department.

When a report is taken, a computer generated, a unique case number will be assigned.

Reports will be submitted to the employee's supervisor prior to completion of an employee's assigned shift. If the employee is unable to complete the report by the end of shift, the employee will notify their supervisor. The employee may temporarily leave the case face sheet and other available information with the supervisor or make arrangements with the supervisor for the information to be kept elsewhere, but easily accessible should a question arise. After the supervisor has reviewed the completed case report, it will be copied as necessary for crime analysis, intelligence, or briefing purposes and the original turned in to the Records Unit for processing.

**Lost Items**

When lost items do not require written documentation, the information concerning the item can be entered into a CAD call by NORCOM or Records personnel, depending on who receives the call.

Examples include but are not limited to:

- Reports for insurance purposes only with no identifying numbers or names
- Cellular phone losses, regardless of the identifying information
- Lost passports (referred to Federal Government)
- Lost credit cards
- Lost property without identifying brand, model number, or serial number identification that precludes computer entry
- Lost animals

To document the previous examples, a CAD call will be generated by the Communications Center or Records, and information describing the loss entered into the CAD comments. The caller will be given the sequence number or case number if appropriate and the call closed with the appropriate clearing code.

## 26.00.060 DEPARTMENT FORMS (CALEA 11.4.2)

The Records Unit maintains forms that are available to all personnel who may generate a report, for example, offense reports, supplemental reports, traffic accident reports, arrest reports, property reports, prosecution reports, and other miscellaneous reports and forms.

The Commander of the Administrative Services Section will be responsible for the development, modification, approval, and review of all departmental forms. The Administrative Services Commander may initiate a Forms Committee that will be chaired by a Patrol Captain when development, modification, approval or review of departmental forms becomes necessary.

The Forms Committee will ensure that information on Department forms is not duplicated; that the review for new or modified forms includes the functions that the forms should be used for; that the format is consistent

with the records maintenance or data-processing requirements of the Department; and that the Chief of Police, or designee will approve the use of all forms.

All departmental forms are securely stored in the Records Unit work area or storage area. The inventory is checked regularly for an adequate supply. Department forms are ordered as needed from the City's printing facility.

## 26.00.070 UNIFORM CRIME REPORTING

The Department shall compile UCR data monthly and annually. The UCR reports are forwarded to the Washington Association of Sheriffs and Police Chiefs (WASPC) in Olympia Washington. Data shall be submitted on State-supplied forms and according to the reporting guidelines/requirements described in the Uniform Crime Reporting Handbook, which is retained by the civilian crime analyst and LERMS System Manager.

The Police Data Analyst compiles statistics and completes the report monthly. Data used to compile the reports is extracted from the LERMS system for specific reporting requirements provided by WASPC.

The UCR requires the Chief of Police or designee to sign the report, thus verifying the document.

Release locally of any information contained in the report for public information is accomplished through the department's Public Information Officer. Any release requires approval of the Chief of Police.

# CHAPTER 27

# RECORDS

## 27.00.010 PUBLIC RECORDS

Public records include any writing, which contains information relating to the conduct of government or the performance of any governmental function regardless of physical form or characteristics. Writing includes all means of recording any form of communication-documents, pictures, computer tapes or disks, sound recordings, film and machine-readable material.

Examples of what public records include:

- Policies and Procedures
- Correspondence and/or memoranda related to official public business
- "Record/Official Copies" of meeting agenda and minutes
- Documents relating to legal or audit issues
- Messages that document Department actions, decisions, operations and responsibilities
- Messages that initiate, authorize, or complete a business transaction
- Drafts of documents that are circulated for comment or approval

## 27.00.020 MISUSE OF RECORDS OR INFORMATION

No employee will knowingly permit the misuse of any WACIC, NCIC, Department of Licensing, criminal history, court databases records and/or Department information or records either in his/her own interest or that of another person, firm or agency, and no employee will alter, destroy, or conceal any type of Department records, reports, citations, or documents.

## 27.00.030 NOTICE OF INFRACTION/CITATION ACCOUNTABILITY (CALEA 82.3.4)

Notice of Infraction/Citation (NOI/C) accountability and audit procedures are established and maintained according to procedures established by the Administrative Services Section and the State of Washington, RCW 46.64.010.

NOI/C books are issued to individual officers by the Administrative Services Section Commander or designee. Once the book is issued, the officer assumes responsibility for the book and each NOI/C. No more than three NOI/C books may be issued to one officer at a time. At Each officer must sign for the issued book of NOI/C's. The receipt is kept on file within the Records Unit.

Citations are issued according to the number on the citation, and in sequence from smaller numbers to larger numbers. Citations are stored in secure area in the Records Unit work area.

Criminal traffic citations received by the Records Unit are filed according to the citation number. A copy is filed with the case jacket and is entered into the records management system. Infraction and criminal citations are entered by Records personnel into the Citation Table of LERMS and are filed by citation number.

Officers will turn in completed NOI/C's at the end of the shift on the day they are issued. The NOI/C will be forwarded to the Administrative Services Section for processing. Officers will retain LEA infraction copies until all 25 copies are issued, and then all 25 LEA copies of a completed ticket book will be placed in numeric order and turned into the Administrative Services Section.

In the case of a lost or stolen NOI/C, the officer to whom the NOI/C is issued will immediately forward an officers report to the Administrative Services Section Commander, via their immediate supervisor. If an officer's employment is terminated for any reason, or if the officer is promoted or transferred, or if the officer is placed on extended military leave and will no longer be issuing NOI/C's, then the officer's NOI/C book must be turned into the Administrative Services Section.

**Voiding a NOI/C**

A NOI/C may be voided if written in error of law or judgment. In voiding the NOI/C, use the following steps:

- The officer will contact their immediate supervisor as soon as possible to explain the reason the NOI/C should be voided and to permit the supervisor to review the officer's action
- The officer will print "VOID" along with a brief, concise statement of the reason for voiding on all copies of the NOI/C
- The supervisor will sign and date the NOI/C and forward all copies of the voided form to the Administrative Services Section through normal channels

The following are several examples of reasons for voiding a NOI/C.

- Violator gave false information. (e.g., wrong name, address)
- Officer entered wrong information which caused the NOI/C to be invalid
- Vehicle parked in prohibited zone, but was broken down. Driver returned with assistance before officer completed NOI/C
- Officer unable to complete NOI/C because of receiving an emergency call. (e.g., a robbery in progress, assist another officer)
- Administrative review determines that the issuance of the NOI/C was not incompliance with Department policy statements or existing traffic laws

When voiding a NOI/C officers will indicate the number of the new NOI/C.

On an annual basis, the Technical Systems Coordinator or Department designee will audit the central records computer system for verification of all passwords, access codes, or access violations.

## 27.00.040 ELECTRONIC COMMUNICATIONS AND RECORDS

All employees will comply with the City Policy regarding Electronic Public Records. Refer to City of Bellevue Administrative Order 94-03.

## 27.00.050 LAW ENFORCEMENT RECORDS MANAGEMENT SYSTEM

The Department uses LERMS as its automated Records Management System. Login to LERMS requires a connection to the InfoCenter database on an SQL-Server. The user is authenticated by the SQL-Server through integrated security features.

Users of Windows NT/2000/XP accounts have an account password that is associated with the SQL-Server account authorized to access the LERMS database.

The LERMS application checks to ensure that the account is active once the user is successfully connected to the database.

If the account is not active or access is not authorized, the application notifies the user and closes. Otherwise, functional permissions are checked and the user is presented with the LERMS main screen with particular modules visible based on the individual user's security settings.

The System Administrator is able to establish user-specific or group-specific security levels that limit access only to areas required by the user to complete an assigned task.

LERMS is capable of establishing an audit trail of user access to data tables and activity within the system. Auditing features record any record insert, update, or delete, and the user account performing the modifications.

**Central Records Computer Data – Backup & Storage** (CALEA 82.1.6)

CAD and LERMS data will be backed-up on a regular schedule established by the City's Information Technology Department. Incremental backups occur daily with more extensive backups occurring on a weekly and monthly basis. Back up tapes are maintained by the Information Technology Department and also forwarded to a company that maintains the City's "off-site" backup media storage. On-site and off-site storage is maintained in a secure manner with limited access by authorized personnel.

## 27.00.060 RETENTION SCHEDULES (CALEA 82.1.3)

### State Law Requirements

The State of Washington has statutory requirements for the minimum retention of records. The Department shall follow state record keeping requirements for local governments.

Paper and electronic records (including e-mail messages) are public records under the Public Disclosure Act (RCW 42.17) and the law governing preservation and destruction of public records (RCW 40.14). All employees are required to ensure compliance with these laws.

This procedure defines the need to retain public records and provide direction on retention of public records when an employee leaves the Department.

The City Clerk maintains a copy of the state schedule for the retention of public records. No public record should be disposed of without first confirming, through the City Clerk's office or Department Records Supervisor, the retention requirement for that record.

### Responsibility

All employees are responsible for ensuring the retention of Department public records in accordance with retention schedules maintained by the City Clerk's office. Supervisors are responsible for ensuring the

retention of public records following the retirement, resignation, or termination of an employee, for whom they are directly responsible.

### Retiree's Records

When an employee announces their intent to retire or resign, the employee will be instructed by their immediate supervisor to review their records, including e-mail, to identify all documents that are public record.

Employees and supervisors may contact the City Clerk's office for assistance in determining whether a particular document is public record and, if so, what its retention period is.

### Employee Records

When an employee is terminated or leaves abruptly, the employee's immediate supervisor is responsible for going through the employee's records to determine what public records exist. The immediate supervisor will contact Information Services to receive access to the employee's electronic records. Any public records of the previous employee are to be forwarded to Human Resources for retention in the employee's personnel file.

### Destruction of public records

Any destruction of official public records shall be pursuant to a schedule approved under RCW **40.14.050**. Official public records shall not be destroyed unless:

- Except as provided under RCW **40.14.070**(2)(b), the records are six or more years old
- The department of origin of the records has made a satisfactory showing to the state records committee that the retention of the records for a minimum of six years is both unnecessary and uneconomical, particularly if lesser federal retention periods for records generated by the state under federal programs have been established; or
- The originals of official public records less than six years old have been copied or reproduced by any photographic, photo static, microfilm, miniature photographic, or other process approved by the state archivist which accurately reproduces or forms a durable medium for so reproducing the original.

Any lesser term of retention than six years must have the additional approval of the director of financial management, the state auditor and the attorney general, except when records have federal retention guidelines the state records committee may adjust the retention period accordingly. An automatic reduction of retention periods from seven to six years for official public records on record retention schedules existing on June 10, 1982, shall not be made, but the same shall be reviewed individually by the state records committee for approval or disapproval of the change to a retention period of six years.

Recommendations for the destruction or disposition of office files and memoranda shall be submitted to the records committee upon approved forms prepared by the records officer of the agency concerned and the archivist. The committee shall determine the period of time that any office file or memorandum shall be preserved and may authorize the division of archives and records management to arrange for its destruction or disposition.

County, municipal, and other local government agencies may request authority to destroy non-current public records having no further administrative or legal value by submitting to the division of archives and records management lists of such records on forms prepared by the division. The archivist, a representative appointed by the state auditor, and a representative appointed by the attorney general shall constitute a committee, known as the local records committee, which shall review such lists and which may veto the destruction of any or all items contained therein.

A local government agency, as an alternative to submitting lists, may elect to establish a records control program based on recurring disposition schedules recommended by the agency to the local records committee. The schedules are to be submitted on forms provided by the division of archives and records management to the local records committee, which may either veto, approve, or amend the schedule. Approval of such schedule or amended schedule shall be by unanimous vote of the local records committee. Upon such approval, the schedule shall constitute authority for the local government agency to destroy the records listed thereon, after the required retention period, on a recurring basis until the schedule is either amended or revised by the committee.

Except as otherwise provided by law, public records shall not be destroyed until approved for destruction by the local records committee.

An automatic reduction of retention periods from seven to six years for official public records on record retention schedules existing on June 10, 1982, shall not be made, but the same shall be reviewed individually by the local records committee for approval or disapproval of the change to a retention period of six years.

The state archivist may furnish appropriate information, suggestions, and guidelines to local government agencies for their assistance in the preparation of lists and schedules or any other matter relating to the retention, preservation, or destruction of records under this chapter. The local records committee may adopt appropriate regulations establishing procedures to be followed in such matters.

Records of county, municipal, or other local government agencies, designated by the archivist as of primarily historical interest, may be transferred to a recognized depository agency.

Records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenders contained in chapter **9A.44** RCW or sexually violent offenses as defined in RCW **71.09.020** that are not required in the current operation of the law enforcement agency or for pending judicial proceedings shall, following the expiration of the applicable schedule of the law enforcement agency's retention of the records, be transferred to the Washington Association of Sheriffs and Police Chiefs for permanent electronic retention and retrieval. Upon electronic retention of any document, the association shall be permitted to destroy the paper copy of the document.

Any record transferred to the Washington association of sheriffs and police chiefs shall be deemed to no longer constitute a public record pursuant to RCW **42.17.020** and shall be exempt from public disclosure. Such records shall be disseminated only to criminal justice agencies as defined in RCW **10.97.030** for the purpose of determining if a sex offender met the criteria of a sexually violent predator as defined in chapter **71.09** RCW.

Except as otherwise provided by law, county, municipal, and other local government agencies may, as an alternative to destroying non-current public records having no further administrative or legal value, donate the public records to the state library, local library, historical society, genealogical society, or similar society or organization.

Public records may not be donated unless:

- The records are seventy years old or more;
- The local records committee has approved the destruction of the public records; and
- The state archivist has determined that the public records have no historic interest.

## 27.00.070 SUPERVISORY FILES

Supervisors generally maintain a file for each employee under their immediate control. The purpose for this file is to store information that will assist in evaluating the employee's performance during the yearly evaluation period. This information is transferred by the supervisor to the employee's yearly evaluation. In the event an employee is assigned to a new supervisor, any information pertaining to the employee's performance during that year will be turned over to the employee's new supervisor. Supervisors are responsible for keeping their employee files current. Any Corrective Counseling memorandums are to be handled according to Department's disciplinary policies. At all times, the employee will have access to their supervisor's file.

# APPENDIX A

# ALL HAZARD PLAN FOR UNUSUAL OCCURRENCES AND SPECIAL OPERATIONS

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## UNUSUAL OCCURRENCES

An Unusual Occurrence is an incident that takes place, generally unexpectedly and without design. It is out of the ordinary and will cause the Department to respond with added resources. It may include emergency situations that result from disaster, both natural and manmade. This plan provides procedures to be used by Department personnel in the orderly, effective and professional response to the dynamics of an Unusual Occurrence. The guidelines set forth in this plan do not purport to define and establish the Department's response to all possible Unusual Occurrences. Each Unusual Occurrence has a distinctive character created by its own set of variables.

These procedures are to be used in conjunction with all other relevant Departmental policies, procedures, and regulations.

## PLANNING COORDINATION (CALEA 46.1.1)

The Operations Division Deputy Chief shall be responsible for coordinating the planning function for response to unusual occurrences and ensure the Bellevue Police Department is prepared to respond to unusual occurrences as described in this chapter. The Patrol Section Commander is responsible for reviewing and updating this plan annually.

## EMERGENCY OPERATIONS PLAN (CALEA 46.1.2)

These Unusual Occurrence and Special Operation procedures serve as the primary All Hazard Plan for the Bellevue Police Department. They are provided to each employee. In addition, the City of Bellevue Emergency Operations Plan and the Emergency Resources Manual are available in the Patrol Watch Commander's Office.

## DEFINITIONS

- **National Incident Management System (NIMS)**

A Nationwide template, established by Homeland Security Presidential Directive HSPD-5, which enables all government, private-sector, and nongovernmental organizations to work together during domestic incidents.

- **Incident Command System (ICS)**

The standardized definitions of the operating characteristics, management components, and structure of incident management organizations throughout the life cycle of an incident. The ICS should be activated whenever it is necessary to supervise and/or manage multiple resources for an extended period of time.

- **Emergency Operations Center (EOC)**

The EOC refers to a predetermined location specially equipped to provide coordination of a Mutual Aid Mobilization. The Chief of Police or his/her designee shall serve as the Police Department's representative when the EOC has been activated. ***Refer to the City of Bellevue Emergency Operations Plan for additional information regarding operations during a Mutual Aid Mobilization.***

- **Incident Command Post (CP)** (CALEA 46.1.3.a,b)

The Incident Command Post is a location designated for the function of coordinating incident management to include; identification of needs, procurement of resources, utilization of personnel, establishment of priorities, and coordination of operations. The establishment of a Command Post shall accompany the initiation of the Incident Command System.

❖ **Incident Commander** (CALEA 46.1.3)

A watch commander will normally serve as the Incident Commander, although the field supervisor shall establish a CP and serve as the Incident Commander until the arrival of a watch commander. A higher ranking police administrator may assume command of an incident at any time.

❖ **Emergency Mobilization Plan** (CALEA 46.1.3c)

In the event of an unusual occurrence, the planned response by Department personnel is imperative. To facilitate the organization of the department's response, principles and practices have been developed and shall apply to the below listed unusual occurrences. Additional information can be found for each of the below listed occurrences:

- Active Shooter *Pg A-18*
- Aircraft Crashes *Pg A-10*
- Barricaded Persons/Hostage Situations *Pg A-18*
- Bomb Threats *Pg A-22*
- Civil Disturbances/Riots *Pg A-13*
- Earthquakes *Pg A-11*
- Fires/Explosions *Pg A-10*
- Floods *Pg A-11*
- Hazardous Materials / CBRNE Events (Chemical, Biological, Radiological, Nuclear, or Explosive incidents) *Pg A-26*
- Labor Strikes/Disputes *Pg A-13, A-29*
- Special Events *Pg A-29*
- Sniper Incidents *Pg A-18*
- Terrorist Acts *Pg A-10*
- Volcanic Activity *Pg A-11*
- VIP Activity *Pg A-28*

**MOBILIZATION PHASES** (CALEA 46.1.3c)

❖ **Section Mobilization**

A Section Mobilization may be authorized by the Incident Commander and relates to an occurrence that can be controlled by the resources and work force of one Department Section, supplemented by specialized Units (i.e., SWAT, K-9, Bomb Squad) or available employees from other Sections. It is a small-scale incident of short duration with little potential for escalation. **Section Mobilization requires notification per 15.00.080 of the Department's Policy/Procedure Manual.**

❖ **Department Mobilization** (CALEA 46.1.3c)

Department mobilization is an occurrence that requires all police officers and civilian employees necessary to be mobilized to establish control of the Unusual Occurrence and requires temporary modification of the Department's operational structure. The Incident Commander may declare this phase. **Department Mobilization requires notification per 15.00.080 of the Department's Policy/Procedure Manual.**

These occurrences may include those occasions when the City of Bellevue Emergency Operations Center is activated (total or modified activation) and/or resources are required as provided by the City's Emergency Operations Plan.

A written notification will be prepared for any incident requiring Department Mobilization.

❖ **Mutual Aid Mobilization** (CALEA 46.1.3d)

Mutual Aid mobilization is an occurrence that requires mobilization of all police employees, major City Department resources and outside help including Mutual Aid and the resources of the EOC to establish control. These are incidents of long duration with the potential for escalation and the EOC is fully activated. This level requires temporary modification of the Department's operational structure. Mutual Aid mobilization may require the cancellation of vacations and days off for Public Safety Department personnel. The Chief of Police or designee may initiate steps to activate the EOC, and or requests for Mutual aid. **Mutual Aid Mobilization requires notification per 15.00.080 of the Department's Policy Procedure Manual.**

❖ **Emergency Mobilization** (CALEA 46.1.3c,e)

In instances of major catastrophes the ability to call personnel back to work is often compromised. Therefore the following practice shall apply when major catastrophes occur and impact the City of Bellevue:

1. Police personnel shall ensure the safety of their families and then respond to the Police Department at City Hall.

2. Upon arrival at the Police Department personnel shall respond to the Department Emergency Command Center (Room LL-116 in City Hall) for assignment. Police officers shall be in full uniform with all issued equipment.

3. If City Hall has sustained damage that makes it unusable, personnel shall respond to the location designated for emergency operations.

## MOBILIZATION PRACTICES

**Communications Plan** (CALEA 46.1.6a)

The Department shall use normal radio communications coordinated by the Police Communications Center. If the normal radio communications become inoperable, other options exist and may be utilized. The Police Department's Communications Manager is responsible for the overall direction and control of emergency communications related to the E911 and 800 MHz radio system during a disaster or emergency situation. If an emergency compromises the Communication Center's ability to provide normal communications between field units and Incident Command, the Communications Manager may elect to use alternate methods of communications such as:

1. Simplex (unit to unit direct) frequencies

2. Cellular telephones (NEXTEL or other carriers)

3. Volunteer radio nets or operators

4. Government Emergency Telecommunications Service (GETS)

5. Emergency Alert System (EAS)

*For a detailed account of Emergency Communications, see the City of Bellevue Emergency Operations Plan; section ESF2, Communications & Warning.*

❖ **Primary and Alternate Staging Areas**(CALEA 46.1.3e)

1. Section and Department Mobilization

Personnel shall report to a supervisor at a location designated by the Incident Commander.

2. Mutual Aid Mobilization (CALEA 46.1.3d)

Personnel shall report to the Staging Area Manager at the Police ECC (Room LL-116 in City Hall) or other designated staging area.

❖ **Equipment Distribution** (CALEA 46.1.6e)

Department and Mutual Aid mobilizations may require distribution of special equipment. Personnel shall ensure all assigned equipment is immediately available and shall not take any additional equipment (flashlights, cones, spare radios, etc…) without authorization from a designated supervisor.

❖ **Air Purifying Respirators (APRs)** (CALEA 46.3.4)

Police personnel with first responder responsibilities have been issued APRs to be used per provided training. The Air Purifying Respirator Program (APRP) governs the use of APRs, their maintenance, and necessary documentation. The APRP is available in the Program Administrator's (Personnel Services Unit) office. *Refer to the Department Manual, 20.00.080.*

❖ **Weapons of Mass Destruction (WMD) Escape Kit** (CALEA 46.3.4)

WMD Escape Kits have been placed in the trunks of marked patrol vehicles. These kits are contained in sealed white plastic buckets that have been labeled. The kits contain a Level B Hazardous Materials Suit, gloves, booties, and sealing tape. However, officers must remember that APRs only provide Level C protection when coordinating responses with other agencies.

In the event there is a release of a suspected Weapon of Mass Destruction and there is a probability that you will be exposed or you are securing/containing the scene, the WMD Escape Kit is available for use. Use of the WMD Escape Kit is to be in accordance with the training provided and documented in a case report.

❖ **Special Operations Unit Activation**(CALEA 46.1.3c)

The Incident Commander will assess the need to activate special operations units either from within or outside the Department. The Incident Commander or designee will make any necessary requests for assistance and/or any unit activations.

**Management Control Measures**
In the event of emergency mobilization, the Incident Commander may:

1. Temporarily direct tasks or reassign functions of employees within any division.

2. Suspend agency response to all non-emergency calls and/or request mutual aid assistance from other law enforcement agencies.

❖ **Action Plans** (CALEA 46.1.5a)

Unless an extreme emergency exists, written action plans are required. Initial responsibility for their preparations falls upon the Incident Commander until delegated to the Planning Chief. Action plans will be completed on ICS Form 201 whenever possible and will include situation maps regardless of the form used.

❖ **Evaluation** (CALEA 46.1.3h)

After an incident requiring a Department or Mutual Aid mobilization, an after action report shall be completed by the Incident Commander. The report will evaluate all components of the Incident Command System and make recommendations for improvements. The rehearsals described below also allow for continuous evaluation and improvement of the Incident Command System.

❖ **Training and Rehearsals** (CALEA 46.1.9)

The Bellevue Police Department trains affected personnel annually in ICS/NIMS as described in the BPD Unusual Occurrences and Special Operations Manual (All Hazard Plan).

**Training Exercises** (CALEA 43.1.9)

Exercises are conducted annually and may involve all or some Police Department personnel.

**Rehearsals**
The City of Bellevue's Emergency Management Plan directs that the Emergency Operations Manager is the lead in developing drills, exercises, and simulations. These exercises may be conducted jointly with local, state, and federal emergency service agencies. The Bellevue Police Department shall support and participate in these exercises when so requested.
**Emergency Resources Manual**
The Emergency Resources Manual provides information regarding the resources available to the Department during disasters and other critical incidents. A copy of the manual shall be available in the Watch Commander's Office.

**KEY PERSONNEL DESIGNATIONS**

**Incident Commander** (CALEA 46.1.3)

The Chief of Police or his/her designee shall perform this function. The Incident Commander's responsibilities shall include, but not be limited to:

1. Establishing a command post and initiating the Incident Command System
2. Identifying and disseminating strategic objectives of the incident response
3. Initiating the mobilization of additional agency personnel
4. Establishing a staging area and appointing a staging area manager
5. Providing public information and media relations until the PIO arrives
6. Maintaining the safety of all involved personnel
7. Providing for the documentation of actions for the inclusion in the after action report

**Public Safety Representative at EOC**

**In the event of an EOC activation, the Police Department will provide a Captain to staff the Police position in the EOC.**

**ICS General Staff Positions**
Depending on the nature and scope of the incident, additional command positions may become necessary in order to facilitate successful management of the incident. The positions listed below shall be filled as

necessary by officers, Corporals, Lieutenants, and/or Captains. The organizational structure of these positions will be in accordance with the ICS protocols established by NIMS. These positions shall report directly to the Incident Commander, unless otherwise indicated, although the position may not be physically located at the CP. Each "Chief" shall be responsible for ensuring a log of their activities is maintained. An incident scribe or Tactical Dispatcher may be used to keep the log. Each Chief may also assess the complexity and size of the incident in relation to their responsibilities and request additional personnel from the Incident Commander to staff a section in accordance with ICS protocols.

**Operations Chief** (CALEA 46.1.4)

The Operations Chief is responsible for planning and managing the tactical response to the incident. The Operations Chief's responsibilities shall include but not be limited to:

1. Deployment and management of tactical teams
2. Monitoring and assessing hazardous and/or unsafe conditions and developing measures to assure personnel safety
3. Establishing perimeters
4. Conducting evacuations
5. Maintaining command post and scene security
6. Establishing traffic control plans
7. Conducting post incident investigation
8. Maintaining constant account of personnel and resources.

**Logistics Chief** (CALEA 46.1.6)

The Logistics Chief is responsible for staffing, facilities, services, and materials needed to support the incident response. The Logistics Chief's responsibilities shall include but not be limited to:

1. Communications
2. Transportation needs, coordinating actual movements with Operations Chief's Traffic Plan
3. Medical support to involved personnel
4. Supplies, especially food and water to field units
5. Specialized team and equipment needs
6. Providing information regarding available staffing and deployment

**Planning Chief** (CALEA 46.1.5)

The Planning Chief's responsibilities shall include but are not limited to:

1. Preparing a documented Incident Action Plan (IAP) based on the Incident Commanders' Strategic Objectives, utilizing ICS form 201
2. Anticipating resource needs (staffing, equipment, specialties, supplies)
3. Gathering and disseminating information and intelligence
4. Planning post incident demobilization

**Finance/Administration Chief** (CALEA 46.1.7)

The Finance/Administration Chief's responsibilities shall include but are not limited to:

1. Recording personnel time;
2. Procuring additional resources, in coordination with the Chiefs of Operations and Logistics
3. Recording expenses specific to the incident
4. Documenting injuries and liability issues

**Communications Director**

The Communications Director is responsible for ensuring the communication system in use is adequate and

serving the needs of the incident and monitoring the system. As a part of the logistics section, the Communications Director reports to the Logistics Chief.

**Public Information Officer** (CALEA 46.1.3f)

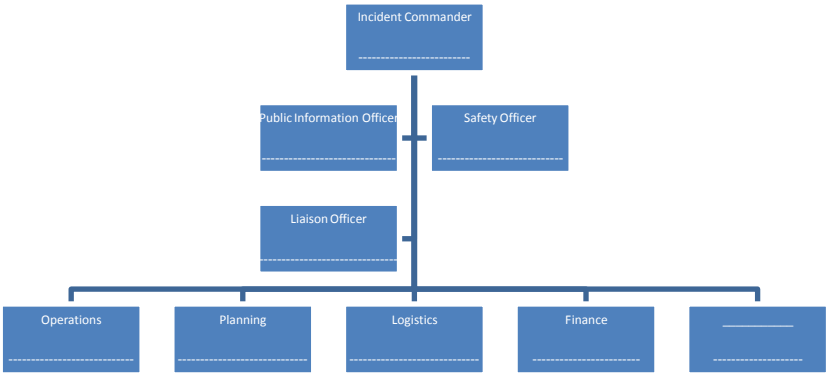
The Public Information Officer is responsible for coordinating information being provided to the public and the management of the media, to include rumor control. As part of the Incident Commander's Command Staff the PIO reports directly to the IC.

**Liaison Officer** (CALEA 46.1.3d)

The coordination with other local, state, and federal emergency services providers shall be coordinated through Incident Command until delegated to the Liaison Officer. As part of the Incident Commander's Command Staff the Liaison Officer reports directly to the IC.

**Safety Officer**

This position may be staffed as necessary, depending on the incident.




**INCIDENT COMMAND CHART**

## RESPONSE TO NATURAL AND MANMADE DISASTERS

It is the intent of the Bellevue Police Department to be prepared to assist the community in providing protection to persons and property in the event of a natural or manmade disaster. The City of Bellevue has prepared an emergency plan designed to assist in the coordination of disaster functions with other emergency service agencies, affected private persons, corporations, and organizations. This Standard shall govern police operations within the City Emergency Operations Plan.

### Police Functions

The nature and scope of the disaster will impact the ability to provide all or any of the below listed functions. The Bellevue Police Department will attempt to provide the following functions:

Evacuation

Evacuation is the act of warning and assisting in the movement of persons out of areas in immediate danger of destruction or contamination. The police department is responsible for conducting evacuations. Once the destruction or contamination has occurred in an area, attempts to locate and recover persons is a search and rescue function. *Refer to page A-32 for specific information regarding the search and rescue function.* In some instances the police department will assist in the search and rescue function.

Traffic Control

Traffic Control is the responsibility to ensure the smooth flow of both vehicular and pedestrian traffic to limit exposure to danger and ensure ability to move necessary resources.

Crowd Control

Crowd Control is the responsibility to limit the further impact of crowds on the ability to stabilize and maintain order in the impacted and surrounding areas.

Security

Security is the responsibility to prevent looting and protect designated public facilities.

### Specific Scenes

Disasters such as fires, explosions, aircraft crashes, allow for the scene to be contained in most instances. In these instances the following practices should apply:

- **Initial Officer(s) On-Scene**

Safety of the officer and others will always be the primary consideration. When an officer arrives on the scene the following steps should occur:

1. Evaluate

Assess the damage and injuries.

2. Provide Immediate Assistance

Normally an officer should not perform rescues. If persons can be evacuated from the scene without endangering the officer, then persons should be removed from the scene. The officer should provide information to the field supervisor regarding the resources needed to perform rescues.

3. Secure the Area

The officer should provide access routes for additional emergency vehicles and secure the area.

4. Provide Update Information

The officer shall provide updated information on the situation until a police supervisor arrives on-scene.

- **First Supervisor On-Scene**

The first supervisor on the scene shall initiate whatever action is necessary to stabilize the scene and protect the public. The first supervisor shall establish an Incident Command Post and contact the on-duty watch commander to provide information regarding the scope of the incident.

- **Watch Commander**

The watch commander shall determine the necessary mobilization phase and take steps to implement the appropriate mobilization. The watch commander shall determine what additional emergency ICS staffing positions must be filled and take steps to fill any necessary positions. *Refer to Emergency Mobilization Procedures.*

**General Scenes**

Disasters such as floods, volcanic eruption, and earthquakes do not allow for normal police responses or scene containment due to the scope of impact. When disasters have a widespread impact, officers shall adhere to the following practices.

- **Initial Officer(s) on Scene**

Safety of the officer and others will always be the primary consideration. When an officer arrives on the scene the following steps should occur:

1. Evaluate

Each officer should take immediate steps to assess the damage and injuries that have occurred in their assigned district or other area of responsibility.

2. Immediate Assistance

Widespread disasters make it difficult for any one person to assess where their resources are best used. Therefore officers should attempt to completely assess their areas of responsibility prior to providing any immediate assistance. There will be situations when an officer can provide immediate assistance without committing resources for an extensive period and this type of assistance should be accomplished.

3. Report Conditions

The officer shall immediately report their status after a disaster has occurred. The officer shall continue to provide periodic reports of conditions as they evaluate their areas of responsibility. If the police radios are not functioning, an officer shall evaluate their area of responsibility and immediately return to the Bellevue Police Department for further assignment.

- **First Supervisor on Scene**

The field supervisor will ensure the status of each employee in the field, take steps to locate missing employees in the field, and monitor the evaluation of damage and injuries. All other on-duty supervisors shall report to the on-duty watch commander for assignment.

- **Watch Commander**

The watch commander shall determine the necessary mobilization phase and take steps to implement the appropriate mobilization. The Watch Commander shall determine what additional emergency ICS staffing positions must be filled and take steps to fill any necessary positions. *Refer to Emergency Mobilization Procedures.*

**Other Considerations**

State of Emergency

Only the Governor may proclaim a state of emergency. Requests for the Governor's assistance shall be made through the EOC. During a state of emergency certain acts can be prohibited and restrictions imposed. *Refer to RCW Chapter 43.06. Also, refer to the Bellevue Police Policy/Procedure Manual 15.00.190.*

Local Proclamation of a Disaster

The EOC manager will responsible for coordinating the proclamation of a disaster. He/she shall contact the designated City of Bellevue elected official who will provide the official endorsement for the written proclamation. The written proclamation will be forwarded to the Governor's office.

Restricted Access

*RCW 38.52.400* permits a Chief of Police to restrict access to a specific search and rescue area. Access shall be restricted only for the period of time necessary to accomplish the search and rescue mission.

Military Support

Requests for military support must be made through the City of Bellevue Emergency Operations Center *(Refer to the Emergency Resources Manual).*

Only the Governor may order out militia or National Guard personnel. Only the Governor may proclaim martial law. A police liaison will be assigned to any military operations Command Post. *Refer to RCW Chapters 38.08.030 and 38.08.040*

## CIVIL DISTURBANCE

A Civil Disturbance is an unlawful assembly that constitutes a breach of the peace or any assembly of persons where there is imminent danger of collective violence, destruction of property or other unlawful acts

A civil disturbance may erupt from various forms of legal public gatherings or may be sparked and quickly escalate from a single, high profile incident. The manner in which the Bellevue Police Department responds to a civil disturbance has a direct bearing on the ability to control and defuse the incident and contain property damage, injury, or loss of life. Police officers confronting civil disturbance and those called upon to assist in these incidents shall follow the practices of containment, evacuation, communication, use of force, and command and control as enumerated in this standard.

❖ **Prevention**

Extensive planning and preparation on behalf of the Department may prevent legal public gatherings and demonstrations from escalating into a civil disturbance. The Department committed to providing assistance to organizations and citizens wishing to peacefully demonstrate and exercise the rights guaranteed by the United States Constitution. A representative of the Department shall attempt to contact leaders of groups planning to demonstrate and offer to work with the group in the planning of the demonstration in order to ensure the safety and protection for the demonstrators as well as the general public. *Refer to Special Events page A-29 for specific provisions to be addressed during the planning and preparation of the Department's involvement in any demonstration or legal large-scale gathering.*

## ❖ Response

### Initial Officer(s)

1. Evaluation

Observe the situation from a safe distance to determine if the gathering is currently or potentially violent. Attempt to identify the leaders or individuals involved in criminal acts. Notify the Communications Center and the field supervisor of the nature and seriousness of the disturbance.

2. Dispersal

A quick demonstration of police presence in sufficient strength to gain control of an incident is critical to successfully preventing further escalation. If first responding officers attempt to disperse a crowd with insufficient police personnel and are forced to withdraw, a disturbance may quickly escalate. Therefore, an officer shall not attempt to disperse a crowd without sufficient additional police assistance.

3. Staging Area

Determine a staging area where additional responding officers will gather.

### Supervisor

The field supervisor shall respond to the scene of disturbance or the staging area if one has been determined. The Supervisor is responsible for the following:

1. Assessment

   The field supervisor will assess the immediate situation for seriousness and its potential for escalation. If the disturbance is minor in nature and adequate resources are available, efforts should be made to disperse the crowd.

2. Dispersal

   The field supervisor shall ensure dispersal is performed according to state law. *Refer to RCW Chapter 9A.84*. An order to disperse shall be provided by the field supervisor prior to any dispersal tactics being deployed.

3. Dispersal Order

   "This is the Bellevue Police Department. Your right to free expression of your views does not include the right to commit criminal acts and I hereby declare this an unlawful assembly. You must cease your actions and leave this property immediately or you will be arrested and charged with a crime."

4. Incident Command Post (CP)

   If the immediate dispersal does not occur the field supervisor shall determine where to locate an incident command post. It may be the same as the staging area if it provides adequate security from the disturbance.

5. Containment

   If immediate dispersal is not an option due to limited police resources, the field supervisor shall ensure that steps are taken to contain the disturbance and prohibit access to the affected area.

6. Notification

   The field supervisor shall notify the watch commander and provide him/her with the necessary information in order to determine a mobilization phase.

If an immediate Department mobilization is necessary the field supervisor (Incident Commander) may declare it and request the required mutual aid.

**Watch Commander**

The watch commander will determine the necessary mobilization phase for the incident, take steps to activate the necessary mobilization, and respond to the CP and assume incident command. When adequate personnel and resources are in place the Incident Commander will implement one or more of the following options:

1. Containment and Dialogue

The objective of containment and dialogue is merely to disperse the crowd. To accomplish this, the Incident Commander should:

a) Establish contact with crowd leaders to assess their intentions and motivation and develop a trust relationship.

b) Communicate to the participants that the assembly is in violation of the law and will not be tolerated, that the police wishes to resolve the incident peacefully, and that acts of violence will be dealt with swiftly and decisively.

c) Request the crowd disperse in an orderly fashion

2. Physical Arrest

   When appropriate, the Incident Commander will order the arrest of crowd leaders, agitators or others engaged in unlawful conduct. The Incident Commander will ensure the following:

   a) The availability of protective equipment for the designated arrest teams

   b) The availability of transportation for arrestees

   c) That adequate numbers of back-up officers are readily available, should the arrest teams require additional assistance

*Refer to Procedures for Mass Arrest Practices page A-16.*

3. Less Lethal Force

   When appropriate, the use of less lethal force may be deployed in order to disperse the crowd. The Incident Commander will ensure the following:

   a) Whenever practicable, Crowd Control Unit personnel should be used

   b) A clear path of escape is available for those who wish to flee the area

   c) The use of gas, smoke, or other less lethal devices is coordinated, controlled, and only deployed by police officers that have received specialized training in the use of the device being used.

**Deactivation**

When the disturbance has been brought under control, the Incident Commander shall ensure that the following measures are taken:

- All law enforcement personnel engaged in the incident shall be accounted for and an assessment made of personal injuries.
- All necessary personnel shall be debriefed as required.
- Witnesses, suspects and others shall be interviewed or interrogated.
- All written reports shall be completed as soon as possible following the incident to include a comprehensive documentation of the basis for and the department's response to the incident.

## MASS ARRESTS

It is impossible to anticipate all situations that mass arrests (more than ten arrests) may become necessary. Therefore, the practices surrounding mass arrests must remain flexible and be adapted to the variables that may exist. However, it is vital some practices remain consistent and all the listed mass arrest considerations are addressed in the planning phase of implementing mass arrests.

When mass arrests become necessary the following practices shall be followed:

1. Arrest will occur with the use of arrest teams that will consist of a minimum of two (2) officers.

2. All force used on peaceful demonstrators shall be approved by the Incident Commander prior to its use.

3. Arrests should be videotaped.

4. A system shall be used to clearly distinguish each arrest. This system shall allow the following information to be quickly established for each arrest during the mass arrests:

   a) Date / time of arrest

   b) Arresting officer

   c) Case number

   d) Charge

### ❖ Juvenile Offenders

Arrested juveniles shall be separated from adult offenders as soon as possible. Juvenile offenders will be transported to a separate detention facility.

### ❖ Transportation

The Incident Commander shall ensure that adequate transportation is available to remove arrested persons from the scene.

### ❖ Detention Facilities

In some instances, the arrested persons may be transported to a temporary detention area away from the scene, processed, and released on a criminal citation. When arrested persons are to be booked, arrangements shall be made prior to the arrests with a jail facility. A temporary detention facility may be established to accomplish the necessary processing for individuals. Adequate security must be in place at any temporary detention facility.

### ❖ Evidence Collection

When mass arrests are going to occur, Police Department employee(s) shall be designated to coordinate the collection of evidence. Officers will provide evidence to designated employee(s) with the related case number. The employee(s) receiving the evidence shall document the date, item, and source of the submission.

### ❖ Security

The Incident Commander shall ensure that any area used to process arrested subjects has adequate security to prevent escape and or intrusion.

### ❖ Identification

The Incident Commander should also have a contingency plan for identifying arrested persons that are refusing to provide identification.

### ❖ Interagency Agreements

The Incident Commander shall determine the mobilization phase for the incident and ensure the appropriate agencies are involved.

### ❖ Defense Counsel Visits

Arrested persons have the right to legal counsel, however, that counsel will not be provided on-site at the scene of a civil disturbance requiring mass arrests. Arrestees will be allowed consultation with counsel at the permanent incarceration facility in accordance with that facility's policies and procedures.

If arrested persons are going to be detained for more than three (3) hours at a temporary detention area, arrangements should be made to provide defense counsel access.

### ❖ Court/Prosecutorial Liaison

The impacted courts and prosecutor offices shall be notified in advance of any mass arrests to be conducted, whenever possible.

### ❖ Public Information

*Refer to Procedure for Department and Mutual Aid Mobilization.*

### ❖ Food, Water, and Sanitation

During extended operations of this nature, the Incident Commander may be faced with the necessity of planning for long term deployment, which includes provision of food, water, and sanitation facilities for personnel assigned to the operation, as well as for those arrested and awaiting transportation to permanent secured facilities.

### ❖ Medical

Medical services will be assigned to a staging area on standby to respond to the medical requirements of officers, citizens, and arrestees.

## HOSTAGE/BARRICADED PERSON/SNIPER/ACTIVE SHOOTER SITUATIONS

In hostage, barricaded subject, sniper, and active shooter situations, it is the philosophy of the Bellevue Police Department to consider the lives of the hostages, civilians, and officers involved to be of the utmost importance. Whenever reasonably possible, a peaceful resolution will be sought while maintaining the ability to use alternative approaches to resolve the incident. The practices provided in this Standard will apply in all hostage, barricaded subject, and sniper situations.

### ❖ Definitions

**Hostage Situation -** The holding of any person(s) against their will by an armed or potentially armed suspect.

**Barricaded Subject Situation -** The stand-off created by an armed or potentially armed suspect in any location, whether fortified or not, who is refusing to comply with police demands for surrender.

**Sniper Situation -** The firing upon citizens and/or police by an armed suspect, whether stationary or mobile.

**Active Shooter -** The firing upon citizens and/or police by an armed suspect(s) who is mobile and has access to a large number of people in a public or private location.

### ❖ Containment

Patrol officers confronting hostage/barricaded subject/sniper incidents shall not initiate tactical actions other than those necessary to protect the lives and safety of themselves and others *consistent with Department Policy/Procedure Manual 1.00.010 Use of Force*. Officers should immediately notify the field supervisor of the situation.

**Active Shooter Exception**

**It is emphasized that in past incidents of this kind, the suspect(s) intend to harm or kill as many victims as possible before being captured or killing themselves. If the shooter is still active, the Incident Commander will assemble an Emergency Response Team (ERT) of no less than three officers to make entry, locate, engage, and stop the shooter. This should be done as soon as possible following a quick briefing and allocation of protective equipment. If there is more than one shooter, an ERT will be allocated for each shooter. The ERT will proceed to the area of the active shooter until the shooter has been apprehended or contained in an area where there is no immediate threat to life.**

## ❖ Perimeters

Inner Perimeter

The first officers on the scene shall establish an inner perimeter as soon as possible to contain the incident. As staffing allows, officers on inner perimeter posts should be in teams of two.

Outer Perimeters

As staffing allows, an outer perimeter should be established to provide controlled ingress and egress to the area. All by-standers shall be kept outside the outer perimeter.

## ❖ Incident Command

The field supervisor shall respond to the incident and assume command of the incident. The field supervisor shall ensure the following:

1. Assess the situation and determine if a crime has been committed

2. Establish an inner perimeter, emergency response team, and outer perimeter

3. Attempt to contact the suspect(s) and request that he/she surrender

   Do not attempt to make contact until an inner perimeter has been established.

   Unless the suspect(s) indicate a willingness to surrender, do not negotiate with the suspect(s) or make any promises

4. Establish an Incident Command Post (CP) that should be located between the inner and outer perimeters. Consideration should be given to necessary space in selecting a CP location. The CP may have to accommodate several command personnel and liaisons.

5. Determine if a Section Mobilization may be used

6. Notify the Watch Commander and provide sufficient information to determine if a Department or Mutual Aid Mobilization will be required

7. Provide incident command until relieved by a commander

## ❖ Notification

The Watch Commander shall determine if any or all of the following notifications need to be made, determine if a Department or Mutual Aid Mobilization is necessary, and then respond to the scene to assume Incident Command responsibilities.

1. SWAT Team

   If the Watch Commander verifies that a hostage, barricaded person, sniper, active shooter or any other high-risk incident is occurring, the Department SWAT team should be activated. Planned operations may also require SWAT Team activation depending on the indicators on the Risk Assessment Matrix. The Watch Commander will contact the designated SWAT Commander to activate the team.

   A SWAT Team response includes tactical dispatch and hostage negotiation teams.

2. Command Staff

   The notifications shall be initiated by the Watch Commander.

3. Investigations Section

   Contact the on-call Investigations supervisor and request detectives respond to prepare any necessary search warrants and/or assist with collection of intelligence information.

4. Public Information Officer

   Contact the on-call Public Information Officer and request he/she respond to the CP immediately.

5. Other Agencies

   The Watch Commander should request that the Communications Center notify surrounding agencies so that allied agencies are aware of the situation. If a Department or Mutual Aid Mobilization has been declared and outside agency assistance is needed, the Watch Commander shall advise the Communications Center of the assistance requested, a location for outside agency personnel to report to if applicable, and the appropriate radio channel for the operation.

Medical and Fire

If the Incident Commander has not requested medical aid and fire to stage, the Watch Commander shall make this request to the Communications Center.

### ❖ Evacuation

As soon as reasonably possible, residences and businesses within the outer perimeter should be evacuated. Ensure that persons are interviewed and information gathered as they are evacuated. If evacuation is impossible due to hazards, occupants should be contacted and advised of steps to be taken to provide additional protection within their residence or business. The Reverse 911 system may be employed for this purpose.

Evacuate injured persons if it can be done without creating unreasonable hazard to police personnel.

### ❖ SWAT Team Coordination

Coordination

The Incident Commander (IC) will coordinate with the SWAT Team Commander to ensure the following functions occur:

1. Use of Force Authorization

   The SWAT Commander shall receive a briefing regarding the circumstances of the incident, and how information and authorization updates shall occur during the incident.

2. Pursuit/Surveillance Vehicles

   The IC will ensure that pursuit/surveillance vehicles and authorized stopping tools are available in case suspect(s) are inadvertently allowed to escape containment during the incident.

3. Interaction

The SWAT Team includes SWAT, Hostage Negotiators, and Tactical Dispatchers. The teams train together and respond as a unit. The IC should monitor the interaction between the tactical and negotiation teams to ensure effective communication.

### ❖ Public Information

The Public Information Officer shall establish an area where representatives of the media can gather for information. This area shall be a sufficient distance from any command post and the actual scene so as to prevent interference with operations. The PIO shall immediately request the assistance of all media representatives in not divulging tactical movements or information.

### ❖ Debriefing and Reports

The Incident Commander, field supervisor, and team leaders shall ensure all involved officers complete Supplemental Reports regarding their activities during the incident. These reports shall be completed as soon as reasonably possible.

An Incident Debriefing with all involved personnel will normally occur within 72 hours of the incident. The Incident Commander shall be responsible for coordinating and conducting the Incident Debriefing.

## BOMB THREATS AND RELATED INCIDENTS

The Bellevue Police Department is responsible for the coordination for removal and disposal of explosives. These incidents can be extremely dangerous for all personnel and citizens if not handled in an expedient, safe, and coordinated effort. Therefore, to ensure the safety of all, the following practices have been established.

### ❖ Bomb Threat Practices

Whenever the department is notified of a bomb threat the following practices shall apply:

1. The person receiving the call from a person making a threat will attempt to keep the caller on the line and obtain as much information as possible. The Bomb Threat Form should be used if time permits.

2. If it is not possible to use the Bomb Threat Form while the caller is on the line, then all information obtained should be written down and immediately transferred to the form following the call.

3. If the call is received at a location other than the Communications Center, the information regarding the bomb threat shall be forwarded to Communications immediately following the call.

   Communications shall notify the on-duty Patrol Supervisor immediately. The Communications Section shall dispatch one Patrol unit to handle the call. The unit shall be dispatched on a Code-1basis.

### ❖ Primary Officer Response

The police officer assigned to the call shall:

1. Ensure the supervisor is aware of the call and respond to the scene

2. Upon arrival notify the Communications Center of his/her arrival and that he/she will be off the air. The officer will then turn off the computer, portable radio, and vehicle radio. The use of cellular telephones shall also be avoided in the area of the scene.

3. Make contact with the reporting party and an official in charge of the scene and explain police practices regarding bomb threats and evacuations

4. Be responsible for documenting the incident

### ❖ Supervisor Response

When available, a patrol supervisor should respond to the scene using the same practice provided above.

### ❖ Bomb threats involving Bellevue schools:

**Bellevue School District**

Where possible, only non-uniformed officers will respond to bomb threats involving a school.

School officials will decide if a search is to be conducted and to what extent.

School officials will decide if evacuation is required.

Plant personnel will be requested to conduct a search of the facility.

Responding police personnel will assist in searching only when requested to do so by the school officials.

**Bellevue Community College**

When the college receives a bomb threat, the Department will respond if notified. The campus police will be responsible for conducting a search and investigation to whatever extent they determine necessary. If it is established that a bomb does exist, the Department will assume responsibility of the incident in its entirety.

### ❖ Evacuation

The person responsible for the premises must decide whether or not to evacuate. The Department will recommend evacuation of the entire premises whenever possible. In the event that the presence of a bomb or other explosive device has been confirmed, the Department shall, in all cases, order the immediate evacuation of the premises. In the event an evacuation takes place the following practices shall apply:

1. If evacuation is ordered, leave all doors and windows open

2. Do not disturb light switches

3. Disconnect any non-essential machinery

4. The evacuation must take all persons at least 300 feet from the suspected structure or area and, if possible, under cover

5. Notify persons in nearby buildings and provide an opportunity for evacuation if it is deemed necessary. Have doors and windows in nearby buildings opened.

6. Establish necessary perimeters to deny access to the scene or evacuated area

7. Provide traffic control if necessary

### ❖ Building Search

In some situations a search will not be prudent. If a search is conducted the following practices shall apply:

1. The underlying assumption in all search incidents must be that a bomb is present and will explode. A Search Commander must be designated, normally a Patrol Supervisor, who will be in close contact with the owner or manager of the premises. It is the Search Commander's duty to organize and brief the search party, to establish a command post for communications purposes, to collect all information related to the search, to ensure that unauthorized persons are kept out of the area, and to ensure that a complete search is made. The Search Commander will be prepared to brief personnel of the Bomb Squad, should they be requested to respond. Police officers should not be the primary searchers in occupied scenes/buildings.

2. Use a minimum number of personnel. Two-person teams are preferable. Assign specific areas of search responsibility and when completed, direct the teams to return immediately to the Search Commander.

3. Use key or supervisory personnel from the scene/building. These persons should be familiar with the normal environment and know what looks out of place or unusual. Perform a thorough search.

4. Check for utilities and shut off those utilities that could contribute to any explosion

5. Prohibit the use of radios, camera equipment, and smoking in the immediate area

6. If anything suspicious is located **DO NOT TOUCH ANYTHING IN THE AREA**. Evacuate and notify the Bomb Squad.

### ❖ If a Bomb is Located

Whenever an explosive device or suspected explosive device is located, the on-duty supervisor shall be notified immediately. The supervisor shall determine if any emergency mobilization is required and notify the Bomb Disposal Unit Leader or designee. Police personnel should be cognizant and alert for secondary devices.

### ❖ Disposal

The Bomb Squad shall respond and coordinate disposal of explosive devices. The Bomb Squad Supervisor shall determine if additional outside agency involvement is necessary for the safe disposal of devices. If outside assistance becomes necessary, the Bomb Squad Supervisor shall make the appropriate requests.

Medical aid providers and the Fire Department shall stand-by during in disposal efforts.

### ❖ Investigation

If criminal activity is involved the on-call Investigations Section supervisor shall be notified. Detectives shall respond and conduct the criminal investigation. The Investigations supervisor shall determine if the assistance of the Bureau of Alcohol, Tobacco, and Firearms (ATF) or the Federal Bureau of Investigations (FBI) is necessary and contact the agencies when appropriate.

ATF and the FBI shall be notified of any actual bombing or attempted bombing and may assume jurisdiction for the investigation *per Title XI of the Federal Organized Crime Control Act of 1970.*

### ❖ Explosion Procedures

*Refer to Procedures on Emergency Mobilization and Man Made Disasters for applicable response guidelines.*

### ❖ Verified bombing incidents

When information is received by any member of this Department of an apparent verified bombing incident the person receiving the call will immediately notify the Patrol Supervisor.

The Patrol Supervisor will immediately:

1. Assign responding units.

2. Notify the Patrol Captain.

3. Confirm that the Bomb Squad is dispatched.

The Patrol Supervisor will, as soon as possible, advise the Patrol Captain of all available information concerning the explosion.

The Bomb Squad will conduct the initial examination of the explosion area, and will then notify the Investigations Section if they will be needed at the scene.

### ❖ Written reports regarding bombing incidents

If the original call was received directly at the Department as a bomb threat, the person taking the call will fill out a bomb threat report. Personnel receiving a bomb threat should attempt to record the exact words of the calling party when receiving the original threat call. Obtain all information which can be gained concerning the type of device, location and time of detonation. Pay particular attention to the caller's voice, including sex, probably age, accent, efforts to conceal natural speech patterns, muffling, or other voice disguises, background sound, noises, etc.

The responding district officer will submit the initial crime report.

Assisting officers will submit supplementary reports as necessary.

The Bomb Squad will submit an investigative report of their finding.

The Investigations Section will be responsible for the following:

1. Coordinating and completing all follow-up investigations.

2. Advising the Bomb Squad of any information regarding the device or builder of said device.

At no time will the details of any fire bombing or explosion be discussed with any person not directly involved with the incident, without the clearance of the Patrol Captain.

## HAZARDOUS MATERIALS / CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR, and EXPLOSIVE (CBRNE) WEAPONS DEPLOYMENT (CALEA 46.3.4)

A hazardous materials incident occurs whenever any substance or material in any form or quantity is mishandled, spilled, leaked, or improperly disposed and becomes an unreasonable risk to the safety and health of persons or creates immediate danger to property. A CBRNE Weapon Deployment is the deliberate release, dispersal, detonation of a chemical, biological, radiological, nuclear or explosive agent that creates a risk of danger or, more likely, the immediate infliction of mass casualties. CBRNE Weapon Deployments will often be indistinguishable from an accidental hazmat incident and initial responses may be identical. *Hazardous materials incidents and CBRNE deployments shall be considered manmade disasters and the appropriate Standard shall apply*.

Hazardous material incidents and CBRNE Weapon Deployments create several additional response requirements. Although the Fire Department and their Hazardous Materials Response Team may have scene management and command authority, it is the Bellevue Police Department's intent to provide all necessary assistance in order to protect the community. Therefore the following practices will apply during hazardous materials incidents and CBRNE Weapon Deployments:

### ❖ Police Functions

The nature and scope of the hazardous materials or CBRNE incident will impact the ability to provide all or any of the below listed functions. The Bellevue Police Department will attempt to provide the following functions:

1. Evacuation

   Evacuation is the act of warning and assisting in the movement of persons out of areas in immediate danger of destruction or contamination. The police department is responsible for conducting evacuations. Once contamination has occurred in an area, an attempt to locate and recover any person is a rescue function.

   Evacuation should generally be uphill, upwind, and upstream, avoiding low-lying areas where vapors may accumulate.

2. Traffic Control

   Traffic Control is the responsibility to ensure the smooth flow of both vehicular and pedestrian traffic to limit exposure to danger and ensure ability to move necessary resources.

3. Crowd Control

   Crowd Control is the responsibility to limit the further impact of crowds on the ability to stabilize and maintain order in the impacted and surrounding areas.

4. Scene Security

   Scene Security is the responsibility to maintain the integrity of the scene and the security of public safety and rescue personnel. An additional concern at contaminated scenes is the detention of people within the contamination zone until processed through the fire department's decontamination procedures. Failure to decontaminate people may result in the spread of contamination and subsequent enlargement of the contamination zone or establishment of other contaminated zones.

5. Initial Crime Scene Investigation

Investigation requirements will range from complete responsibility for the investigation to assisting a federal agency that assumes responsibility. Collect witness information as soon as practical.

6. Notification of applicable federal agencies

### ❖ Initial Police Response

Often the police will be the first responders to hazardous materials or CBRNE incidents. Officers arriving on the scene shall adhere to the following practices:

1. Evaluate

   a) STAY BACK AND EVALUATE THE SCENE FROM A SAFE DISTANCE. Evaluation shall include but not be limited to:
      a. Vehicle placard numbers and damage to vehicles
      b. Anything emitting from the vehicle (vapors, clouds, liquids, solids, powders, gels, containers, etc.). Include colors and rate of escape (venting, seeping, pouring, jetting, etc)
      c. Obvious blast damage or active fires
      d. Signs of any means of delivery
      e. Attempt to locate and detain anyone having information on the type of material(s) involved

   b) Remain upwind and uphill

   c) Assess injuries and/or damage – DO NOT ATTEMPT RESCUES, watch for animal casualties as indicators of non-visible contamination

   d) Attempt to determine access routes for additional emergency vehicles

   e) Provide continuous updates of the situation until the Fire Department arrives

   f) Watch for observers in and about the crowd that display an obviously different emotional state than those around them or those occupying locations from which they can see the entire affected area. Direct other units to detain and question as possible involved suspects.

2. Scene Precautions

   a) Do not walk in or touch any spilled material – treat all materials as hazardous until identified

   b) Avoid inhalation of all gases, fumes, and smoke

   c) Turn off vehicles air conditioning (vents) and roll up windows

   d) Always be aware of the potential for secondary devices and/or attacks

### ❖ Patrol Supervisor Response

A patrol supervisor shall respond to the Incident Command Post established by the Fire Department. When necessary, the supervisor shall deploy police personnel for the purposes of evacuation, traffic control, crowd control, and scene security. The supervisor shall assess the impact the incident shall have to police resources and notify the watch commander so that an emergency mobilization phase (if any) may be determined.

The Police Department's mission during hazardous materials incidents is to assist the Fire Department. Assistance may include the investigation of the incident and any related criminal activity. A police liaison should be assigned to the Fire Department Command Post.

### ❖ Clandestine Drug Laboratory Practices

Clandestine drug labs present not only hazardous material concerns, but also specialized investigative and disposal requirements. Therefore upon discovery of a suspected clandestine drug lab the following practices shall apply:

1. **Evacuate the Scene**

   Officers shall quickly but safely withdraw from the scene and detain any person located at the scene. Remember to consider possible contamination and attempt to reduce additional exposure to personnel and/or equipment.

   If possible, the entry point should be left open to allow ventilation.

2. **Safety**

   **DO NOT TOUCH ANYTHING AND DO NOT ATTEMPT TO ALTER THE EXISTING ENVIRONMENT**.

3. **Notify**

   Immediately notify the field supervisor and the Fire Department. Advise the Fire Department of the nature of the incident and the need for a Haz-Mat response.

   Upon arrival, the Field Supervisor should consider initiating a Unified Incident Command with the Fire Department.

   The Field Supervisor shall contact a Watch Commander in order to request personnel from the Eastside Narcotics Task Force (ENTF).

4. **Containment**

   Establish an inner perimeter and secure the area to prevent entry.

## SPECIAL EVENTS (CALEA 46.2.7)

The Bellevue Police Department strives to ensure public safety by providing adequate and appropriate police services for special events. Special events include parades, street fairs, public demonstrations, labor strike activity, athletic events, and other activity that impacts traffic and crowd control.

The various events will require special planning specific for that event. Therefore each special event shall have an Action Plan prepared for the event by a designated commander. The Action Plan shall include the following information at a minimum:

1. The person designated to act as the supervisor and/or coordinator for the provision of police services during the event.

2. The required traffic control and crowd control for the event. The personnel and equipment required to provide adequate police services in this area.

3. An estimate of expected crime problems and a contingency plan to address crime problems

4. An estimate of expected civil disturbances and a contingency plan addressing the considerations provided in the civil disturbance procedures.

5. Contingency plans for traffic direction and control if not specifically assigned

6. Use of special operations personnel when appropriate.

7. Logistical requirements for personnel and equipment.

8. Coordination for outside agency involvement.

❖ **After-Action Report**

The designated commander shall complete an after-action report evaluating the provision of police services during the event. *(Refer to SWAT Manual for contents)*

**VIP SECURITY** (CALEA 46.2.6)

In the event a Very Important Person (VIP) or dignitary visits or stays within the City of Bellevue, the Bellevue Police Department may participate in security upon request.

When assistance is requested, the Department shall prepare an Action Plan to include, at the minimum, the following provisions:

1. The SWAT Commander shall be designated to prepare the Action Plan and coordinate the Department's involvement. As necessary, the SWAT Commander should also include the Crowd Control Commander in the planning stages of the event. *(Refer to SWAT Manual)*

2. The Police Department equipment and personnel required for the requested security.

3. The need to deploy specialized units.

4. Instructions for planning and reconnoitering travel routes and alternatives.

5. The advance inspection of sites to be visited by the VIP for the purpose of gathering intelligence.

6. The coordination of operations with outside agencies.

7. Identification of emergency first-aid resources and medical facilities.

8. Coordination of communications with the Communications Center and other outside agencies.

9. Assurance that all members of a security detail shall be immediately identifiable by an item such as a lapel pin or uniform to be worn in a conspicuous location.

❖ **After-Action Report**

An after-action report shall be completed by the designated commander evaluating the provision of police services during the event.

## SPECIAL OPERATIONS (CALEA 46.2)

The Bellevue Police Department staffs, equips, trains, and operates a SWAT Team, Hostage Negotiators Team, Crowd Control Unit, Bomb Squad, and Tactical Dispatch Team in order to provide the highest quality and most cost effective police services during critical incidents requiring the deployment of tactical resources. The Bomb Squad works closely with other regional units to accomplish the safe disposal of explosive devices.

### Special Operations Activities (CALEA 46.2.1)

Personnel assigned to the Special Operations Teams have received specialized training and conduct periodic training as individual units. Assignment to the Bomb Squad, SWAT Team, Hostage Negotiators Team, and Crowd Control Unit are collateral duties. Personnel assigned to these teams have regular assignments to various functions throughout the Police Department.

- SWAT Team
- Crisis Negotiators
- Bomb Squad
- Crowd Control Unit
- Tactical Dispatch

**A. Deployment:** Deployment of Special Operations teams may be authorized by a Command rank officer per 15.00.070 of the Department Policy Manual, *Command Responsibility*. Deployment may be authorized due to a planned event or dynamic incident. Deployment of specific units for specific incidents may be found elsewhere in this Unusual Occurrences Plan.

**B. Coordination:** When the SWAT Team is activated the Incident Commander shall coordinate the operation.

**C. Tactical Operations:** All tactical operations conducted by the SWAT team will be commanded by the SWAT Team Commander.

**D. Support for Civil Disobedience, Labor Disputes, Special Events, and VIP Security:** The Bellevue Police Department staffs, equips, trains, and operates a Crowd Control Unit in order to provide the highest quality and most cost effective police services during events that draw large crowds.

### SWAT Team Selection (CALEA 46.2.2)

**Policy:** The Bellevue Police Department selects police officers for assignment to the SWAT Team using the below described process.

**Practice:**

**A.** Refer to SWAT Manual Overview page 7 and Chapter 17.00.050 of the Department Manual regarding selection process and personnel transfers.

**B. Specific Requirements:** The below listed tests and examinations shall be successfully completed by applicants for the SWAT Team.

**1.** Physical Assessment (obstacle course)

**2.** 90% score or higher on Department pistol qualification course

**3.** Oral interview

**Specialized Equipment** (CALEA 46.2.3)

**A.** Refer to SWAT Manual.

**Negotiator Team Selection** (CALEA 46.2.4)

**Policy:** The Bellevue Police Department selects police officers for assignment to the Negotiator Team using the below described process:

**A.** Refer to Hostage Negotiations Team Manual and Chapter 17.00.050 of the Department Manual regarding selection process and personnel transfers.

**B.** **Specific Requirements:** The below listed tests and examinations shall be successfully completed by applicants for the Negotiator Team.

**1.** Oral interview

**Search and Rescue** (CALEA 46.2.5)

**Policy:** *Pursuant to RCW 38.52.400,* the Bellevue Police Department shall coordinate search and rescue efforts conducted within the City of Bellevue. The scope of the effort shall vary and the emergency mobilization phases shall apply. Search and rescue operations requiring specialized equipment and/or training shall be conducted by the Bellevue Fire Department or the King County Search and Rescue Association, an affiliate of the King County Sheriff's Department.

**BELLEVUE POLICE DEPARTMENT MANUAL**

**APPENDIX B**

**ADMINISTRATIVE REPORTS**

(revised 10/10) (CALEA 11.4.1)

| REPORT TYPE | POSITION PREPARING | PURPOSE | FREQUENCY | DISTRIBUTION |
|---|---|---|---|---|
| Quarterly, Half-Yearly, and Annual Reports | Investigations Major | Provide information of Division productivity, crime statistics, training and other summaries. | Quarterly, half-yearly, annual | Supervisors<br>Command Officers<br>Deputy Chiefs<br>Chief |
| ICMA Performance Survey Report | Administrative Services Major | Provide comparative analysis with ICMA cities and exchange "best practices". | Annual | Provided to the Chief of Police through the chain of command. |
| Benchmark Cities Survey Report | Administrative Services Major | Provide comparative analysis/data with other benchmark police departments. | Annual | Provided to the Chief of Police through the chain of command. |
| Use of Force Review (1.3.6) | Supervisor of Involved Employee and Command Review | Provide immediate review of incidents involving force. | As necessary | Provided to Deputy Chief through the chain of command. |
| Pursuit Review | Immediate Supervisor/ Commander | Provide immediate review of pursuits. | As necessary | Provided to Deputy Chief through the chain of command. |
| Employee Performance Appraisals (35.1.2) | Immediate Supervisor | Provide employee with feedback regarding performance. | Monthly for probationary, annual all others. | Provided to Deputy Chief through the chain of command. |
| Juvenile Enforcement and Prevention (44.1.3) | Investigations Major | Ensure programs are effective and meeting community needs. | Annual | Provided to the Chief of Police through the chain of command. |
| Personnel Allocation and Specialty Assignments (16.1.2 & 16.2.1) | Designated Section Commander | Ensure proper allocation and use of personnel. | Annual | Provided to the Chief of Police through the chain of command. |
| Crime Prevention Program Analysis (45.1.1) | Investigations Section | Evaluate program to ensure its effectiveness and positive outcomes. | Annual | Provided to the Chief of Police through the chain of command. |

| REPORT TYPE | POSITION PREPARING | PURPOSE | FREQUENCY | DISTRIBUTION |
|---|---|---|---|---|
| Victim Assistance Program Analysis (55.2.1) | Investigations Section | Analysis of victim needs and services available. | Once every 3 years | Provided to the Chief of Police through the chain of command. |
| Uniform Crime Reporting | Records Unit | Provide information regarding Part 1 crimes. | Monthly, quarterly, annual | Provided to Staff Support Deputy Chief and to WASPC. |
| Hostage/Barricaded Suspect (46.1.4) | Incident Commander | Provide information regarding an operations incident with recommendations. | As needed | Provided to the Chief of Police through the chain of command. |
| Special Event Reports (46.1.10) | Incident Commander | Provide information concerning a special event (such as Arts and Crafts Fair) | As needed | Provided to the Chief of Police through the chain of command. |
| Financial and Budgetary Reports (17.4.1) | Fiscal Manager | Provide information on budget analysis and budget projections. | Quarterly, annual | Provided to the Chief of Police for review and dissemination. |
| Training Report (1.3.11) | Training Commander | Provides information on in-service and other training. | Annual | Provided to the Staff Support Deputy Chief. |
| Criminal Intelligence | Crime Analysis | Provides information on criminal activity. | Weekly | Provided to all Officers. |
| Department Collision Review | Traffic Commander | Provides information on officer-involved traffic accidents. | Monthly | Provided to the Chief of Police through the chain of command. |
| Use of Force Analysis (1.3.13) | Training Unit | Summary and analysis of incidents. | Annual | Provided to the Chief of Police for further dissemination. |
| Vehicle Pursuit Analysis (41.2.3) | Office of Professional Standards | Summary and analysis of incidents. | Annual | Provided to the Chief of Police for further dissemination. |
| Employee Grievances (25.1.3) | Office of Professional Standards | Summary and analysis of incidents. | Annual | Provided to the Chief of Police for further dissemination. |
| Records Section Reports | Records Commander | Provides information on productivity, staffing and training. | Quarterly, annual | Provided to the Deputy Chief. |
| Community Involvement Report (45.2.2) | Investigations Commander | Provides information on community input and interaction. | Quarterly | Provided to the Chief of Police through the chain of command. |
| Workload Assessment (16.1.2) | Section Commanders | Provides assessment of workload. | Every 3 years | Provided to the Chief of Police through the chain of command. |
| Job Task Analysis (21.1.1) | Deputy Chiefs | Provides task analysis and job description updates. | As significant classification changes occur | Provided to the Chief of Police. |

| REPORT TYPE | POSITION PREPARING | PURPOSE | FREQUENCY | DISTRIBUTION |
|---|---|---|---|---|
| Goals and Objectives Report (11.5.1) | Deputy Chiefs | Provides goals and direction to the Department. | Annual | Provided to the Chief of Police. |
| Youth Programs (44.2.5) | Investigations Major | Provides information on youth programs. | Annual | Provided to the Chief of Police. |
| Missing Reports (82.1.5) | Administrative Services Major | Update and information on missing case reports. | Monthly | Provided to Deputy Chiefs. |

The definitions below apply whenever the listed word or phrase is used in this manual:

## -C-

**Chain of Command –** The relative order of authority or responsibility in ascending or descending order of rank.

**Chief of Police –** Director of the Department, and the highest ranking commissioned officer within the Department.

**Civil Service Commission –** Governing body for the City of Bellevue public employees

**Civil Service Rules –** Personnel rules promulgated by the Civil Service Commission

**Commander –** Person in charge of an incident or unit within the Police Department.

**Command Officer –** Any officer who holds the rank of Captain or higher. All command officers are also supervisors of subordinate employees.

**Commissioned Employee –** All personnel employed by the Department, following certification by the Civil Service Commission, who have been commissioned as a Police Officer by the Chief of Police.

**Concurrent Jurisdiction** – A range of territory where two governmental entities have equal enforcement rights.

**Corporal –** A police officer assigned to the Patrol Section who shall be considered the senior officer at any crime scene, incident, or occurrence until relieved by a supervisor or assigned investigator. A Corporal may take on other supervisory responsibilities at the direction of his/her supervisor. When a first line supervisor is absent, the Corporal may be designated as the first line supervisor by a Captain or above. Corporal is a civil service rank.

**Corrections Officer –** Employee commissioned by the Chief of Police to work in the Corrections Division.

**Civilian Employee –** An employee of the Department who does not hold a commission as a police officer.

## -D-

**Delegation of Authority –** Authorizing a selected person to act or make decisions as one's legal representative

**Department –** When the word department is used alone, it means the Bellevue Police Department.

**Department Manual –** The manual issued by the Chief of Police that contains rules and regulations, and policies and procedures that govern the actions of all employees.

**Department Order –** An inclusive term embracing policies, procedures, rules, regulations, Executive Orders, special notices, and manuals of the Department.

**Department Property –** Any city property assigned to the Department whether purchased leased, donated, or rented by the Department.

**Department Vehicle –** Any city-owned, leased, donated, or rented vehicle assigned to the department.

**Deputy Chief of Police –** Second in command to the Chief of Police.

**Designee –** A person who has been designated by a person of higher authority to carry out the authority's assigned responsibility or duty.

**Direct(ed) –** Any means of notification (i.e., court calendars, subpoenas, written or verbal order, by supervisor or court personnel).

**Division –** A division is the primary subdivision of the Police Department with responsibility for providing specific functions. A division is commanded by a division commander.

**Division Commander –** Commander of a Division within the Department.

**-E-**

**Employee –** All personnel employed by the Department. As used in this manual, the word "employee" will also include Department volunteers.

**Executive Order –** A written order issued by the Chief of Police or a deputy Chief of Police for the administration of departmental affairs. Said order is to remain in effect until amended, rescinded, or printed in the Department Manual. Executive Orders define either new or a change in policy and/or procedure pertaining to the department. They have the same authority as policy.

**-F-**

**First Line Supervisor –** Any commissioned employee who holds the rank of Lieutenant, or non-commissioned personnel holding the authorized position of supervisor (i.e., Communications Section Supervisors and Staff Support Section Supervisors).

**-H-**

**Hold –** To place a retainer or restriction on an individual or property

**-I-**

**Incident –** An occurrence requiring or suggesting action or service by employees of the Department.

**Investigating Officer –** An officer, of any rank, assigned as the lead investigator of a reported incident or internal investigation

**-J-**

**Jurisdiction –** The territorial range of authority or control

**-L-**

**Lead Employee –** A civilian employee assigned to the Support Services Division with the additional duty of providing technical leadership for members of their shift. A Lead may take on other supervisory responsibilities at the direction of his/her supervisor.

**Limited Commission –** A commission issued by the Chief of Police to specific civilian employees of the Department, other City Departments, or entities contracting with the city authorizing the performance of limited police and/or code enforcement duties.

**-M-**

**Manager –** Any non-commissioned employee above the level of first line supervisor.

**May –** When used in a policy, procedure, rule, or regulation the word “may” is permissive.

**Memorandum –** A transitory notice, issued or approved for distribution by a supervisor, for the guidance and information of employees.

**-O-**

**Orders –** Commands, instructions, or requests, oral or written, given by one employee to another of lesser rank.

**Officer –** All commissioned officers, reserve officers, corrections officers, and limited commissioned law enforcement personnel

**Officer-in-charge –** Any commissioned employee who is placed in control of, or assumes responsibility for a crime scene, incident, or occurrence.

**Off Duty –** Off duty is time spent where the City of Bellevue has no financial obligations to an employee

**On Duty –** On duty is the time an employee is working for financial compensation from the City of Bellevue

**On Scene Commander –** The person who is in charge of an incident scene. This position may be filled by an officer of any rank

**Overtime –** Any time that employees works outside their normal scheduled shift

**-P-**

**Personal Property –** Any personally-owned property of an employee that is used in conjunction with his/her assignment, or which affects or represents the Department while on or off duty. This type of property is subject to control and regulation by the Department.

**Plurality of Words –** The singular included the plural and the plural includes the singular.

**Police Officer –** A duly appointed employee commissioned to perform police duties.

**Police Support Officer –** A uniformed civilian employee of the Department with a limited commission assigned to perform limited police duties.

**Policy –** A statement of guiding principles directed toward the attainment of departmental objectives issued exclusively by the Chief of Police.

**Preponderance of Evidence –** A greater weight of evidence, or evidence that is more credible and convincing to the mind; not necessarily the greater number of witnesses or evidence

**Primary Jurisdiction** – A range of territory where more than one group has authority and/or enforcement rights, but, through agreement, one group has initial responsibility

**Probable Cause –** Reasonable grounds for belief that a person suspected or accused is guilty.

**Procedure –** A method of performing an operation or a manner of proceeding on a course of action.

**Procedure Manuals –** Manuals issued by division chiefs or other unit commanders that pertain to operations of a specific division or unit

**Proprietary Jurisdiction** – A range of territory where one group has full governing and enforcement rights to the exclusivity of all others.

**-R-**

**Rank –** A commissioned position of grade as determined by the Chief of Police

**Ranking Officer –** The deputy of the highest rank on duty or at an incident scene regardless of time in grade

**RCW – R**evised **C**ode of **W**ashington

**Reasonable Belief –** That belief that is known to a reasonable person

**Reserve Officer –** Reserve officers are specially commissioned and trained officers that augment the staffing of the agency at times determined by the Chief of Police

**Restraint Devices –** Restraint devices are those items used to cuff or otherwise restrain a person who is in the custody of an officer

**Retention Schedule –** A schedule, approved by the State Auditors office, that lists the normal amount of time completed forms or documents should be kept by the agency.

**Rules and Regulations –** A statement(s) of a prohibition or requirement which allows little deviation other than for stated exceptions, issued exclusively by the Chief of Police. Rules and regulations are applicable to all employees of the Department.

**-S-**

**Section Commander –** Commander of a Section within the Department.

**Senior Officer –** A commissioned employee, in any given rank, with the longest service in that rank.

**Sexual Orientation** means heterosexuality, homosexuality, bisexuality, and gender expression or identity. The term "gender expression and identity" is broadly defined as someone who either has or is perceived to have or display a self image, appearance, behavior, or expression that is different from that which is traditionally associated with the sex assigned to that individual at birth.

**Shift –** The regular tour of duty for an employee's particular duty assignment.

**Should –** When used in a policy, procedure, rule, or regulation the word "should" is advisory. Where used it is intended that while the procedure is not mandatory, it should be followed in the interest of the Department. Deviation will require explanation.

**Special Order –** Special Orders announce policies or procedures of a specific circumstance or procedures that involve only specific divisions or segments of the agency. Special orders may be written by the Chief of Police, or one or more division chiefs.

**Superior Officer –** One who is higher in rank or authority

**Supervisor –** One who has been appointed to supervise subordinates

**-T-**

**Training Bulletins -** Training Bulletins are used to disseminate information on new or revised procedures that will assist employees in properly carrying out their duties. They may refer to certain policies and further clarify certain duties, expectations, or improve employee safety. Training Bulletins may not always be applicable to all employees.

**Tense of Words –** All words used in the present tense include the future.

**-U-**

**Unit –** A unit is a subdivision of a division, with employees assigned to perform a specialized activity

**-V-**

**Volunteers –** Persons who perform voluntary services for the Police Department. Due to federal law, in most circumstances, employees cannot volunteer their services to the Department.

**-W-**

**Will –** When used in a policy, procedure, rule, or regulation the word “will” denotes mandatory compliance.