## CHIEF'S PREFACE

The Vancouver Police Department's Policy Manual is designed to guide employees of our Department in carrying out their assigned responsibilities. These statements of values, policy and standards shall be considered mandates for all members of the Vancouver Police Department.

It is our collective commitment as a police department to do our jobs in the most professional, ethical, and legal manner while serving the public's interest. This manual is critically important to our overall success.

The content reflects our official position on a range of issues relevant to our purpose and operation. To have and maintain an up-to-date manual is essential to our mission. It is crucial for each member of this Department to read, understand, and accept these policies. Moreover, each employee shares the responsibility to adhere to the provisions of this manual and seek to improve its contents and applicability where necessary. It is important that we work together to keep this manual as a "working" document and an essential resource to be reviewed and referred to on a regular basis.

Jeff Mori

Chief of Police

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## LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

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

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

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## MISSION STATEMENT

### Motto

Valor, Professionalism, Duty

### Vision

To reflect the rich diversity of Vancouver and make it the safest city for everyone to live, work and play.

### Mission

We partner with the community to preserve life, protect property and enhance livability through equitable law enforcement and effective use of resources.

### We Value

Ethics. Doing the right thing; maintaining self-discipline, credibility and moral behavior.

Respect. Treating all people with compassion, respect and fairness; honoring diversity of thought, experiences and opinions.

Honesty. Upholding the principles of honesty and transparency.

Communication. Communicating with openness, active listening, fostering an environment of inclusion, trust and empowerment.

Collaboration. Actively seeking collaboration with each other and the community to achieve mutually desired outcomes.

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# Chapter 1 - Law Enforcement Role and Authority

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# Law Enforcement Authority

## 100.1 PURPOSE AND SCOPE

Law enforcement officers are granted the authority to perform their function based on established legal authority. This Department does not tolerate abuse of law enforcement authority.

### 100.1.1 DEPARTMENT AUTHORITY

The Vancouver Police Department is responsible for law enforcement services in the City of Vancouver.

**Chief of Police**

The Vancouver Chief of Police is appointed following the City of Vancouver 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**

The City of Vancouver 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 Vancouver.

Authority and responsibility may be delegated. However, the ultimate responsibility remains with the delegating authority. Any employee who delegates responsibility will assure 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.

## 100.2 PEACE OFFICER POWERS

Sworn members of this Department shall be considered peace officers as defined by RCW 9A.04.110(13) and RCW 9A.04.110(15). The authority of any such peace officer to make an arrest without a warrant is enumerated in RCW 10.31.100, and includes:

(a) When the peace officer has probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant.

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(b) A peace officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of an officer, except as provided in RCW 10.31.100, subsections (1) through (11).

### 100.2.1 OTHER AUTHORITY

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

(a) In response to a request for law enforcement assistance initiated by an Oregon sheriff, constable, marshal, municipal police officer or member of the Oregon State Police.

(b) In response to a reasonable belief that emergency law enforcement assistance is necessary to preserve life and circumstances make it impractical for Oregon law enforcement officials to formally request assistance.

(c) For the purpose of assisting Oregon law enforcement officials with emergency assistance in response to criminal activity, traffic accidents, emergency incidents or other similar public safety situations, an Oregon law enforcement official is present at the scene of the incident.

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

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

### 100.2.2 DEPARTMENT JURISDICTION

The Vancouver Police Department is the agency with primary territorial jurisdiction (RCW 10.93.020) within the Vancouver 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**

The City of Vancouver 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 Vancouver Police, Clark County Sheriff, 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 Vancouver Officers to exercise law enforcement authority in their jurisdictions. A list of these agencies receiving consent from Vancouver and giving consent to Vancouver is maintained by the Police Legal Advisor. Original documents of consent are maintained in the office of the Police Legal Advisor.

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Collisions on roads and streets within the corporate limits are investigated by the Vancouver Police Department unless it is an on-view situation by another agency. The exception to this applies to collisions on limited access highways 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. If the officer has any doubt as whether to take a report or not, in the interest of service to the public, the officer should take the report.

## 100.3 CONSTITUTIONAL REQUIREMENTS

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

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# Mutual Aid

### 101.1 MUTUAL AID

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 Vancouver are bound by Vancouver 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.

#### 101.1.1 REQUESTING MUTUAL AID

1. In situations that require mutual aid assistance, any on-duty Vancouver Police supervisor may request assistance from a neighboring agency.

2. The request may be made either by direct contact with the agency or through CRESA.

3. Outside personnel responding to a Vancouver Police Department request will be requested to report to the Vancouver Police supervisor in charge of the incident (Incident Commander).

4. Maintaining radio communications between Vancouver Police and other responding agencies will be coordinated by CRESA.

5. If enforcement action is taken, the Vancouver Police supervisor will ensure appropriate documentation and reporting of the names and agencies of officers that responded 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. The Vancouver Police supervisor will ensure police reports are completed prior to the end of the shift, or other specified time, documenting the actions taken by responding agency officers or deputies.

#### 101.1.2 RESPONDING TO A MUTUAL AID REQUEST

1. No officer shall respond outside the City of Vancouver to a request for mutual aid by another law enforcement agency without first being authorized by the on-duty Vancouver Police supervisor.

2. The supervisor shall designate how many (if any) units will be sent to provide mutual aid.

3. A supervisor shall also respond to monitor the mutual aid being provided and to ensure direct supervision of Vancouver Police personnel. If a supervisor is not available, a supervisor or Command officer will designate one of the responding officers as a "lead" officer.

4. The Vancouver Police supervisor will ensure any necessary reports are provided to the agency requesting mutual aid by the end of the shift, or other specified time, in which the aid was provided.

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Before the end of the shift in which aid was provided, the supervisor shall report the mutual aid incident through the chain of command.

5. When the requesting agency does not border the city of Vancouver, officers shall not respond without receiving a specific request from the requesting agency and shall not respond without approval from a Vancouver Police supervisor.

6. 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.

### 101.1.3 STATE OR NATIONAL GUARD ASSISTANCE

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 State Emergency Management Statute (RCW 38.52.070).

Prior to requesting National Guard assistance, a declaration of civil emergency shall be issued pursuant to Vancouver Municipal Code Section 2.12.030.

Upon written proclamation of a state of emergency, the City of Vancouver’s Emergency Preparedness Director will contact the Clark 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.

### 101.1.4 COMPENSATION

Compensation for expenditures incurred by agencies responding to a mutual aid request from Vancouver Police, if not previously arranged, shall be decided through an administrative review of the incident after the fact.

The Vancouver Police Legal Advisor and Administrative staff shall periodically review this policy and make changes as necessary.

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# Law Enforcement Certification

## 102.1 PURPOSE AND SCOPE

All sworn officers employed by the Vancouver Police Department shall receive certification by the Washington State Criminal Justice Training Commission prior to assuming law enforcement duties and responsibilities, and shall begin attending an approved academy within the first six months of employment, unless the basic training requirement is otherwise waived or extended by the Washington State Criminal Justice Training Commission. (RCW 43.101.095(1); RCW 43.101.200(1)).

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# Police Authority Outside City Limits

### 103.1 ON-DUTY RESPONSE IN JURISDICTIONS OF CONSENT

Response to and/or exercising police authority in jurisdictions outside the city of Vancouver, which have consented to Vancouver 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 Vancouver. "Conducting investigations" includes arrests without an arrest warrant in jurisdictions outside the city of Vancouver 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 cty of Vancouver or within the jurisdiction that has given full authority consent.

3. Transporting a prisoner.

4. Fresh pursuit (refer to **Policy 313 - Vehicle Pursuits**).

5. Responses to a law enforcement officers requesting immediate help in a life-threatening situation.

6. Requests of Clark County Sheriff Office to respond into unincorporated Clark County for police assistance when no Sheriff's Deputy is available to respond.

7. Requests of the Vancouver Fire Department for Police assistance in unincorporated Clark 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 Battle Ground, Camas, Washougal, Ridgefield, La Center and Washington State Patrol. (Unincorporated Clark County is not included within the content of this paragraph; response to Clark County requests will be governed as specified in 6 and 7 above).**

9. Requests for special unit responses (i.e., K-9, Bomb Squad) into jurisdictions in which letters of mutual aid exist will be according to existing policies, procedures, and rules.

10. Multijurisdictional investigative units such as the Children's Justice Center, Domestic Violence Unit and Drug Task Force may operate as needed outside the city limits of Vancouver.

**Exercise of police authority during the above 10 incidents is limited to that which is necessary to effectively perform the requested task.**

### 103.2 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 Vancouver in jurisdictions which letters of full consent do exist is limited to situations that:

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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 result in an unacceptable risk to the public safety.

### 103.3 ON-DUTY RESPONSE IN JURISDICTIONS THAT HAVE NOT CONSENTED

Response to and/or exercise of police authority within jurisdictions outside the city of Vancouver which **have not consented** to Vancouver 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 cty of Vancouver can be conducted. "Conducting investigations" **does not include arrests without an arrest warrant** in jurisdictions outside of the city of Vancouver 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 Vancouver 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 (refer to **Policy 313 - Vehicle 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 deadly force.

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).

Specialty units (i.e., K-9, Bomb Squad) will not respond, except when assisting VPD on-duty officers in situations specified above.

### 103.4 OFF-DUTY INVOLVEMENT IN JURISDICTION OF CONSENT/NON 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 (refer to **Policy 384 - Off-Duty Law Enforcement Actions**).

### 103.5 REPORTING USE OF AUTHORITY

RCW 10.93.030 requires 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 and shall be subject to any reasonable reporting procedure which may be established by such agency.

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# Oath of Office

## 104.1 PURPOSE AND SCOPE

Officers of this Department are sworn to obey and uphold the laws of the United States and of the State of Washington, and observe the provisions of the Charter and Ordinances of the City of Vancouver, and abide by the Code of Conduct and Ethics adopted by the Vancouver Police Department.

### 104.1.1 OATH OF OFFICE

Upon employment, all sworn employees shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer.

All sworn employees shall comply with the oath of office and agency policies, including the duty to be truthful and honest in the conduct of official business.

### 104.1.2 VANCOUVER POLICE OATH OF OFFICE

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 Vancouver, 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.

**OATH OF OFFICE:**

**I, (Officer's name), solemnly swear (affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Washington, that I will, in all respects, observe the provisions of the Charter and Ordinances of the City of Vancouver, that I will abide by the Code of Conduct and Ethics adopted by the Vancouver Police Department, and will faithfully discharge the duties of Police Officer for the City of Vancouver.**

The Administrative Assistant to the Chief of Police 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 Office of the Chief will maintain an oath of office record including the date, time, place, and administering official. The oath of office will be administered by the City Attorney or the City Attorney's designee.

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# Transporting Department Issued Firearm Out Of State - RESCINDED - See Policy 311 Firearms

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# Policy, Procedures and Communications

## 106.1 POLICY

The Vancouver Police Department Policy Manual is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this Department. The Department policies are permanent directives and remain in full effect until amended or canceled by the Chief of Police. All members are to conform to the provisions of the Department's official policy manual.

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

Violations of any provision of any policy or approved Department procedure contained may form the basis for department administrative action, training, or discipline. Inadvertent, minor violations should be first viewed as a training issue.

## 106.2 DEFINITIONS

**Department Memorandums** - are issued by the Chief of Police, Assistant Chief of Police, or Commander, or at their direction, to disseminate information or provide for new or revised procedures that will assist employees in properly carrying out their duties.

**Department Procedure Manuals** – contain procedures that generally pertain to operations of a specific division or unit.

**General Orders** - are issued by the Chief of Police or Assistant Chief of Police and make immediate and/or temporary changes or additions to those provisions of the manual to which they pertain. General Orders remain in effect until such time as they are rescinded, or incorporated into the manual.

## 106.3 AUTHORITY

The City of Vancouver shall be considered the ultimate authority for the content and adoption of the provisions of any departmental manual and shall ensure compliance with all applicable federal, state and local laws.

## 106.4 POLICIES

The Policy Manual should be read as a whole and interpreted so that no word, phrase, or section is rendered meaningless or superfluous. In the event of a conflict between policies, the more applicable provision under the totality of the circumstances being considered shall generally apply.

It is recognized that the work of law enforcement is not always predictable, and circumstances may arise which warrant departure from these policies. Therefore, these policies should be followed by employees with any exceptions being reasonable under the totality of the circumstances and based on articulable facts and supervisory approval, if feasible.

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### 106.5 PROCEDURE MANUALS

The Office of the Chief places responsibility on specific units and/or personnel to create and/or maintain procedure manuals on varied topics for use by Department personnel. The procedures in these manuals should be followed by employees with any exceptions being reasonable under the totality of the circumstances and based on articulable facts and supervisory approval, if feasible.

### 106.6 ACCESSIBILITY OF POLICIES AND PROCEDURES

An electronic version of the Policy Manual and all Procedure Manuals will be made available to all employees for viewing or printing.

The failure of any Department employee to be aware of, or acknowledge, an issued or updated policy or procedure does not exempt them from that policy or procedure.

Employees are responsible to seek clarification of any questions regarding a policy or procedure from an appropriate supervisor as needed.

### 106.7 CHANGES TO THE POLICY MANUAL AND PROCEDURE MANUALS

The Department recognizes that many policies and procedures must change over time due to many factors. The Chief of Police will ensure the policy manual and all procedure manuals are periodically reviewed and updated as necessary.

1. All Department members suggesting revision of the contents of the policy manual and any procedure manuals may forward their written suggestions to their Chain of Command or to the Audit Sergeant.
2. No changes to the policy manual, excepting minor grammar and similar corrections by the Audit Sergeant shall be made without authorization from the Chief of Police or the authorized designee.
3. Existing procedure manuals may be revised, changed or updated as necessary to remain current and applicable by the lieutenant or manager responsible for the manual.
    (a) Upon updating a procedure manual, the lieutenant or manager will ensure the previous version is placed into a designated archive folder.

### 106.8 NEWLY ISSUED OR UPDATED POLICIES

A Department Memorandum will be sent to all employees announcing a newly issued or updated Policy or Procedure Manual.

Each new or updated Department Policy, Procedure Manual or General Order, becomes effective on the date of the announcement.

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# Chapter 2 - Organization and Administration

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# Organizational Structure and Responsibility

## 200.1 PURPOSE AND SCOPE

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

## 200.2 DEFINITIONS

**Bureau** - A branch of the Department

**District** - A distinct geographical area of the city designated for a patrol assignment

**Division** - A specific function within a bureau of the Department

**Precinct** - An area of the city marked out for policing responsibility

**Squad** - A small group of personnel assigned to a particular task (e.g., patrol shift)

**Unit** - A group of personnel assigned to a component within a division within specialize skills (e.g., Major Crimes Unit, Children's Justice Center, Logistics, etc.)

## 200.3 THE OFFICE OF THE CHIEF

The Chief of Police is responsible for administering and managing the Vancouver Police Department. The Department is divided into two bureaus which are as follows:

- Operation Bureau
- Support Bureau

The Professional Standards Unit reports directly to the Office of the Chief for personnel investigations, and to the Administration Division Commander for auditing internal processes.

## 200.4 BUREAUS

### 200.4.1 OPERATIONS BUREAU

The Operations Bureau is commanded by an Assistant Chief whose primary responsibility is to provide general management direction and control for that bureau. The Operations Bureau consists of two precincts (West and East).

Each Precinct is commanded by a Commander, and is divided into two districts. The precincts provide Uniformed Patrol shifts, Neighborhood Police Officers, School Resource Officers, a Neighborhood Response Team, Police Service Technicians and Crime Analysts for law enforcement services.

Each district is managed by a Lieutenant, and divided into multiple squads based on Patrol shifts.

Each squad is supervised by a Sergeant, and each squad consists of multiple officers who are responsible for the police service for their assigned area (i.e., beat/district).

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200.4.2 SUPPORT BUREAU

The Support Bureau is commanded by an Assistant Chief whose primary responsibility is to provide general management direction and control for that bureau.

The Support Bureau consists of the three divisions (Administration, Investigations, and Records).

The Administration Division is commanded by a Commander, and is divided into several units consisting of Admin/Logistics, Finance, Backgrounds and Recruiting, Case Management, Training, Property and Evidence, and Professional Standards Unit for auditing.

The Investigations Division is commanded by a Commander, and is divided into two sections consisting of Special Operations and Investigations.

Special Operations is managed by a Lieutenant, and consists of Special Weapons and Tactics Team, Homeland Security, K9, and Traffic Unit.

Investigations is managed by a Lieutenant, and consists of the Major Crimes Unit, Digital Evidence Cybercrimes Unit, Domestic Violence Unit, Children's Justice Center, Safe Streets Gang Task Force, and Drug Task Force.

The Records Division is managed by a civilian manager.

## 200.5 CHAIN OF COMMAND PROTOCOL

The Chief of Police has the authority to designate which assistant 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:

1. Senior Assistant Chief of Police

2. Next Senior Assistant Chief of Police

3. 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 supervisors informed as to their activities.

When two or more officers from this Department are dispatched to, or are present at any activity, the primary officer assigned to the 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 officers. A superior officer present at an incident, who does not assume command, is not relieved of the responsibility for the proper handling of the incident.

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The presence of a sergeant may be requested by any officer at the scene of an incident. Upon arrival, the sergeant will evaluate the scene and assume command s deemed necessary. The sergeant may request the presence of a command-level officer.

### 200.6 UNITY OF COMMAND

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 assignment, that senior employee must exercise care that such an order does not unnecessarily conflict with those of the commanding officer of that precinct or division 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 receive direction from more than one supervisor, the employee will follow the guidelines set forth in section 200.7 below.

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 assignments engaged in a single incident, the ranking supervisor present from the Department's component responsible for the incident shall be deemed to have supervisory control.

When an incident or emergency involves more than one precinct/division, and/or more than one district/unit, the overall command will be assigned to the commander, or their designee, of the precinct/division initiating the Department's 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.

### 200.7 ORDERS

A member who has been given an order and subsequently given a second and conflicting order shall call this fact to the attention of the person giving the second order. The superior giving the second order has the authority to direct the sequence that the orders shall be accomplished. The right to appeal exists only after the orders have been carried out.

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# Records Management Program

## 202.1 PURPOSE

The purpose of this program is to establish policy and standard procedures for managing records according to the provisions of the Public Records Act (RCW 40.14) and all the other state and federal statutes and regulations which govern agency records keeping practices, including the systematic identification and disposal of obsolete records; transfer of historically valuable records to the Washington State Achives system; removal of non-current records from active office storage; protection and security backup of records essential to agency authority and operation; disaster preparedness; insurance of records systems integrity and accessibility; and effective compliance with public disclosure.

## 202.2 POLICY

The Vancouver Police Department will work with the agency Records Officer to ensure that:

- Records essential to agency authority and operations are adequately protected from damage or loss.

- Historically valuable records are preserved and transferred to the Washington State Archives.

- Records are purged at the end of the retention period specified by the applicable retention schedule.

- Records are accessible for public inspection and their security is maintained according to the provisions of the Public Disclosure Act (RCW 42.17).

## 202.3 DEPARTMENT RESPONSIBILITIES

The Department's primary responsibility is to implement a Records Management Program to ensure:

- Compliance with the Records Management Program policy, procedures and practices.

- Compliance with all applicable Washington State Archives Records Retention Schedules.

## 202.4 RECORDS OFFICER RESPONSIBILITIES

The Records Officer or designee coordinates the agency-wide records management program.

The Professional Standards Unit Lieutenant will be the Department’s designated Records Officer, and shall:

- Protect public records integrity and access during information systems planning and design.

- Dispose of records that have reached the end of the approval retention period.

- Dispose of records that have reached the end of their retention period.

- Transfer historically valuable records to the Washington State Archives.

- Represent the interests of the Department in its dealings with the Washington State Archives.

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- Educate and advise the Department on records management procedures and practices.

- Implement public disclosure procedures and practices.

### 202.5 DISPOSTION OF RECORDS

Once a record meets the purging requirements, it is first to be reviewed by the Vancouver City Attorney to determine if the record must be retained for any pending or anticipated litigation. After the record has been reviewed and a determination made on its relevance, final disposition of purging or achiving the record must follow the processing procedures outlined in the applicable retention schedule.

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# Emergency Management Plan

## 206.1 PURPOSE AND SCOPE

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

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

### 206.1.1 CITY OF VANCOUVER CODES

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

The City of Vancouver Emergency Management Plan has been adopted under Vancouver Municipal Code VMC 2.12.

**See attachment: 206 VMC 2.12 - Emergency Management.pdf**

## 206.2 ACTIVATING THE EMERGENCY PLAN

The City Manager or designee has the authority, under Vancouver Municipal Code 2.12, to declare an emergency or disaster and activate the Emergency Management Plan.

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

### 206.2.1 RECALL OF PERSONNEL

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

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

### 206.2.2 ADDRESS AND TELEPHONE NUMBERS

The Vancouver Police Department requires that all employees provide the Chief's office with their full name, their current residential street address, their phone 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. Employees must notify the Department by the completion of their next work shift of any change in residence address, home phone number, or marital status. An employee on leave may provide the notice via telephone and provide written notice upon their return to work.

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206.2.3 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.

206.2.4 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.

## 206.3 LOCATION OF EMERGENCY MANAGEMENT PLAN

The Continuity Of Operations Plan (COOP), which serves as the Emergency Management Plan Manual for the employees of the City of Vancouver is attached to this policy. All supervisors should familiarize themselves with the Continuity Of Operations Plan and what roles police personnel will play when the plan is implemented.

**See attachment: 206 COV Continuity of Operations Plan (COOP).pdf**

206.3.1 POLICE EMERGENCY OPERATIONS PLAN
These Unusual Occurrence and Special Operation procedures serve as the primary All Hazard Plan for the Vancouver Police Department. This operations plan, in addition to the City of Vancouver's Continuity Of Operations Plan, is available in this policy.

The Special Operations Lieutenant is responsible for reviewing and updating this operations plan annually.

See attachment: 206 Vancouver Police Special Occurence Manual.pdf

## 206.4 BUILDING EVACUATION PLAN

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

## 206.5 UPDATING OF MANUALS

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

## 206.6 TRAINING

The Department should provide training in the Emergency Management Plan for all supervisors and other appropriate personnel. All supervisors should familiarize themselves with the Continuity Of Operations Plan and the roles police personnel will play when the plan is implemented.

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# Training

## 208.1 PURPOSE AND SCOPE

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

## 208.2 PHILOSOPHY

The Department seeks to provide ongoing relevant, current and progressive training and encourages all personnel to participate in training and formal education on a continual basis. Training is provided to meet the requirements of a given assignment and legal mandates. VPD recognizes that quality training enhances the safety of the officer and the community.

## 208.3 OBJECTIVES

The objectives of Department Trainings are to:

(a) Enhance the level of law enforcement service to the public.

(b) Increase the technical ability and overall effectiveness of our personnel.

(c) Provide for continued professional development of Department personnel.

(d) Improve safety for our Officers during the course of their duties.

(e) Reduce exposure to liability to Officers and the Department.

(f) Comply with applicable laws concerning law enforcement training requirements.

## 208.4 TRAINING PLAN

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

1. All sworn members will successfully complete annual in-service training that meets the requirements of WAC 139-05-300.
2. All Department employees will successfully complete annual in-service training programs as outlined in the Mandatory Training Matrix.
3. Supervisors or managers will receive appropriate training and certification required by CJTC.
4. Training will include the following when appropriate and feasible:
    (a) De-escalation in patrol tactics and interpersonal communication training, including tactical methods that use time, distance, cover, and concealment, to avoid escalating situations that lead to violence;
    (b) Alternatives to jail booking, arrest, or citation in situations where appropriate;

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(c) Implicit and explicit bias, cultural competency, and the historical intersection of race and policing;

(d) Skills including de-escalation techniques to effectively, safely, and respectfully interact with people with disabilities and/or behavioral health issues;

(e) "Shoot/don't shoot" scenario training;

(f) Alternatives to the use of physical or deadly force so that de-escalation tactics and less lethal alternatives are part of the decision-making process leading up to the consideration of deadly force;

(g) Mental health and policing, including bias and stigma; and

(h) Including rendering of first aid, to provide a positive point of contact between law enforcement officers and community members to increase trust and reduce conflicts.

## 208.5 TRAINING NEEDS ASSESSMENT

The Training Unit will conduct an annual training-needs assessment of the Department. The needs assessment will be reviewed by the Office of the Chief and the Training Unit Commander. Upon approval, the needs assessment will form the basis of the training plan for the following year.

## 208.6 TRAINING DOCUMENTATION

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

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

## 208.7 TRAINING PROCEDURES

All employees assigned to attend training shall do so unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to:

(a) Court appearances

(b) Approved Leave

(c) Sick leave

(d) Injury

(e) Emergency situations

(f) Staffing

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

A. Notify their supervisor as soon as reasonably practical and promptly document the absence and reason in an e-mail to their supervisor.

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B. Make arrangements through their supervisor and the Training Unit to attend an alternate date.

When used appropriately in a Department training environment, the application of physical force, less lethal devices and other similar force tactics are not considered a use of force.

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# Electronic Mail

## 212.1 PURPOSE AND SCOPE

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

All electronic communications shall also be in compliance with the City of Vancouver (COV) Policies regarding the use of computers, E-mails, internet and other technological resources.

## 212.2 E-MAIL RIGHT OF PRIVACY

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

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

E-mail messages between an attorney and client where advice is either received or given falls under the Attorney/Client Privileged Communications and is guarded as a confidential communication. In the event this email is subject to a public disclosure request, the privileged communication will be redacted. To clarify that the e-mail may have confidential information, the subject line of the e-mail should indicate words to the effect this email contains Attorney/Client Privileged Communication.

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

## 212.3 USE OF E-MAIL

Communications which represent personal advertisements, opinions etc. that have not been cleared through the Chain of Command should not be sent through the VPD-group email system.

Sending any derogatory, patently false, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages through the email system is a violation of this policy.

Email messages addressed to the entire Department, i.e., VPD-All, are only to be used for official business related communications that are law enforcement related and of general applicability to all users such as C-briefs, overtime postings, "Can You ID Me", etc.

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### 212.4 MANAGEMENT OF E-MAIL

Because the e-mail system is not designed for long-term retention of messages, e-mail that the employee desires to save or that becomes part of an official record should be printed and/or stored in another database. Users of e-mail are solely responsible for the management of their mailboxes. Messages will be archived pursuant City policy, procedures and applicable law.

E-mail messages are public records when they are created or received in the transaction of public business and retained as evidence of official policies, actions, decisions, or transactions as required by applicable City policy or law.

### 212.5 EMPLOYEE RESPONSIBILITIES

With the necessity to respond to administrative and external communications, all VPD employees shall log into their VPD e-mail account to review and acknowledge any e-mails in a timely manner (e.g., next working day).

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# Rescinded

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# Concealed Pistol License

## 217.1 PURPOSE AND SCOPE

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

## 217.2 QUALIFIED APPLICANTS

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

(a) The applicant is ineligible or is prohibited to possess a firearm under the provisions of RCW 9.41.040, RCW 9.41.045 or federal law.

(b) The applicant's concealed pistol license is in a revoked status.

(c) The applicant is under twenty-one years of age.

(d) The applicant is subject to a court order or injunction regarding firearms.

(e) The applicant is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense.

(f) The applicant has an outstanding warrant for his/her arrest from any court of competent jurisdiction for a felony or misdemeanor.

(g) The applicant has been ordered to forfeit a firearm under RCW 9.41.098(1)(e) within one year before filing an application to carry a pistol concealed on his/her person.

(h) The applicant has been convicted of a felony or is otherwise restricted from possessing a firearm unless the person has been granted relief from disabilities by the United States Attorney General under 18 USC § 925(c), or RCW 9.41.040(3) or (4) applies.

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

## 217.3 APPLICATION PROCESS AND RENEWAL

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

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

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

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

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

The application for an original license shall include the submission of fingerprints which will be forwarded to the Washington State Patrol (RCW 9.41.070 (4)).

### 217.3.1 REQUIRED WARNINGS

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

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

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

### 217.3.2 DOCUMENTATION AND FEES

The Chief of Police shall deliver the original license to the licensee and a copy be retained by the Department per established records retention schedule (RCW 9.41.070(4)).

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

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

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

## 217.4 LICENSE RENEWAL

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

An active duty member of the armed forces who is unable to renew his/her license within the prescribed time period because of assignment, reassignment or deployment for out-of-state military service may renew his/her license within 90 days after returning to Washington State. Verification for this CPL renewal exception is subject to the requirements of RCW 9.41.070(14).

## 217.5 TEMPORARY EMERGENCY LICENSE

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

## 217.6 REVOCATION OF LICENSES

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

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

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

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

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

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

### 217.6.1 INELIGIBILITY

Upon discovering a person issued a concealed pistol license was ineligible for the license, the Chief of Police shall contact the Department of Licensing to determine whether the person

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

### 217.6.2 FIREARM FORFEITURE

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

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

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

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

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

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

## 217.7 RECIPROCITY

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

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

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

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

## 217.8 RESIDENCY

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

## 217.9 CONFIDENTIAL RECORDS

Mental health information received by the Chief of Police pursuant to RCW 9.41.047, RCW 9.41.070, RCW 9.41.090 or RCW 9.41.173 is exempt from disclosure except as provided in RCW

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42.56.240 (RCW 9.41.097). Disclosure of information otherwise obtained in the licensing process shall be limited as defined by RCW 42.56.240.

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# Appeal Process for Firearms Transfer

## 218.1 PURPOSE AND SCOPE

In accordance with state and federal regulations, law enforcement agencies shall develop a procedure whereby denied persons may request the reason for the denial from the agency that conducted the National Instant Criminal Background Check (NICS). Persons denied a firearm transfer or a Concealed Pistol License (CPL) must be made aware of the denying agency's appeal process.

## 218.2 DENIAL FACTORS

If a person is denied the purchase or transfer of a firearm or denied the issuance or renewal of a CPL, he/she can appeal the denial through the denying agency and request the reason for the denial.

The following are the 18 U.S. Code § 922 federal prohibitors for which an agency can deny an individual a transfer of a firearm or CPL:

a. Section 922(g)(1) Felony Conviction

b. Section 922(g)(2) Active Criminal Warrant

c. Section 922(g)(3) Use of Controlled Substance

d. Section 922(g)(4) Mental Health

e. Section 922(g)(5) Illegal/Unlawful Alien

f. Section 922(g)(6) Dishonorable Discharge

g. Section 922(g)(7) Renounced Citizenship

h. Section 922(g)(8) Protection Order

i. Section 922(g)(9) Misdemeanor Crime of Domestic Violence

j. Section 922(g)(n) Indictment/Information

The denied individual may also appeal through the NICS Section. If the denied individual chooses to appeal through the NICS Section, the denying agency may refer the denied individual to www.fbi.gov/nics-appeals.

## 218.3 DEPARTMENTAL APPEAL PROCEDURE

The following steps must be followed by the Department in order to resolve the denial of the purchase/transfer of a firearm or issuance/renewal of a CPL.

### 218.3.1 INFORM DENIED PERSON

Inform the denied individual of the existence of a state or federal prohibitor. No further information can be provided until identity is verified.

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*Appeal Process for Firearms Transfer*

218.3.2 VERIFY IDENTITY OF INDIVIDUAL

1. If the individual is denied based on a federal or state prohibitor, verify identity by reviewing a valid government issued photo identification such as a driver's license or passport.

Or

2. For prohibitors that are fingerprint based (example, felony conviction), it is strongly recommended that identity be verified by submitting fingerprints.

a. If the fingerprint based prohibitor is within Washington State, fingerprint cards may be submitted to the Washington State Patrol via mail to:

Background Check Unit

Washington State Patrol

PO Box 42633

Olympia, WA 98504

b. The reason fingerprinted must state "RECORD REVIEW NICS APPEAL" and there is a fee associated with this request. Electronic fingerprinting is not available for these requests.

c. There is no process for submitting fingerprints for out-of-state fingerprint based prohibitors. In these cases, appellants should be referred to the out-of-state law enforcement agency holding the denying record to address out-of-state prohibitors.

218.3.3 RELEASING DENIAL INFORMATION

1. After identity is verified, provide the reason for the denial to the appellant indicating the federal or state statue the individual was denied under. The denying agency must respond to the appeal request within 5 business days and/or advise of a reasonable timeline of when a determination will be prepared.

2. The denying agency can share the following information after identity is verified:

a. FBI/SID number

b. Reason for denial

c. Date of arrest

d. Offense

e. Arresting agency and contact information

Attached to the appendix are the template denial letters provided by the FBI. The NICS Appeal Letter templates can be modified to reflect our Department's response.

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*Appeal Process for Firearms Transfer*

### 218.4 UNRESOLVED DENIAL

If the denying agency is unable to resolve the appeal, the denying agency will notify the appellant and provide the name and address of the agency that originated the document containing the information upon which the denial was based.

If the denying agency determines the appellant is not the subject of record via fingerprint comparison, the appellant may be directed to www.fbi.gov/nics-appeals to pursue the Voluntary Appeal File (VAF) options.

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# Retiree/Separated Officer Concealed Firearms

## 219.1 PURPOSE AND SCOPE

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

## 219.2 POLICY

The Vancouver Police Department may provide identification cards to qualified separated or retired officers as provided in this policy.

## 219.3 LEOSA

The Chief of Police may issue an qualification card for LEOSA purposes to any qualified separated officer of this Department who:

(a) Completes a LEOSA application and returns it to the Vancouver Police Department certifying that they are a "qualified retired law enforcement officer" under 18 U.S. Code § 926C(c).

(b) Separated from service in good standing from this Department while certified by the State of Washington as a peace officer (RCW 43.101.095)

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

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

(e) Is not prohibited by state or federal law from receiving or possessing a firearm, as certified by the retiree - separated officer in their application.

### 219.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA qualification card shall contain a photograph of the former officer and identify him/her as having been employed as a law enforcement officer, the date of qualification and the make, model and caliber of the firearm used during the qualification. The LEOSA card must be renewed every year.

### 219.3.2 AUTHORIZATION

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

(a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and left in good standing.

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

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

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

## 219.4 FORMER OFFICER RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the Office of the Chief of his/her arrest, or conviction in any jurisdiction or that he/she is the subject of a court order, in accordance with this policy manual.

## 219.5 RESPONSIBILITIES UNDER LEOSA

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

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

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

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

(d) Notify the Office of the Chief of any arrest, conviction or if the subject of a court order that prohibits the possession of firearms in any jurisdiction.

## 219.6 PROCESS

1. The retired / separated officer will fill out the LEOSA application completely and return it to the Department.
2. The retired / separated officer shall be required to qualify with their pistol(s) every year.
3. The Training Unit will arrange a date and time for the applicant to qualify with their firearm.
    (a) Retired / separated officers will be responsible for providing their own ammunition.
4. After the qualification attempt, the application, along with the completed firearms qualification section will be sent to the Training Unit Sergeant for review.
    (a) If the retired/separated officer passed the qualification he/she will be notified by the Office of the Chief when to pick up the LEOSA ID card.
    (b) If the retired/separated officer fails to meet all objective standards of the qualification (accuracy, weapon manipulation skills and weapon safety skills), he/she will be notified at the conclusion of the qualification process of their qualification status
5. At the completion of the qualification and regardless of the applicant's qualification status, the application will be forwarded through the Training Unit's chain of command to the Office of the Chief.

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6. The Office of the Chief will maintain all completed applications and issued ID cards.

LEOSA Application for Certification form

### 219.7 FIREARM QUALIFICATIONS

The Rangemaster may provide former officers from this Department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Rangemaster will maintain a record of the qualifications, as well as the Make, Model and Caliber of the firearms weapons used in the qualification.

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# Chapter 3 - General Operations

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# Use of Force and Restraints

## 300.1 PURPOSE AND SCOPE

It is the fundamental duty of law enforcement to preserve and protect all human life, and the Vancouver Police Department strives to protect the sanctity of life during the performance of our duties.Officers shall respect and uphold the dignity of all persons and use their authority in a bias-free manner.

This policy provides guidelines on the use of force. While there is no way to specify the exact amount or type of force to be applied in any situation, every officer is expected to use these guidelines to make such decisions in a professional and objectively reasonable manner. The proper use of force is essential to ensure impartial policing and build trust in the community. While there are circumstances where individuals will not comply with the law unless compelled or controlled by officers through the use of force, officers must remain mindful that they derive their authority from the community and that unreasonable force degrades the legitimacy of that authority.

Law enforcement encounters rapidly evolve. Thus, officers must continuously assess the necessity and effectiveness of their actions, including their tactical positioning, to decrease the likelihood of needing to use physical force.

An officer may not use any force tactics prohibited by this policy, or otherwise by law, except to protect his or her life or the life of another person from an imminent threat (RCW 10.120.020).

The Vancouver Police Department adheres to all applicable federal and state laws regarding use of force.

### 300.1.1 DEFINITIONS

Definitions related to this policy include:

**Auxiliary Restraint Device**s: include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during longer-term restraint or transportation.

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

**Communication Disability** -is defined as a person with a disability (as defined by the ADA, 42 U.S.C. § 12102(2); 28 C.F.R. § 35.104) that impacts their ability to communicate.

**Deadly force:** The intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury (RCW 9A.16.020).

**De-escalation tactics**: refers to actions used by a peace officer that are intended to minimize the likelihood of the need to use force during an incident. Depending on the circumstances, "de-escalation tactics" may include, but are not limited to (RCW 10.120.020):

- Using clear instructions and verbal persuasion

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- Attempting to slow down or stabilize the situation so that more time, options, and resources are available to resolve the incident
- Creating physical distance by employing tactical repositioning to maintain the benefit of time, distance, and cover, which may include placing barriers or using existing structures to provide a shield or other protection between officers and a person
- When there are multiple officers, designating one officer to communicate in order to avoid competing commands
- Requesting and using available support and resources, such as a crisis intervention team, a designated crisis responder or other behavioral health professional, or back-up officers.
- Command presence
- Availability and presence of less lethal tools
- Disengagement if there is no threat of imminent harm and no crime has been committed, is being committed or is about to be committed

**Exigent circumstances:** Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.

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

**Feasible**: Reasonably capable of being done or carried out to achieve the arrest or lawful objective without increasing risk of harm to the officer or another person.

**Firearm:** A weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. (RCW 9.41.010)

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

**Less lethal alternatives**: include, but are not limited to, verbal warnings, de-escalation tactics, conducted energy weapons, devices that deploy oleoresin capsicum, batons, and beanbag rounds. (RCW 10.120.010)

**Medical Assistance / Aid:** to provide or facilitate first aid such that it is rendered at the earliest safe opportunity to injured persons at a scene controlled by law enforcement. May also consist of examination by fire personnel, EMT, paramedics, hospital staff or medical staff at the jail.

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

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physical force or deadly force used is a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the officer or others (RCW 10.120.010).

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

**Objectively reasonable:** The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used and upon what a reasonable officer would use under the same or similar situations.

**Peace Officer**: includes any general authority Washington peace officer, limited authority Washington peace officer, and specially commissioned Washington peace officer (RCW 10.120.010).

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

**Probable Cause:** Sufficient facts to lead a reasonable person to conclude that there is a probability that the defendant is involved in criminal activity.

**Proportional:** To be proportional, the level of force applied must reflect the totality of circumstances surrounding the situation at hand, including but not limited to, the seriousness of the law enforcement objective that is being served, including the nature and immediacy of any threats posed to officers and others. Officers must rely on training, experience, and assessment of the situation to decide an appropriate level of force to be applied. Reasonable and sound judgment will dictate the force option to be employed. Proportional force does not require officers to use the same type or amount of force as the subject. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be proportional, objectively reasonable, and necessary to counter it. The threat or resistance may change over the course of the incident.

**Recovery Position:** A position of reasonable comfort for conscious persons. Unconscious persons should be laid on their left or right side depending on any obvious signs of injury or deformities. The recovery position affords the subject the best protection from airway occlusion or aspiration of fluids into the lungs.

**Restraint devices:** Mechanical device including but not limited to: Handcuffs, plastic ties, ankle / leg restraints, transport belts, leg irons and other similar devices.

**Spit restraint device:** a temporary protective device designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

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

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**Wrongdoing:** conduct that is contrary to law or contrary to the policies of the witnessing officer's agency, provided that the conduct is not de minimus or technical in nature. (RCW 10.93.190).

**Vehicle Tactics** include the following:

**PIT (Pursuit Immobilization Technique)**: A controlled and trained forced rotational contact of a suspect vehicle. Consideration must be given if conducting a PIT over 40 MPH due to increased probability of vehicle damage or occupant injury. The use of a PIT is not a collision and is a reportable use of force by the Department.

**Ramming (Vehicle-to-Vehicle Striking):** The intentional use of a vehicle to strike another vehicle for the purpose of interrupting or incapacitating that vehicle. Ramming is considered a reportable use of force pursuant to RCW 10.118.030.

**PIN (Vehicle-to-Vehicle Contact, Non-Striking)**: The intentional contact between vehicles designed to guide or prevent movement of a vehicle, but without significant impact and not reasonably likely to cause injury. A vehicle pin itself is not a use of force, is not a collision and is documented in the officers report.

**Tire Deflation Device:** A device designed to be placed or deployed under the tire or tires of a stationary or moving vehicle and are designed to slowly deflate the tires of a moving vehicle. Use of a tire deflation device itself is not a use of force and is documented in the officers report.

## 300.2 PERMISSIBLE USE OF FORCE

Pursuant RCW 10.120.020 and this policy, an officer may use physical force against a person to the extent necessary to:

A. Protect against an imminent threat of bodily injury to the peace officer, another person, or the person against whom force is being used;

B. Protect against a criminal offense when there is probable cause that the person has committed, is committing, or is about to commit the offense;

C. Effect an arrest;

D. Take a person into custody when authorized or directed by statute;

E. Prevent an escape, as defined under chapter 9A.76 RCW;

F. Prevent a person from fleeing or stop a person who is actively fleeing a lawful temporary investigative detention, provided that the person has been given notice that they are being detained and is not free to leave;

G. Take a person into custody, transport a person for evaluation or treatment, or provide other assistance under chapter 10.77, 71.05, or 71.34 RCW;

H. Take a minor into protective custody when authorized or directed by statute;

I. Execute or enforce a court order authorizing or directing a peace officer to take a person into custody;

J. Execute a search warrant;

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K. Execute or enforce an oral directive issued by a judicial officer in the courtroom or a written order where the court expressly authorizes a peace officer to use physical force to execute or enforce the directive or order; or

L. Execute any other community caretaking function, including but not limited to performing welfare checks, assisting other first responders and medical professionals, behavioral health professionals, social service providers, designated crisis responders, shelter or housing providers, or any member of the public;

M. An officer may use deadly force against another person only when necessary to protect against an immediate threat of serious physical injury or death to the officer or another person.

N. Officers shall not use deadly force against persons who present a danger only to themselves and do not pose an immediate threat of death or serious bodily injury to another person or officer.

## 300.3 REASONABLE CARE CONSIDERATIONS

Pursuant RCW 10.120.020 and this policy, officers shall:

1. Use reasonable care when determining whether to use physical force or deadly force and when using any physical force or deadly force against another person.
2. When feasible, identify themselves as police officers if not in a reasonably identifiable police uniform.
3. Give a verbal warning if time, safety, and circumstances permit.
4. When possible, use all de-escalation tactics that are available and appropriate under the circumstances before using physical force.
5. Consider the characteristics and conditions of a person for the purposes of determining whether to use force against that person and, if force is necessary, determining the appropriate and least amount of force possible to effect a lawful purpose. Such characteristics and conditions may include:
    - whether the person is visibly pregnant or claims to be pregnant,
    - is known to be a minor, objectively appears to be a minor or states that they are a minor,
    - is known to be a vulnerable adult, or objectively appears to be a vulnerable adult as defined in RCW 74.34.020,
    - displays signs of mental, behavioral, or physical impairments or disabilities,
    - is experiencing perceptual or cognitive impairments typically related to the use of alcohol, narcotics, hallucinogens, or other drugs.
    - is suicidal,
    - has limited English proficiency,
    - is in the presence of children
6. Terminate the use of physical force as soon as the necessity for such force ends.

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7. When possible, use less lethal alternatives that are available and appropriate under the circumstances before using deadly force.
8. Make less lethal alternatives issued to the officer reasonably available for use.

### 300.4 CHOKEHOLDS / NECK RESTRAINTS

Chokeholds and Neck Restraints are prohibited pursuant RCW 10.116.020. Known inadvertent contact with a subject's neck during the application of a head control tactic, or other control technique which results in momentary contact with the neck of a subject without the risk or intention of restricting the flow of blood or oxygen is not a choke hold or neck restraint.

### 300.5 DUTY TO INTERVENE

Pursuant RCW 10.93.190, any identifiable on-duty officer who witnesses another peace officer engaging or attempting to engage in the use of excessive force against another person shall intervene when in a position to do so to end the use of excessive force or attempted use of excessive force, or to prevent the further use of excessive force. The intervening officer will report the incident to a Department supervisor as soon as feasible. The supervisor shall take into consideration the totality of the circumstances when determining if the use of force was excessive or within policy.

### 300.6 SHOOTING UPON A MOVING VEHICLE

Pursuant RCW 10.116.060, an officer may not fire a weapon upon a moving vehicle unless necessary to protect against an imminent threat of serious physical harm resulting from the operator's or a passenger's use of a deadly weapon. For the purposes of this subsection, a vehicle is not considered a deadly weapon unless the operator is using the vehicle as a deadly weapon and no other reasonable means to avoid potential serious harm are immediately available to the officer.

### 300.7 MEDICAL CONSIDERATIONS FOLLOWING USE OF FORCE

1. Recognizing the urgency of providing medical assistance / aid and the importance of preserving human life following a use of force, officers will, when safe and feasible, evaluate the subject for injuries, request medical aid if needed or if requested by anyone, and render or facilitate appropriate medical aid within their training as soon as reasonably possible, unless aid is declined.
2. Persons who have been sprayed with or otherwise affected by the use of OC should be provided or facilitated medical assistance / aid at the scene or transported to the hospital for evaluation, if necessary.
3. All persons who have been struck by a Less Lethal Device projectile should be provided or facilitated medical assistance / aid at the scene or transported to the hospital for evaluation, if necessary.
4. Only personnel qualified to provide medical assistance / aid may remove a CEW probe that has penetrated a person's skin. Probes in areas of a person's body that cannot be safely removed should be removed at a medical care facility.

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5. Officers will render medical assistance / aid within the scope of their training unless aid is declined.
6. Consent will be assumed for unconscious subjects or subjects incapable of providing consent.
7. Consistent with training, officers shall take the following actions to reduce the risk of injury;
    (a) Prone subjects will be placed in a recovery position as soon as safe and feasible.
    (b) Officers will not put unreasonably prolonged pressure on the chest, neck or back, including by sitting, kneeling, or standing.
8. Injured persons and restrained persons shall be reasonably monitored while in law enforcement custody.

## 300.8 FIREARMS

Officers must use firearms in accordance with Department training and policy. Officers are only permitted to point or discharge a firearm at a person in situations when it is objectively reasonable under the totality of the circumstances.

## 300.9 LESS LETHAL DEVICES

This section addresses the use and deployment of less lethal devices and tools that are generally available to sworn Department employees.

Incidents in which a person is shot at with a firearm, is injured or dies as the result of an officer-involved shooting or dies as a result of other action of an officer is covered in Department policy regarding Officer Involved Shootings and Deaths.

Chemical munitions (Tear gas as defined in RCW 10.116.030(4)(d)) for a riot, barricaded subject or hostage situation used by MFF or SWAT are covered by the SWAT Manual and Special Occurrences Manual. Canine deployments are covered in Department policy regarding Canines.

The following Less Lethal force devices are governed by this policy section:

- TASER / Conducted Energy Weapon (CEW)
- Impact weapons, less lethal launcher and non-projectile
- Oleoresin Capsicum (OC) spray

The Department recognizes that less-lethal devices are used to interrupt a subject's threatening behavior so that officers may take physical control of the subject with less risk of injury to the subject or officer than posed by greater force applications and that less lethal devices alone cannot be expected to render a subject harmless.

Support officers should be prepared to take immediate action to exploit the brief opportunity created by the less lethal device and take control of the subject if safe to do so.

1. Circumstances appropriate for less lethal device deployment include, but are not limited to, situations in which the subject has demonstrated, by words or action, an

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intention to be violent or to physically resist arrest or reasonably appears to present the potential to injure officers, themselves or others or engaged in riotous behavior as defined in RCW 9A.84.010.

2. Only officers who have successfully completed department-approved training in the use of less lethal devices are authorized to carry and use them when it is reasonable to do so based on the totality of the circumstances.
3. The use of less lethal devices should be consistent with current Departmental training.
4. Officers will only carry less lethal devices that have been approved by the department and that the officer has been properly trained to use; use of improvised weapons may be permissible under exigent circumstances. The use of improvised weapons will be subject to the same standards as approved weapons/devices set forth in this policy.
5. Uniformed officers are required to carry at least one less lethal device.

### 300.9.1 TASER / CONDUCTED ENERGY WEAPON (CEW)

1. Officers, Corporals and Sergeants in patrol, NRT, SRO, Traffic, SWAT and Canine will be issued and will carry a CEW, in a holster set up for a support hand draw, while on duty except that a Lieutenant, or above, may exempt officers in their command from carrying the CEW.
2. Deployed probes should be disposed in a sharps container, except when retained as evidence.
3. Standards of use:
   (a) Officers should avoid intentionally targeting areas such as the head, neck, chest or genitals.
   (b) Officers should not intentionally deploy multiple CEW's at the same person, unless the first deployed CEW clearly fails.
   (c) Drive stun mode should only be used when necessary to complete the incapacitation circuit where only one probe is attached to the person, where both probes attached in close proximity, or when no other less lethal options are available and appropriate.
   (d) Each cycle, deployment, or trigger pull should be reasonable and necessary based on the totality of the circumstances known to the officer at the time.
   (e) Officers should assume if they have to use a CEW three times against a person and the person continues to aggress, the CEW may not be effective against that person and the officer should consider other options.
4. Restricted Uses. Unless the use or application of the taser would be necessary to protect against a threat posed to the officer or others, a CEW should not be used in the following circumstances:
   (a) On a person who is fleeing the scene, absent other factors.
   (b) On a person who is handcuffed or otherwise restrained.

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(c) On a person who is situated on an elevated surface, which if the person were to fall would reasonably cause serious physical injury or death.

(d) On an operator in physical control of a vehicle in motion, including automobiles, trucks, motorcycles, ATVs, bicycles, and scooters.

(e) In any environment where an officer knows or has reason to believe that a potentially flammable, volatile, or explosive material is present that might be ignited by an open spark, including but not limited to OC spray with a volatile propellant, gasoline, natural gas, or propane.

(f) On any person who appears to be pregnant.

### 300.9.2 LESS LETHAL LAUNCHER

1. Qualified officers may sign out or be issued a less lethal launcher, and may carry the less lethal launcher while on duty.
2. Only Department approved munitions shall be carried and deployed.
3. When feasible, an officer about to discharge a less lethal launcher should advise other officers at the scene prior to the discharge.
4. Officers should avoid intentionally targeting areas such as the head, neck, chest or genitals unless the force is reasonable.
5. Officers deploying a less lethal launcher at another person shall assess the effectiveness of each round.
6. Unless the use or application of the less lethal launcher would be necessary to protect against a threat posed to the officer or others, a less lethal launcher should not be used on a person who is situated on an elevated surface, which if the person were to fall would reasonably cause serious physical injury or death.

### 300.9.3 NON-PROJECTILE IMPACT DEVICES

Expandable batons and straight batons may be carried and used by members of this department only if they have been issued by the Department or approved for use by the Training Unit.

### 300.9.4 OLEORESIN CAPSICUM (OC)

1. Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt or exterior vest carrier. Plainclothes and non-field personnel may carry OC spray in accordance with the needs of their assignment or at the direction of their supervisor.
2. Whenever OC has been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that cleanup will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

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## 300.10 VEHICLE TACTICS

The use of a vehicle to intentionally strike a person or vehicle, or any other vehicle intervention which results in the intentional contact with another vehicle must be objectively reasonable under the totality of the circumstances.

### 300.10.1 PIT (PURSUIT IMMOBILIZATION TECHNIQUE)

1. Officers who have completed training in the use of PIT are permitted to use this technique, regardless of their unit of assignment.
2. The Pursuit Immobilization Technique (PIT) may be utilized to stop a vehicle in instances where the technique use would be reasonable under the totality of the circumstances and a supervisor has approved the technique, if feasible.

### 300.10.2 RAMMING (VEHICLE-TO-VEHICLE STRIKING)

Ramming is a tactic permitted only in exigent circumstances. Ramming is authorized when:

1. There is probable cause the fleeing suspect is wanted for a violent felony (other than eluding) and;
2. The suspect constitutes an imminent and ongoing threat of serious bodily injury or death to others and;
3. There is a necessity to stop the suspect by striking the vehicle to functionally disable, damage or force the suspect vehicle off the roadway.

### 300.10.3 PIN (VEHICLE-TO-VEHICLE CONTACT, NON STRIKING)

1. Officers who have completed training in the use of their vehicles to pin another vehicle are permitted to use the technique, regardless of their unit of assignment.
2. The PIN may be utilized to prevent a vehicle from moving in instances where the technique use would be reasonable under the totality of the circumstances and a supervisor has approved the technique, if feasible.

### 300.10.4 TIRE DEFLATION DEVICE

1. Officers who have completed training in the use of tire deflation devices are permitted to use these devices, regardless of their unit of assignment.
2. Tire deflation devices may be utilized in instances where the use would be reasonable under the totality of the circumstances and a supervisor has approved their use, if feasible.

## 300.11 USE OF FORCE REPORTING

Other than an incident in which an officer's interview shall be used as a substitute, the use of force by an officer shall be documented in the related police reports, depending on the nature of the incident.

Pursuant RCW 10.118.030 and this policy, the following actions are Reportable Force and require a separate Use of Force report in the RMS.

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1. Any use of Physical Force;
2. A fatality occurred in connection with the use of force;
3. Great bodily harm occurred in connection with the use of force;
4. Substantial bodily harm occurred in connection with the use of force;
5. Discharge of a firearm at or in the direction of a person;
6. Point a firearm at a person;
7. Use a chokehold or vascular neck restraint;
8. Use a Taser / CEW against a person;
9. Use OC spray against a person;
10. Discharge a less lethal impact munition at or in the direction of a person;
11. Strike a person using an impact weapon or instrument including, but not limited to, a club, baton, or flashlight;
12. Use any part of the officer's body to physically strike a person including, but not limited to, punching, kicking, slapping, or using closed fists or feet;
13. Use a vehicle to intentionally strike a person or vehicle; or
14. Deploy a canine that bites a person.
15. Use of the PIT technique against a motor vehicle.

The officer should articulate the reason, considerations, any de-escalation attempts made or why they were not feasible and why the officer believed the use of force was reasonable and necessary under the totality of the circumstances in the related police reports.

Photographs should be taken of any contact areas, injury or lack of injury as a result of a use of force as soon as reasonable, if feasible. These photographs are either uploaded, or if of a sensitive nature saved on a media storage device/medium, and entered into the evidence system.

#### 300.11.1 NOTIFICATION TO SUPERVISORS

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

1. The application of Reportable Force.
2. The use of Vehicle Tactics.
3. An individual subjected to physical force alleges misconduct or indicates intent to pursue litigation.

## 300.12 SUPERVISOR RESPONSIBILITY

A supervisor should be aware of and as available, respond to, incidents in which there is a reasonable potential for a significant use of force, incidents involving the use of weapons, incidents where a person experiencing a mental health crisis is reported and a law enforcement response

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is appropriate or improvised weapons and in incidents where there has been an application of physical force.

Supervisor expectations:

1. Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
2. Ensure that any injured parties at the scene have been or are provided medical assistance / aid.
3. Ensure that photographs have been or are taken of any areas involving visible injury or complaint of pain, as well as overall photographs.
4. Ensure that identified witnesses are interviewed and take reasonable steps to ensure the preservation of evidence.
5. Download any CEW device deployed and attach the download to related reports.
6. Review and approve related reports as feasible.
7. Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a reasonable question of wrongdoing or if for any reason further investigation may be appropriate.

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

When reviewing a report involving a use of physical force, supervisors should do so for the purpose of ensuring compliance with policy and to address any training issues. When it is determined by the supervisor or the Training Unit that an employee could benefit from additional training related to a use of force incident, the additional training will be organized between the employee's supervisor and the Training Unit and should be completed in a timely manner.

## 300.13 RESTRAINTS

(a) The use of a restraint device itself is not a use of force. If force is necessarily used to place a person into a restraint device, that force is reported as applicable.

(b) Restraint devices may be carried and used by officers only if they have been issued by the Department or approved for use by the Training Unit.

(c) Officers who have successfully completed Department approved training, or equivalent, on the use of restraint devices are authorized to use them.

(d) The use of restraints should be consistent with current Departmental training.

(e) Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraint devices on detainees should continue only for as long as is reasonably necessary to assure the safety of officers and others.

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(f) Persons who are known to be pregnant or have obvious physical medical conditions should be restrained in the least restrictive manner that is effective for officer safety.

(g) If a person being handcuffed has a Communication Disability, officers will, safety permitting, handcuff the person in front to enable the person to communicate using sign language, writing or other auxiliary aid or service.

(h) A juvenile 13 years of age and younger should not be restrained unless the juvenile is under arrest or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/ herself, injure the officer or damage property.

(i) Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider using appropriate restraint devices in situations they reasonably believe warrants that degree of restraint.

(j) Subjects in custody who are deemed an assault or escape risk while receiving care at a medical facility may be restrained with auxiliary restraint devices as appropriate under the circumstances.

  (a) The officer(s) maintaining custody are expected to remain reasonably present with the person in custody as long as they are being held in restraints at the facility.

  (b) If a physician or nurse requests the removal of law enforcement restraints for treatment procedures on a restrained subject, the Officer should consider requesting backup assistance to help protect other patients and hospital personnel in the facility in the event the detained subject becomes combative or attempts escape.

(k) Restraint devices should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

(l) Spit restraint devices may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place.

  (a) Those who have been placed in a spit restraint device should be continually monitored and should not be left unattended until the spit restraint device is removed.

  (b) Restricted Uses:

    - Persons who have been sprayed with OC spray should be decontaminated so their breathing is not distressed prior to application of a spit restraint device.
    - For individuals in mental health crisis, officers should provide verbal reassurance and assess the situation to remove the spit restraint device as soon as appropriate.

  (c) Prohibited Uses. Officers should not apply a spit restraint device in the following situations because of higher risks:

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- Where the restrained person is bleeding profusely from the area around the mouth or nose.
- On an individual who is actively vomiting. If a person vomits while wearing a spit restraint device, the spit restraint device should be promptly removed and discarded.
- On an individual who states that they have a medical condition that affects their breathing, or who demonstrates symptoms of labored or distressed breathing.

(d) In the event of a medical emergency, spit restraint device should be removed immediately.

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

(f) After application of a spit restraint device and when safe to do so, officers shall move the individual into a seated or recovery position and shall be reasonably monitored.

(g) Officers shall assist when escorting the individual due to the potential for impaired or distorted vision.

### 300.13.1 RESTRAINT USE DOCUMENTATION

1. If an individual is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints into CAD or other appropriate report.
2. If an individual is arrested, the use of restraints other than handcuffs shall be documented in the related report. The officer should include, as appropriate:
   - The approximate time the suspect was restrained and the approximate time the restraints were removed. This may also be accomplished through CAD or dispatch radio records.
   - How the suspect was transported and the position of the suspect.
   - Observations of the suspect's behavior as applicable under the circumstances.
   - Application of a spit restraint device must be documented in the related report to include if a warning was given or why it was not given.

## 300.14 TRAINING

The Training Unit reviews all incidents of Reportable Force so that opportunities for training can be identified.

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*Use of Force and Restraints*

Officers will receive annual training in accordance with Department policy on Use of Force and Restraints, to include de-escalation, critical decision making and tactical communications, and demonstrate their knowledge and understanding.

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# Use of Vehicles

## 304.1 PURPOSE

The purpose of this policy is to prescribe the proper general operation of vehicles. For vehicle operations in pursuit incidents, see policy 313 - Vehicle Pursuits

### 304.1.1 POLICY

Employees have the responsibility to operate their vehicles in a safe and prudent manner. Employees shall give due consideration to the safety and welfare of the general public and endeavor to obey all laws and Department policies pertaining to the routine, emergency and pursuit operation of vehicles during job related activities. Legal guidelines for the operation of vehicles are provided in Title 46 of the Revised Code of Washington.

## 304.2 USE OF CITY VEHICLES

Members are subject to the City's "Motor Vehicle Usage" policy set forth in the HRRS Employment Policies Manual and will only use City vehicles for Department business. Members will not use City vehicles for non-police business except as authorized by a supervisor.

### 304.2.1 MINIMUM REQUIREMENTS

In order to operate a City vehicle, members must possess a current and valid Washington State or Oregon Driver's License with proper endorsements. Members who are new to Washington State residency must obtain an appropriate Driver's License pursuant to RCW Title 46. Members may be required to successfully complete vehicle orientation and ongoing training as prescribed by Vancouver Police Department. Sworn members will successfully complete Emergency Vehicle Operation Course (EVOC) training as prescribed by the Department.

### 304.2.2 REGULATIONS OF VEHICLE USE

Vehicles shall be used in accordance with the following regulations:

A. Members shall operate City vehicles with due regard for conditions and safety. At the end of the period of use, members assigned to operate City vehicles should leave at least one-half tank of fuel in the vehicle and are also responsible for leaving the vehicle interior sanitized with available precinct supplies..

B. Members do not permit City-owned vehicles to be driven or operate by nonmembers of the Department, except as authorized by the Chief of Police or his/her designee.

C. Members may be subject to disciplinary action if any damage to vehicles is a result of employee negligence.

D. Before use, members shall examine City vehicles assigned to them and report unrecorded damage or operational defects to their supervisor.

E. Members shall not transport persons in police vehicles, except in connection with Department business or as authorized by a supervisor.

F. Members will secure and lock City vehicles whenever they are left unattended in non-exigent circumstances. In an exigent situation, members should make reasonable

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attempts to lock a vehicle if possible while exiting, or once safe to do so. Members outside of the vehicle, but in close proximity, performing duties such as a traffic stop or field contact or similar action, may use discretion on determining whether to lock the vehicle doors.

G. Members are prohibited from applying or placing any signs, decals, posters, insignia, bumper stickers, window stickers or any other items on City vehicles, unless authorized to do so by the Chief of Police.

H. Members shall not smoke or use an "inhalant delivery system" product in City-owned vehicles. See City of Vancouver Employment Policy 318.2 for further details.

304.2.3 USE OF SEAT BELTS

Current seat belt laws under RCW Title 46 are adhered to except at the specific direction of a supervisor or when it is impractical or unsafe during a specific law enforcement function. In all cases where a supervisor grants an exception to this policy, the efficiency of the law enforcement function must outweigh the safety benefit of the seat belt use.

## 304.3 TAKE-HOME VEHICLES

It is the policy of the Vancouver Police Department to ensure that vehicles are assigned in the most cost-effective manner.

304.3.1 CRITERIA FOR TAKE HOME

Only employees who live within Clark County may take home City-owned vehicles for business purposes without the express permission of the Chief of Police or designee. In addition, at least one of the following conditions must be met in order to be authorized to take home a City-owned vehicle:

A. **The person assigned a vehicle is subject to emergency response or call-back directly to the scene of a call.**

B. **The employee will be called back to work for after-hour community meetings. The employee must make arrangements with their supervisor under the following circumstances:**

1. If the employee will be attending Department authorized activity, then they may be authorized to drive the Department vehicle home on the day of the meeting.

2. Employees who will be traveling directly to a Department authorized event from their home may also be authorized to take home a vehicle the evening prior..

C. **The officer (including sergeants and command staff) routinely works after regular hours or drives directly to other police facilities instead of reporting directly to work.**

1. Officers who are routinely going in-service from their homes or doing field work after their regular hours.

2. Officers who drive to meetings at outlying precincts.

3. Officers who regularly engage in field-enforcement activities on their way to or from work.

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4. Officers who carry special equipment and who must be available for immediate response to a crime scene, without the delay of driving to a police building for a vehicle or equipment.

D. **The following SWAT functions may take a city owned vehicle home, if the Materials Coordinator has sufficient vehicles to meet this need:**

1. Team Leaders
2. Assistant Team Leader
3. Tactical Officer
4. Crisis Negotiator Team (CNT) member
5. Tactical Emergency Medical Services (TEMS) member
6. Metro Explosive Disposal Unit (MEDU) member
7. Other Team functions when approved by the SWAT Commander.

E. **Specialty Vehicles or vehicles with valuable equipment requiring personal security or care may be driven home by:**

1. Motor Officers
2. Traffic Investigators

F. **Regional Units**

1. Vancouver Police Personnel who are assigned to regional units shall be subject to the policies of the unit they are assigned to.
2. Vancouver Police Personnel must abide by applicable Vancouver Police and City of Vancouver policies related to vehicle use.

G. **Other Circumstances**

Any other circumstance requires the express approval of the Chief of Police or Deputy Police Chiefs.

## 304.4 OPERATION OF VEHICLES OUT OF JURISDICTION

Job related travel out of the City or State will be in accordance with established City and Departmental procedures. Members working a patrol shift, when feasible, should obtain authorization by a supervisor when leaving the City for extended distances or times. If not feasible at the time, members should make notification to the on-duty supervisor, of leaving the City with the purpose and destination. Members shall obtain authorization, other than for routine bridge transit/return, in all non-exigent circumstances, when leaving the State.

## 304.5 FORESEEABLE VEHICLE ISSUES

While no policy can predict all possible issues related to vehicle operations, some are foreseeable. What follows are actionable guidelines related to certain issues.

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304.5.1 PUSHING AND TOWING
Department vehicles should not be used to push or tow other vehicles, except in an emergency situation or to eliminate a hazard.

304.5.2 VEHICLE COLLISIONS
When a Department vehicle is involved in a collision, members render aid within their training and ability to do so and make reasonable efforts to remove hazards to life or property as a result of the collision. Members will contact their supervisor promptly. Generally, the vehicles may be moved to allow for the safety of those involved and prevent additional damage or unsafe conditions.

304.5.3 REPAIRS OF VEHICLES
When a vehicle is found inoperative or unsafe to use due to damage, mechanical failure, or normal wear, the member should promptly deliver the vehicle to the City Shops for maintenance or repair. The member will make notification to the shops at that time regarding the reason the vehicle is being delivered.

## 304.6 USE OF PERSONAL VEHICLES
Refer to City of Vancouver's Employment Policies Manual section 403 - Motor Vehicle Usage, for information on the use of personal vehicles.

## 304.7 SPECIAL PURPOSE VEHICLES
Special purpose vehicles may be used by Vancouver Police Department to assist with special programs or events. Accountability and control of special purpose vehicles shall be in the same manner as that used for general city or police vehicles.

304.7.1 DEFINITION
Any vehicle that, because of its design, would require specialized instruction in its handling prior to operation. This would include, but is not limited to, aircraft, boats, all-terrain vehicles (ATV), motorcycles and bicycles.

304.7.2 TRAINING REQUIREMENTS
Prior to utilization of a special purpose vehicle, members assigned to use that vehicle will undergo specialized training in the use of such vehicle. Specialized training will consist of training established for such vehicle by the Washington State Criminal Justice Training Commission or other recognized training institution. If no basic instruction exists, the Department will establish a minimum level of proficiency for such vehicle.

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# RESCINDED - See Policy 300 Use of Force and Restraints

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# Officer Involved Shootings and Deaths

## 309.1 PURPOSE AND SCOPE

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

This policy shall be consistent with the requirements set forth in the current collective bargaining agreements with the Vancouver Police Officers' Guild (VPOG) and Vancouver Command Guild (VCG). In the event of any inconsistency between this policy and the collective bargaining agreements with the Guilds, the agreement shall control.

## 309.2 POLICY

The policy of the Vancouver Police Department is to ensure officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner and one which ensures public trust in the Department. All investigations into officer-involved shootings and deaths shall be conducted by the Southwest Washington Independent Investigative Response (SWIIR) Team.

See attached Involved Shooting and Death Manual for further.

## 309.3 DEFINITIONS

**Deadly force -** As set forth in RCW 9A.16.010, "deadly force" means the intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury.

**Evanescent evidence -**

1. Physical evidence that may be degraded or tainted by human or environmental factors, if left unprotected or unpreserved for the arrival of the independent investigative team (IIT)
2. Identification and contact information for witnesses to the incident
3. Photographs and other methods of documenting the location of physical evidence and location/perspective of witnesses

**Independent investigative team (IIT)** - A team of qualified and certified peace officer investigators, civilian crime scene specialists, and at least two non-law enforcement community representatives who operate completely independent of any involved agency to conduct investigations of police deadly force incidents. An ITT is created when multiple law enforcement agencies enter into a written agreement to investigate police use of deadly force incidents in their geographical regions. A single law enforcement agency may fulfill the independent investigative function provided it is not the involved agency.

**Involved agency** - The agency that employs or supervises the officer(s) who used deadly force. There can be more than one "involved agency".

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**Involved Officer** - An officer of the Vancouver Police Department who uses deadly force or whose action(s) cause substantial or great bodily harm to, or the death of, another.

## 309.4 TYPES OF INVESTIGATIONS

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

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

## 309.5 CONTROL OF INVESTIGATIONS

Investigations involving a use of deadly force will be investigated by the Southwest Washington Independent Investigative Response (SWIIR) Team. Members of the "involved agency" will not be involved in this type of investigation.

### 309.5.1 CRIMINAL INVESTIGATION OF INCIDENT(S)

The SWIIR Team Commander will have decision-making authority as to whether the SWIIR Team will investigate associated crimes involved in the incident that led to the use of force. If the SWIIR Team Commander decides not to have associated crimes fall under the SWIIR Team investigation, the agency of jurisdiction will have the investigative authority.

### 309.5.2 INVESTIGATION OF OFFICER ACTIONS

The control of the investigation into the officer-involved deadly force incident will be determined in accordance with the standards and procedures set forth in the RCW, respective WAC's, Department policies, individual Constitutional rights and associated collective bargaining agreements. When an officer from this Department is involved, the criminal investigation will be handled pursuant to subsection 309.5 above.

Requests made of this Department to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval, in accordance with RMCT, Mutual Aid and/or SWIIRT protocols.

### 309.5.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

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

## 309.6 NOTIFICATIONS

The following persons shall be notified as soon as practicable. Refer to procedures manual for specific notification responsibilities:

- Clark Regional Emergency Services Agency (CRESA)
- Office of the Chief
- Investigation Division Commander

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•Southwest Washington Independent Investigative Response (SWIIR) Team

•Professional Standards Unit Supervisor

•Civil Liability Response Team

•Peer Support Team

•Involved Officer's Union Representative

•Public Information Coordinator

309.6.1 RESPONSIBILITIES OF INVOLVED OFFICERS

**a) Public Safety Statement**

1.Following the discharge of a firearm in the line of duty, involved officers may be required to provide a public safety statement as outlined in the procedure manual for officer-involved shootings and deaths.

2. Prior to obtaining a compelled Public Safety Statement, supervisors should first attempt to obtain the relevant public safety information from other credible sources to include witness officers or civilian witnesses. If a supervisor can obtain the relevant information in a timely manner, consistent with any threats to public safety (and preservation of evidence), then he/she does not need to compel a Public Safety Statement from the involved officer.

3. If the Supervisor obtains a Public Safety Statement, he/she will not provide the compelled information to any person assigned to the IIT. He/She will place the form into VPD Evidence and write a report consistent with the procedures manual.

See attached: Public Safety Statement form

**b) Criminal Interview/Written Report**

1.Following an officer-involved shooting, and after being given the opportunity to consult with legal counsel, an involved officer has the option to participate in a criminal interview in lieu of writing a police report. Any recording of the criminal interview, or any subsequent interview (e.g., administrative interview) will be at the consent of the involved officer.

(a) If any involved officer is physically, emotionally or otherwise not in a position to provide a statement when interviewed by criminal investigators, consideration should be given to allow a reasonable period for the officer to schedule an alternative time for the interview.

(b) Any statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively compelled statement will be provided to any criminal investigators unless the officer consents in writing.

2.In the event that suspects remain outstanding or subject to prosecution for related offenses, this Department shall retain the authority to require involved officers to provide

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sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

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

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

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

4. Generally, any criminal interview should occur 48-72 hours after the incident.

309.6.2 ACCOMODATIONS FOR INVOLVED OFFICERS
The following shall be considered for the involved officer:

a)Any request for legal or union representation will be accommodated.

1.Involved officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.

2.Requests from involved outside agency officers should be referred to their employing agency.

b)Discussions with licensed attorneys will be considered privileged as attorney-client communications.

c)Discussions with agency representatives/employee groups will be privileged only as to the discussion of union information.

d)A licensed psychologist shall be provided by the Department to each involved Department officer. A licensed psychologist may also be provided to any other affected Department members upon request.

1.Interviews with a licensed psychologist will be privileged.

2.An interview or session with a licensed psychologist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet or in a group with a licensed psychologist prior to providing a formal interview or report.

3.A separate fitness-for-duty exam may also be required.

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e)The Department will consider communications between qualified peer counselors and involved officers to be privileged (RCW 5.60.060). However, peer counselors should not be discussing the particular facts of the incident with the involved officer.

### 309.6.3 CRITICAL INCIDENT LEAVE

Each involved Department officer shall be given reasonable paid critical incident leave following an officer-involved shooting or death. This leave should include all premium pays and shift differential received prior to the incident.Such leave shall be at the direction of the Office of the Chief. It shall be the responsibility of the Shift Sergeant, or the employee's supervisor if at another rank, to make schedule adjustments to accommodate such leave (See also Vancouver Command Guild contract or Vancouver Police Officer Guild contract).

## 309.7 CRIMINAL INVESTIGATION

Personnel will ensure the following actions occur during an OIS/Use of Deadly Force incident.

(a) Involved personnel and first responders will render the scene safe and provide or facilitate life-saving first aid to any injured persons.

(b) Supervisors will obtain and provide any information regarding imminent threats to the public or other officers (consistent with the provisions provided in this policy-see 309.6.1a) - Public Safety Statements)

(c) Next, personnel will protect and preserve the crime scene to include identifying any potential witnesses to the use of force incident and notify the SWIIR Team (this may be accomplished by contacting the MCU Supervisor).

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

(d) The involved agency (VPD) will relinquish control of the scene to SWIIR Team personnel once the SWIIRT has the resources needed to properly conduct its investigation.

### 309.7.1 WITNESS IDENTIFICATION AND INTERVIEWS

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

(a) Identification of all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from eye witnesses as well as those persons who claim not to have witnessed the incident but who were present at the time it occurred.

2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose

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of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where SWIIR Team investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department. Consent should be obtained prior to transporting a witness.

(c) Prompt contact with the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident will normally be done by SWIIR Team detectives, or at the direction of the SWIIR Team Commander or Supervisor unless exigent circumstances exist.

### 309.7.2 REPORTS

All related reports, except administrative reports, will be forwarded to the designated Investigations supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.The Investigations Unit supervisor or designee will ensure all investigative reports prepared by VPD personnel are disseminated to the SWIIRT, or Prosecutor's Office.

The County Prosecuting Attorney's Office, or their designee, is responsible for the review and final determination of the criminal investigation into the circumstances of any officer-involved shooting or death.

## 309.8 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this Department will conduct an internal administrative investigation of involved Department officers to determine conformance with Department policy. This investigation will be conducted under the supervision of the Professional Standards Unit in accordance with current policy, applicable laws and respective collective bargaining agreements.

## 309.9 CIVIL LIABILITY RESPONSE

Members of this Department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

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

## 309.10 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted

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to review available video or audio recordings with the approval of assigned investigators or a supervisor.

Video or audio recordings of an incident should generally not be publicly released during an ongoing investigation without consulting the SWIIRT Commander, with agreement from the Prosecuting Attorney, City Attorney's Office and the Office of the Chief, as appropriate. This shall not preclude the release of BWC videos at the discretion of the Chief of Police or designee pursuant VPD policy.

## 309.11 DEBRIEFING

Following an officer-involved shooting or death, the Vancouver Police Department should conduct a critical incident stress debriefing.

### 309.11.1 CRITICAL INCIDENT STRESS DEBRIEFING

The Critical Incident Stress Debriefing is a structured group discussion designed to mitigate or resolve the psychological distress associated with a critical incident. The process provides information on potential stress symptoms and coping techniques and helps personnel work through their own thoughts, reactions and symptoms. The Critical Incident Stress Debriefing is facilitated by a specially trained team that includes mental health professionals and peer support personnel. The Critical Stress Debriefing is a voluntary process and will not occur until after the criminal investigation interviews of the involved members have been completed.

A critical incident stress debriefing should occur as soon as practicable. The Administration Division Commander is responsible for organizing the debriefing. Notes and recorded statements will not be taken because the sole purpose of the debriefing is to help mitigate the stress related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order.

**Attendance at the debriefing shall only include members of the Department directly involved in the incident, which can include support personnel (e.g., dispatchers or other first responders). The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Professional Standards Unit personnel.**

## 309.12 MEDIA RELATIONS

Once the SWIIR Team has initiated an investigation, all SWIIR Team media releases related to the investigation shall be made by the Public Information Officer (PIO) or other official designee from the lead investigation agency with the approval of the SWIIR Team Commander for that incident. The SWIIR media Release Template will be used whenever appropriate (see Appendix C). The SWIIR Team will provide public update about the investigation at a minimum of once per week, even if there is no new progress to report. Prior to issuing a media release, the SWIIR Team will provide a copy of the press release to the IIT community representatives and give advance

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notice of all scheduled press releases to a family member of the person whom deadly force was used upon.

It shall be the responsibility of the Involved Agency to determine when the Involved Officer' names will be released to the public, pursuant to their policies and procedures.

The Involved Agency's PIO or other official designee will have the opportunity to make an initial release of information, both in person and through media release, in coordination with SWIIR Team Supervisors. This will not be construed as a SWIIR Team release.

The Involved Agency may release information regarding the Involved Officer's employment history and related performance as an employee. The Involved Agency is prohibited from releasing information that could affect the integrity of the investigation.

No involved officer shall make any comment to the media concerning the incident.

Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

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# Firearms

## 311.1 PURPOSE AND SCOPE

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

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

### 311.1.1 DEFINITIONS

**Authorized Firearm** - Any make, model, or caliber of firearm that meets Department designated requirements and specification, and has been formally approved by the Chief of Police or designee. This includes primary service handguns, alternate duty handguns, back-up handguns, shotguns and rifles used for law enforcement purposes.

**Back-up Handgun** – Any handgun, other than the primary service or alternate duty handgun, that has been authorized by the Department to be carried concealed on duty.

**Department Armorer** – Sworn personnel, appointed by the Rangemaster, whose primary responsibility is to maintain and repair Department owned firearms.

**Department Issued Firearm**– Any firearm purchased by the Department and provided to anofficer for use in official law enforcement duties.

**Firearms Instructor** – Sworn personnel appointed by the Rangemaster to conduct firearms training and range operations.

**Firearms Qualification** – Periodic testing required of officers to determine their competency to carry authorized firearms.

**Off-Duty Firearm** – Any make, model or caliber of firearm that sworn personnel carry during off-duty (non-working) hours.

**Primary Service Handgun** – The firearm issued and/or authorized by the Department to be carried as part of the service uniform for uniformed personnel or the firearm issued and/or authorized to be carried by plain clothes officers. This includes personally owned and authorized firearms used as a primary service weapon that were previously defined as an alternate duty weapon.

**Rangemaster** – Sworn employee, appointed by the Chief of Police, to lead the firearms instruction and be responsible for the management and facilitation of the firearms program.

## 311.2 POLICY

The Vancouver Police Department will provide sworn personnel a firearm or allow them to carry an authorized, personally owned, firearm on-duty in the performance of their duties. The Department will ensure that members meet the training requirements for each type of firearm carried, the firearm is properly maintained, and the officer's adherence to this policy.

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## 311.3 RANGEMASTER DUTIES

The range and all firearms training will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster or designee.

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

The Rangemaster shall complete and submit to the Training Sergeant documentation of all firearms training and other courses provided. Documentation shall include the names of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who attends and/or completes the training. The Rangemaster should keep accurate records of all firearms training, qualifications, repairs, maintenance or other records as directed by the Training Sergeant.

### 311.3.1 ARMORER DUTIES

The Department Armorer, or designee, is the only police personnel authorized to make alterations, repairs, adjustments or modifications to Department issued and/or authorized firearms. The armorer's responsibilities include:

(a) Conduct inspection of Department issued and/or authorized firearms on an annual basis or otherwise required by the manufacturer.

(b) Inspect all weapons if used in an officer involved shooting or accidental discharge.

(c) Modifications include adjustments to the grips, springs, trigger, sights, finishes and any other aspect of the firearm.

## 311.4 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been inspected by the Rangemaster or Department Armorer. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm (e.g., post Officer Involved Shooting).

### 311.4.1 HANDGUNS

The Chief of Police will authorize firearms that officers are permitted to carry as their primary service weapon.

To receive authorization to carry the primary service handgun, officers must:

1. Successfully pass firearms qualification,
2. Attend Use of Force training, and
3. Attend training regarding the use of firearms.

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After receiving authorization, officers will carry their Department issued or authorized handgun while on duty at all times and/or when operating a Department vehicle whether on or off duty.

### 311.4.2 SHOTGUNS

While on duty, shotguns shall be carried in a secure shotgun rack in the patrol vehicle or in the trunk of the patrol vehicle in an approved rack or case with the magazine tube loaded, the chamber empty and the safety in the "on" position.

While off duty the shotgun must be:

1. Stored in the officer's duty locker at a Vancouver Police facility.
2. Safely secured within the officer's home.
3. The police vehicle if the vehicle is stored within a secure garage and the shotgun is secured in a locking device or in the locked vehicle trunk.

When a Department vehicle is removed from service for maintenance, the shotgun will be removed from the vehicle and secured by the assigned officer.

### 311.4.3 PATROL RIFLES

While on duty, patrol rifles shall be carried in a secure patrol rifle rack in the patrol vehicle or in the trunk of the patrol vehicle in an approved rack or case with a loaded magazine inserted into the magazine well, the chamber empty, bolt forward with the dust cover closed, and the safety in the "on" position.

While off duty the patrol rifle must be:

1. Stored in the officer's duty locker at a Vancouver Police facility.
2. Safely secured within the officer's home.
3. The police vehicle if the vehicle is stored within a secure garage and the rifle is secured in a locking device or in the locked vehicle trunk.

When a Department vehicle is removed from service for maintenance, the rifle will be removed from the vehicle and secured by the assigned officer.

### 311.4.4 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written and signed approval from the Rangemaster. Once approved, personally owned duty firearms are subject to the following guidelines:

(a) The firearm shall be in good working order.

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

(c) Prior to carrying the firearm, officers shall qualify in accordance with the Department qualification schedule.

(d) Officers are personally responsible for all costs associated with the purchase and maintenance of their personally owned duty firearm.

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(e) If the firearm does not fit a Department issued holster and magazine pouch, the officer is responsible for the purchase for these items. These items must then be approved for carry by the Rangemaster or designee.

(f) The calibers of the personally owned duty firearm carried on duty must either be.9mm,.40 or.45 caliber. The Department will supply practice and duty ammunition

All personally owned duty firearms shall be carried in accordance with uniform and related Department policies.

### 311.4.5 AUTHORIZED BACKUP HANDGUN

Members desiring to carry a personally owned backup handgun are subject to the following guidelines:

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

(b) The purchase of the handgun and ammunition shall be the responsibility of the officer. If the handgun's caliber is.9mm,.40 or.45 caliber, the Department may supply the ammunition, if available.

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

(d) The handgun shall be inspected by the Rangemaster or designee prior to being carried, and thereafter shall be subject to inspection whenever deemed necessary.

(e) Prior to carrying the handgun, members shall qualify in accordance with the Department's qualification schedule. Officers must demonstrate proficiency and safe handling and that the handgun functions properly.

(f) Only one backup handgun may be carried at a time.

### 311.4.6 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by an officer off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

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

(b) If an officer desires to use more than one firearm while off-duty, the officer may do so as long as all requirements set forth in this policy for each firearm are met.

(c) When armed, off-duty officers shall carry their Vancouver Police Department identification card.

### 311.4.7 DUTY AMMUNITION

1. The Department shall provide duty ammunition for all primary duty handguns, patrol rifles, and shotguns.
2. The Department will replace duty ammunition annually at qualifications.

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3. The Department is responsible to replace unserviceable or depleted Department issued ammunition through the Rangemaster or designee.

## 311.5 EQUIPMENT

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

### 311.5.1 REPAIRS

Officers shall report and immediately remove from service any defective, unsafe, malfunctioning or damaged Department issued or authorized firearm. This firearm shall be arranged to be submitted to the Rangemaster/armorer for evaluation on the next working day and a replacement arranged.

### 311.5.2 HOLSTERS

Only Department issued or Department approved holsters shall be worn by members. Those members wanting to use their personally owned holsters must first have them inspected and approved for use by the Rangemaster or designee. Members shall periodically inspect their holsters to make sure they are serviceable and provide proper security and retention of the handgun.

### 311.5.3 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on/off-duty after they have been examined and approved by the Rangemaster or designee. Any approved sight shall only be installed in strict accordance with manufacturer specifications.

### 311.5.4 WEAPON MOUNTED LIGHTS

A light source mounted to a firearm where the light beam is aligned with the gun barrel is considered a purpose-specific tool. Weapon mounted flashlights are not intended to replace the Officer's handheld flashlight. A weapon mounted light is a tool to be used as an aid during situations where the deployment of a firearm is reasonable.

## 311.6 SAFE HANDLING, INSPECTION AND STORAGE

All Department issued and authorized firearms shall be carried and handled in a safe and secure manner as authorized by this Department and taught by the Firearms Training Staff.

### 311.6.1 INSPECTION AND STORAGE

At the start of each shift, officers shall inspect their firearms, safely and in accordance with training, to assure they are loaded properly and are clean and in working order.

All Department authorized firearms may be safely stored in the officer's duty locker at the end of the shift.

### 311.6.2 STORAGE AT HOME

Members shall ensure that all Department issued firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep

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them inaccessible to children and others who should not have access. Members shall not permit Department issued firearms to be handled by anyone not authorized by the Department to do so.

The Vancouver Police Department will issue Department owned gun safety locks or locking storage containers for the primary service handgun at the time the firearm is first issued or authorized or upon request.

Officers shall notify a supervisor immediately following the discovery of a lost or stolen VPD owned and issued firearm. The supervisor will assure appropriate written reports are completed and the Rangemaster and the officer's chain of command is made aware.

#### 311.6.3 ALCOHOL AND DRUGS

Officers shall report to their immediate supervisor any use of prescription drugs or other medication that may impair their ability or judgement to use a firearm. Officers shall not carry a Department issued or authorized firearm on/off-duty when impaired by alcohol, prescription or non-prescription drugs. Officers should not take any off-duty action, even if authorized by the policy, when impaired, unless the situation is life threatening and is reasonable under the circumstances.

### 311.7 FIREARMS TRAINING AND QUALIFICATIONS

All officers authorized to carry firearms shall be required to qualify with each Department issued and/or authorized firearm at the time of employment and acquisition of a weapon, at the change of any weapon used on duty, and as follows:

(a) Annually for primary service handguns, rifles, and/or shotguns.

(b) Annually for back up handguns.

(c) Annually for off-duty firearms carried under the authority of the Chief of Police.

(d) As otherwise required by this policy or a supervisor.

During a qualification, officers shall be allowed no more than three attempts to qualify with each weapon.

Officers assigned to a special tactics unit, such as SWAT, DTF, or NRT, may be required to qualify using additional proficiency standards established by the Department.

The Chief of Police (not a designee) may modify these qualification requirements for officer(s) based on job performance and/or responsibilities.

#### 311.7.1 NON-QUALIFICATION OF PRIMARY SERVICE HANDGUN

If any officer fails to meet minimum standards for primary handgun training and qualifications for any reason, including injury, illness, duty status or scheduling conflict, shall submit a memorandum to their immediate supervisor prior to the end of the required training or qualification period.

Those officers who fail to meet minimum standards or qualifying on their first shooting attempt shall be provided the following:

(a) On-site remedial training

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(b) Two additional attempts to qualify

If the officer fails to qualify after three attempts, the Training Unit Sergeant and the officer's immediate supervisor shall be notified, and the officer will be prohibited from carrying their service handgun while on duty. The officer must then attend a formal, remedial training conducted by the firearms training unit for a minimum of 8 hours and not to exceed 40 hours in duration. Such training does not preclude an officer from engaging in any additional informal practice or training session that the officer may deem necessary.

Following the formal training session, the officer shall be given an opportunity to re-qualify. If again after three attempts the officer fails to qualify, the Rangemaster will forward a report to the Chief of Police documenting the attempts to train the officer and their failure to qualify.

An officer who fails to qualify following the formal remedial training will be relieved of field assignment, surrender their handgun, and be administratively reassigned pending the Chief of Police (not a designee) determination of the appropriate course of action.

### 311.7.2 NON-QUALIFICATION OF NON-PRIMARY SERVICE HANDGUN

The Department will take specific actions for any officer who fails to qualify with a firearm other than their primary service handgun.

(a) The officer shall be given opportunities with a reasonable period of time to re-qualify with the weapon.

(b) If the officer fails to qualify, they cannot carry the firearm in question until such time as the officer re-qualifies.

(c) Theofficermayremainonregulardutyassignmentifqualifiedto carry their primary service handgun.

## 311.8 FIREARM DISCHARGE

Except during training or recreational firearms practice, any member who discharges a department issued firearm intentionally or unintentionally, on/off-duty, shall make a verbal report to their supervisor as soon as circumstances permit. If the discharge results in self-inflicted gunshot wound or injury or death to another person, additional statements and reports shall be made in accordance with the Officer Involved Shootings and Deaths Policy.

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

(a) If on-duty at the time of the incident, the member shall complete a report if applicable or file a written memorandum with his/her immediate supervisor prior to the end of shift, unless otherwise directed by a supervisor.

(b) If off-duty at the time of the incident, a report if applicable or a written memorandum shall be submitted no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

(c) The supervisor will ensure appropriate documentation and any necessary chain of command notifications are completed.

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### 311.8.1 DISPATCHING OF DANGEROUS ANIMALS

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

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

If practicable, the officer should notify an on-duty supervisor prior to dispatching the animal.

On duty incidents involving discharging a firearm to stop a dangerous animal are documented in BlueTeam.

### 311.8.2 EUTHANIZING INJURED ANIMALS

An officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

If practicable, the officer should notify an on-duty supervisor prior to euthanizing the animal.

On duty incidents involving euthanizing an injured wild animal with a firearm are documented in BlueTeam.

## 311.9 FLYING WHILE ARMED

An operational need for armed travel must be met under applicable federal law and TSA regulations.

Current TSA procedures will be followed for approval to fly while armed.

### 311.9.1 CEREMONIAL EVENTS

Officers attending a law enforcement ceremonial function or funeral may transport unloaded firearms and ammunition in a locked hard-sided container as checked baggage only. Officers must follow the storage and transportation requirements outlined by the TSA.

## 311.10 TRANSPORTING DEPARTMENT ISSUED FIREARMS OUT OF STATE

Transporting a Department issued firearm while out of state will be approved under the following circumstances:

1. If the uniform is required to be worn.
2. If the firearm is required for training approved by the Department.
3. If on official Department business.
4. If the firearm is evidence subpoenaed by another jurisdiction.

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5. 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).
6. If the employee lives in Oregon.

### 311.11 CARRYING FIREARMS OUT OF STATE – OFF DUTY

Qualified, active, full-time officers of this Department are authorized to carry a concealed firearm in all other states subject to the following conditions:

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

(b) The officer is not the subject of any current disciplinary action which prohibits the officer from carrying a department issued firearm

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

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

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

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# Civil Protection Orders

## 312.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the serving of the following civil protection orders:

- Domestic violence protection orders
- Vulnerable adult protection orders
- Anti-harassment protection orders
- Sexual assault protection orders
- Stalking protection orders
- Extreme Risk Protection Orders ("ERPOs")

## 312.2 DEFINITIONS

**Service by Electronic Means -** Service by email, text message, social media applications, or other technologies.

## 312.3 SERVICE PROCEDURE

VPD is responsible for service of protection order when a respondent resides within the City of Vancouver. Service must be accomplished in accordance with RCW 7.105.150-.160.

### 312.3.1 PERSONAL SERVICE REQUIREMENTS

1. A law enforcement officer must personally serve protection orders in the following cases and personal service must be prioritized:
   (a) Cases requiring the surrender of firearms, such as extreme risk protection orders and protection orders with orders to surrender weapons;
   (b) Cases that involve transferring the custody of a child or children from the respondent to the petitioner;
   (c) Cases involving vacating the respondent from the parties' shared residence; or
   (d) Cases involving a respondent who is incarcerated.
2. Once firearms and concealed pistol licenses have been surrendered and verified by the court, or there is evidence the respondent does not possess firearms, the restrained party has been vacated from the shared residence, or the custody of the child or children has been transferred, per court order, then subsequent motions and orders may be served electronically.
3. Law enforcement officers must serve all other Orders of Protection unless the petitioner elects to have the respondent served by a third party. Except for the orders that require personal service by law enforcement under RCW 7.105.150 and Section 312.3.1(1) of this Policy, service by electronic means may be considered.

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4. When the Department receives a request from a petitioner or a court to serve orders of protection, the assigned officer must provide or transmit copies of the petition and any supporting materials filed with the petition, notice of hearing, and any orders, or relevant materials for motions, that were submitted for service.
5. Service of an Order of Protection must take precedence over the service of other documents by law enforcement unless they are of a similar emergency nature.

### 312.3.2 ELECTRONIC SERVICE

1. When serving by electronic means, the assigned officer will use their department e-mail account to transmit the order and associated documents to the respondent's email, phone number for texting, or social media account information that is provided by either the petitioner or the court.
2. The assigned officer who serves a petition and associated documents by electronic service must sign a sworn statement verifying transmission and any follow-up communications, such as a read receipt, confirmation of receipt by respondent, email or telephone contact used to further verify service.
3. Sworn proof of service must be filed with the court by the officer who effected service. This is accomplished by the officer delivering the signed Return of Service to VPD PSTs who forwards the file to the courts.
4. If electronic service cannot be accomplished, the assigned officer must attempt to personally serve the respondent.

### 312.3.3 SERVICE AND NUMBER OF ATTEMPTS

1. Before making any service attempt to include electronic service, the assigned officer should create, or have created, a CAD incident with the address, respondent name and any other information deemed relevant.
2. Where personal service is required, the first attempt at service should occur within 24 hours of the Department receiving the order from the court, but not more than five days after receiving the order.
3. No fewer than three attempts should be made to serve the order.
4. The assigned officer(s) shall document all attempts at service on a service log, and CAD log to include the reason service was not completed, as applicable.
5. Upon service of an order, the assigned officer shall contact VPD Records in a timely manner to facilitate service entry into NCIC/WACIC.

### 312.3.4 UNCOMPLETED SERVICE

1. If service cannot be completed within 10 calendar days after the Department received the order from the courts, the assigned officer shall make a reasonable attempt to notify the petitioner and document the attempt on the return of service or approved VPD form.
2. If the assigned officer is unable to locate sufficient information to locate the respondent, the officer documents the steps taken on the return of service or approved VPD form.

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312.3.5 RETURN OF SERVICE

1. VPD PSTs will submit return of service and any related forms to the issuing court.
2. If attempts at service were not successful, the return of service form or a department approved form showing that the order was not served, and stating the reason it was not served, must be returned to the court by the next judicial day following the final unsuccessful attempt at service.

312.3.6 ASSIGNMENT CONSIDERATIONS

1. Orders may be sent by the courts to VPD Records to be entered into NCIC. They may also be brought to the police department by the petitioner.
2. Once received, the orders are forwarded to VPD Police Service Technicians (PST) who will enter them into the Department approved database for tracking and assignment for service.
   (a) The assigned supervisor will review the petition and make a determination on how best to serve the order.
   (b) RMS, CAD, LE Databases, open source databases and criminal history checks may be conducted prior to service.
   (c) An appropriate number of officers should be present during the service of such orders as deemed necessary by the assigned supervisor or officer.

## 312.4 VPD PETITIONED EXTREME RISK PROTECTION ORDER (ERPO)

1. Officers petitioning the court for an ERPO under RCW 7.105.100, or renewal of an ERPO, shall use a standard petition and order forms created by the administrative office of the court and such forms shall be made available for officers on the Department intra-net site.
2. Officers may seek guidance from their supervisor and the City Civil Law Department when considering petitioning for an ERPO, if feasible.

## 312.5 FIREARM COLLECTION

1. All firearms collected shall be handled and placed into evidence in accordance with established evidence procedures.
2. In cases in which the respondent is ordered to surrender their firearms, dangerous weapons, and/or CPL and the removal of them does not occur at the time of service, the respondent should be advised to call the Vancouver Police Department to schedule a date and time to bring the firearms in and receive instructions on the procedure so the surrender of firearms is done as safely as possible.
   (a) All firearms collected shall be handled and placed into evidence in accordance with established evidence procedures.
   (b) At the time of surrender, the officer taking possession of a firearm or concealed pistol license shall issue a receipt identifying all firearms that have been surrendered and provide a copy of the receipt to the respondent.

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(c) The receipt must be filed with the court through the PST's within 72 hours and a copy of the receipt entered into the applicable report in the RMS.

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# Vehicle Pursuits

## 313.1 PURPOSE AND SCOPE

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

## 313.2 DEFINITIONS

**Attempt to Elude:** Any driver of a motor vehicle who willfully fails or refuses to immediately bring his/her vehicle to a stop and who drives his/her vehicle in a manner indicating a wanton or willful disregard for the lives or property of others while fleeing a pursuing police vehicle, after being given a visual or audible signal to bring the vehicle to a stop. (RCW 46.61.024)

**Emergency Vehicle:** A vehicle of this Department equipped with at least one lamp capable of displaying a red light visible from at least five hundred feet in normal sunlight and a siren capable of giving an audible signal. (RCW 46.37.190(1))

**Primary Pursuit Unit:** The police unit which initiates a pursuit, or any unit which assumes control of the pursuit, and has the responsibility of attempting to stop a fleeing vehicle.

**Probable Cause**: Sufficient facts to lead a reasonable person to conclude that there is a probability that the defendant is involved in criminal activity.

**Support Pursuit Unit(s):** Any police vehicle which becomes involved as a backup to the primary pursuit unit.

**Vehicular Pursuit:** An attempt by a uniformed peace officer in a vehicle equipped with emergency lights and a siren to stop a moving vehicle where the operator of the moving vehicle appears to be aware that the officer is signaling the operator to stop the vehicle and the operator of the moving vehicle appears to be willfully resisting or ignoring the officer's attempt to stop the vehicle by increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a reckless manner that endangers the safety of the community or the officer.

## 313.3 PRIMARY PURSUIT CONSIDERATIONS

The primary consideration when determining whether to initiate, continue or terminate a vehicular pursuit is public safety and the safety of officers. All personnel shall balance the risk to the public created by allowing the suspect to escape against the danger to life and property inherent in pursuit situations. Officers engaged in a vehicular pursuit must drive with due regard for the safety of themselves and all persons within the pursuit area.

1. Officers initiating a pursuit must be able to articulate specific facts that the necessity to immediately apprehend the fleeing suspects(s) outweighs the risk to life and property inherent in pursuit situations.

2. When deciding whether to initiate, continue or terminate a pursuit, officers consider a number of factors including, among others the safety of the public in the area and the safety of the pursuing officers as well as the location and conditions of the pursuit.

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3. Officers do not engage in pursuits with a passenger in their vehicle unless the passenger is a fully commissioned law enforcement officer with jurisdiction in Vancouver who is working in an official capacity.

4. Officers do not engage in pursuit techniques which require the officers to drive in the opposing or wrong direction of a freeway or divided highway.

5. Officers do not attempt to pull alongside a fleeing vehicle and intentionally attempt to force it into any obstacles or off the road.

Officers do not direct the spotlight at the windshield or vision of the suspect in an attempt to blind or halt a pursuit. This requirement does not limit the use of a spotlight to increase officer safety after a vehicle has come to a stop.

### 313.4 AUTHORIZED PURSUIT CRITERIA

A VPD employee may not engage in a vehicular pursuit unless approved by a supervisor and:

1. There is probable cause to believe that a person in the vehicle has committed or is committing a violent offense as defined in RCW 9.94A.030. These offenses include:
    - A. Arson 1, Arson 2
    - B. Assault 1, Assault 2
    - C. Assault of a Child 1, Assault of a Child 2
    - D. Burglary 1
    - E. Drive-by Shooting
    - F. Extortion 1
    - G. Homicide by Abuse
    - H. Kidnapping 1, Kidnapping 2
    - I. Murder 1, Murder 2
    - J. Manslaughter 1, Manslaughter 2
    - K. Robbery 1, Robbery 2
    - L. Trafficking 1, Trafficking 2
    - M. Vehicular Assault, when caused by the operation or driving of a vehicle by a person while under the influence of an intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner.
    - N. Vehicular Homicide, when proximately caused by the driving of any vehicle by a person while under the influence of an intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner.

OR:

2. There is probable cause to believe that a person in the vehicle has committed or is committing a sex offense as defined in RCW 9.94A.030. These include:

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A. Child Molestation 1, Child Molestation 2, Child Molestation 3

B. Custodial Sexual Misconduct 1

C. Indecent liberties

D. Rape 1, Rape 2, Rape 3

E. Rape of a Child 1, Rape of a Child 2, Rape of a Child 3

F. Sexual Misconduct with a Minor 1

G. Sexually violating human remains

H. Voyeurism 1

OR:

3. There is probable cause to believe that a person in the vehicle has committed or is committing an escape under RCW chapter 9A.76. These offenses include:

   A. Escape 1, Escape 2, Escape 3

AND:

B. The pursuit is necessary for the purpose of identifying or apprehending the person.

AND:

C. The person poses an imminent threat to the safety of others and the safety risks of failing to apprehend or identify the person is considered to be greater than the safety risks of the vehicular pursuit under the circumstances.

AND:

D. There is supervisory authorization and control of the pursuit.

This policy is more restrictive than state law. Department members shall not engage in a pursuit when there is reasonable suspicion or probable cause solely for DUI or DV Assault 4 CHARGES.

**Pursuits other than those authorized by this policy are specifically prohibited.**

### 313.5 PRIMARY PURSUIT UNIT

The primary pursuit unit initiates a pursuit and has responsibility of attempting to stop the fleeing vehicle and/or to terminate the pursuit within the guidelines outlined in this policy. The primary pursuit officer has the following responsibilities:

1. Officers, in consultation with supervisors, must consider alternatives to the vehicular pursuit, the justification for the vehicular pursuit, and other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle.
2. Initiate the pursuit based on the policy requirements and the following factors, among others:

   A. The nature of the crime committed by the fleeing suspect,

   B. Safety of the public in the area of the pursuit,

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C. Safety of the pursuing officer(s) in the area of the pursuit,

D. Safety of passengers in the suspect's vehicle,

E. Visibility and visual obstructions,

F. Volume of vehicular and pedestrian traffic,

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

H. Familiarity of the officer(s) or supervisor(s) with the area of the pursuit,

I. Proximity of the pursuit to the Department's jurisdictional boundary,

J. Speeds involved and posted speeds in the pursuit area,

K. Quality of radio communications among pursuing unit(s), dispatch and the field supervisor,

L. The capabilities of both the involved police vehicles and the vehicle being pursued,

M. The level of experience and training of the involved officer(s),

N. Whether the suspect can be apprehended at a later time,

O. Likelihood of a successful apprehension,

P. The suspect's threat to the life of others,

Q. Weather conditions including rain, fog, wind, snow, ice and blinding sunlight,

R. Road conditions including conditions that may diminish traction,

S. The fact the chances of a collision or injury occurring during a pursuit increases as the speed of the vehicles increase.

3. Activate emergency lights and siren and keep them activated continuously throughout the duration of the pursuit.

4. Obtain authorization from a supervisor for use of vehicle tactics, if feasible.

5. Keep supervisors and dispatch informed of the following information:

   A. Unit identification,

   B. Location, speed and direction of travel of the fleeing vehicle,

   C. Description and license plate number, if known, of the fleeing vehicle,

   D. Any other information pertinent to continuing the pursuit, and

   E. Any other information that may be helpful in terminating the pursuit or resolving the incident.

6. Direct tactical response of additional law enforcement vehicles as appropriate.

7. If the fleeing vehicle is lost, provide all available information to dispatch that would assist in locating the suspect vehicle.

8. Drive with due regard for the safety of themselves and all other persons within the pursuit area.

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9. Suspend conformance with normal traffic regulations during the pursuit as necessary only as follows:
    A. Proceed past a red or stop signal or sign, but only after slowing down as may be necessary for safe operation,
    B. Exceed the maximum speed limits so long as the officer does not endanger life or property,
    C. Disregard regulation governing direction of movement or turning in specific directions. However, officers do not engage in pursuit techniques which require the officer to drive in the opposing or wrong direction on a freeway or divided highway.
10. If appropriate training has been completed, utilize vehicle tactics as outlined in Department policy.
11. Continuously evaluate and assess the need for continuation of the pursuit and weigh compliance with Department guidelines and the risk involved.
12. When practical, wait for sufficient back up prior to attempting to stop the vehicle.
13. Once the suspect vehicle is stopped, utilize appropriate officer safety tactics and be aware of the necessity to utilize reasonable and necessary force to take the suspect(s) into custody.
14. Terminate the pursuit if necessary under the policy guidelines as follows:
    A. Pull to the side of the roadway,
    B. Turn off emergency lights and siren,
    C. Notify dispatch of the termination of the pursuit and your location at the time the pursuit terminated.
    D. Maintain responsibility for the control and direction of activities at the conclusion of the pursuit, until relieved by a supervisor.

## 313.6 SECONDARY PURSUIT UNIT

The support pursuit unit(s) provide backup to the primary pursuit unit. No more than two support units, not including a supervisor, engage in the pursuit and operate within the guidelines outlined in this policy. The support pursuit officer(s) have the following responsibilities:

1. Provide back up to the primary pursuit unit.
2. Activate emergency lights and siren and keeps them activated continuously throughout the duration of the pursuit,
3. Notify dispatch to advise of their involvement in the pursuit.
4. If taking a position as the second unit in the pursuit, assume communication responsibilities to keep dispatch informed of any changes in the location, speed and direction of travel during the pursuit. It may be necessary to silence your emergency siren to facilitate clear radio traffic. If this is the case, you must leave your emergency lights activated. If you are a support unit not in the secondary position, you must leave your emergency light and siren activated.

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5. Take over the pursuit if the primary pursuit unit becomes unable to continue the pursuit.
6. Drive with due regard for the safety of themselves and all other persons within the pursuit area.

## 313.7 ASSISTING AREA UNITS

Officers who are on duty and in the area of the pursuit may monitor the progress of the pursuit but should not engage in the pursuit unless requested to do so by the primary unit, support unit or supervisor.

Officers who are on duty, but are not involved in the pursuit, should be available in case they are needed to help provide resources to increase the safety of vehicular and pedestrian traffic, such as stopping cross traffic ahead of the pursuit path or terminating the pursuit.

## 313.8 SUPERVISORY RESPONSIBILITIES

On duty sergeants and corporals have primary responsibility to authorize pursuits and to assume command responsibility for the monitoring and control of the pursuit as it progresses. They must take the following actions during a vehicular pursuit in Vancouver city limits:

1. Authorize pursuits and assume command responsibility for the monitoring and control of the pursuit as it progresses.
2. Acknowledge via radio that they authorize the pursuit
3. Obtain sufficient information about the pursuit as necessary to perform responsibilities.
4. Continuously evaluate and assess the need for continuation of the pursuit and weigh compliance with Department policy and the risks involved.
5. Control the pursuit incident by directing pursuit vehicles, re-designating primary and support responsibilities, approving or disapproving pursuit tactics, approving or disapproving leaving the jurisdiction to continue the pursuit, and/or terminating the pursuit.
6. Assign additional backup vehicles or air support to the pursuit based on:
    A. The nature of the offense for which the pursuit was initiated.
    B. The number of suspects and any known propensity for violence.
    C. The number of officers in the pursuit vehicles.
    D. The number of officers necessary to make an arrest at the conclusion of the pursuit.
    E. Any other clear and articulable facts that would warrant the increased hazards caused by numerous pursuit vehicles.
7. Direct all pursuit units to terminate the pursuit as outlined by policy.
8. Respond to the scene of the termination of the pursuit.

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### 313.9 ALTERNATIVE PURSUIT VEHICLES

In recognizing the most common police pursuit vehicle will be a marked patrol car, consideration has been taken in the event a non-patrol vehicle initiates a police pursuit.

1. The Department authorizes personnel operating unmarked or special purpose vehicles to engage in a vehicular pursuit when:
    A. The vehicle is equipped with at least one lamp capable of displaying a red light visible at least five hundred feet in normal sunlight and a siren capable of giving an audible signal.
    B. The officer operating the pursuit vehicle is in uniform, or if not in uniform, they may pursue until a marked unit becomes available.
    C. The vehicle pursued is being operated by a fleeing suspect who represents an immediate and articulable threat to life.
    D. All other requirements of this policy can be met.
    E. When a marked vehicle becomes available to take over the pursuit, the unmarked vehicle assumes the position of a support pursuit unit until a second marked unit arrives. At that time, the unmarked vehicle may assume the position of the third support pursuit unit for purposes of vehicle tactics or for officer safety should the pursuit be terminated and the suspect vehicle stopped.
2. The Department authorizes personnel operating a police motorcycle to engage in pursuits when:
    A. The motorcycle is equipped with at least one lamp capable of displaying a red light visible at least five hundred feet in normal sunlight and a siren capable of giving an audible signal.
    B. The vehicle pursued is being operated by a fleeing suspect who represents an immediate and articulable threat to life.
    C. Weather, road and related conditions allow.
    D. All other requirements of this policy can be met.
    E. The motorcycle terminates involvement in the pursuit when at least two four-wheeled vehicles become primary and support units in the pursuit.

### 313.10 PURSUIT INTERVENTION TECHNIQUES

The Department authorizes officers to use vehicle tactics pursuant Department policy on the Use of Force to control a pursuit, to reduce risks of the pursuit and/or to bring a pursuit to a conclusion.

### 313.11 PURSUIT TERMINATION

Officers and/or supervisors shall terminate a pursuit under any of the following circumstances:

1. The officer or supervisor reasonably believes the risks associated with continuing the pursuit are greater than the risks to the public associated with the suspect remaining at large.

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2. The suspect's identity has been established and immediate apprehension is not necessary to protect the public or officers.
3. The pursuit vehicle's location is no longer known.
4. Weather or traffic conditions substantially increase the danger of the pursuit beyond the worth of apprehending the suspect.
5. The distance between the pursuit and fleeing vehicle is so great that further pursuit is futile.
6. In a pursuit outside the city of Vancouver, another agency accepts responsibility for the pursuit or communicates refusal to accept responsibility.
7. An accident occurs in the pursuit with an uninvolved citizen and there are no other police or medical personnel readily available to assist the citizen.
8. A maximum of three (3) units, regardless of combination of departments, shall engage in a pursuit.Exceptional circumstances authorized by a supervisor may warrant an exception to the restriction, (i.e., multiple dangerous suspects, shots fired, armed robbery.)

## 313.12 JURISDICTIONAL PURSUIT GUIDELINES

Vehicular pursuits may at times leave the city of Vancouver and enter into other Washington jurisdictions, State of Oregon, or come from other jurisdictions into the city of Vancouver. In these circumstances, there are protocols to follow in requesting assistance or assisting outside agencies.

### 313.12.1 ENTERING OTHER WASHINGTON JURISDICTIONS

The Department authorizes vehicular pursuits into other Washington jurisdictions. Officers leaving the city of Vancouver in a pursuit must follow the listed guidelines:

1. Officers involved in a pursuit traveling outside the Vancouver city limits must contact dispatch to request assistance from the appropriate jurisdiction.
2. The primary and two additional support units continue in direct pursuit until the agency of jurisdiction is capable of accepting the pursuit responsibility.
3. Once the agency having jurisdiction assumes the primary and support units, all involved VPD units terminate the pursuit. The primary VPD unit and a supervisor will continue to monitor the pursuit on their vehicle radio and respond, at the posted speed limit, to the termination point of the pursuit.
4. If the agency having jurisdiction does not have a support unit, the VPD primary unit remains in the pursuit as the support unit.
5. Involved VPD units will monitor the pursuit on their vehicle radio until their part in the pursuit is terminated.
6. If the agency having jurisdiction refuses to accept responsibility for the pursuit, then the primary and secondary unit will continue the pursuit until a VPD supervisor or pursuing unit terminates the pursuit.
7. If the agency having jurisdiction assumes responsibility of the pursuit and/or then terminates the pursuit, all involved VPD units must terminate the pursuit.

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8. Following conclusion of the pursuit, a supervisor communicates with the agency having jurisdiction.
9. If VPD is the originating agency, the primary pursuit unit shall provide dispatch with the reason for the pursuit, and provide location, direction of travel and vehicle/suspect speed as soon as possible.

### 313.12.2 ENTERING INTO OREGON STATE

Officers entering into Oregon must follow the listed guidelines:

1. The primary or support unit, whichever unit is communicating with dispatch, must notify dispatch when the pursuit appears to be going into Oregon.
2. Dispatch notifies the appropriate Oregon agency of the pursuit and talk group being used.
3. Once the Oregon agency assumes primary and support pursuit units, all involved VPD units terminate the pursuit. The primary VPD unit and a supervisor will continue to monitor the pursuit on their vehicle radio and respond, at the posted speed limit, to the termination point of the pursuit.
4. If the agency having jurisdiction does not have a support unit, the VPD primary unit remains in the pursuit as the support unit.
5. If the Oregon agency refuses to accept responsibility for the pursuit or terminates the pursuit, all involved VPD units terminate the pursuit.
6. Following the conclusion of the pursuit, a supervisor communicates with the agency having jurisdiction.

### 313.12.3 PURSUITS ENTERING CITY OF VANCOUVER

The Department may exercise authority over vehicular pursuits that are initiated in another jurisdiction and enter the Vancouver city limits under the following criteria:

1. The shift supervisor ascertains the basis for the pursuit.
    A. If the basis of the pursuit does not meet the Departmental guidelines for a pursuit, the supervisor advises units to not become involved in the pursuit.
2. If a pursuit is authorized, all Department guidelines of pursuits are followed.

## 313.13 REPORTING RESPONSIBILITES

The Vancouver Police Department documents and reviews details of all vehicular pursuits from all officers involved in the pursuit.

### 313.13.1 PRIMARY PURSUIT UNIT

The primary pursuit unit must complete written reports detailing the pursuit. The primary pursuit officer has the following responsibilities:

1. Complete a report detailing the pursuit, including:
    A. The initial reason for the pursuit,
    B. The route of the pursuit,

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C. Other police units/agencies involved including officer's names if known,

D. Weather and traffic conditions on the route of the pursuit,

E. How and why the pursuit was terminated,

F. Any special circumstances that arose during the pursuit including a detailed description of any vehicle tactics that were used,

G. Any injuries or damage to vehicles or property, and

H. Any other information pertinent to the incident.

2. Attach photographs of the involved vehicles, any property damage and the site where any vehicle tactics were used.

3. Submit the report to the supervisor in command of the pursuit.

### 313.13.2 SUPPORT PURSUIT UNIT(S)

The support pursuit unit must complete written reports detailing the pursuit. The support pursuit officer(s) has the following responsibilities:

1. Complete a report detailing the pursuit and their involvement.

2. Submit the report to the supervisor in command of the pursuit.

### 313.13.3 PURSUIT SUPERVISOR

The supervisor in command of the pursuit must review all the pursuit reports. The supervisor has the following responsibilities:

1. Review the reports submitted by the primary pursuit and supports units.

2. Prepare a memorandum detailing all relevant circumstances regarding the pursuit for Command Review, including:

A. The reason for the pursuit,

B. The number of VPD units involved,

C. Name and number of assisting agencies,

D. Suspect(s) arrested and charges listed,

E. Considerations for continuing and/or terminating the pursuit,

F. Evaluation of tactical resources employed, and

G. Determination if pursuit was within Department policy.

3. Complete the “Pursuit Driving Report Checklist”portion in Blue Team.

4. Obtain reports from any other involved law enforcement agencies.

5. Enter all related documents into Blue Team for Command Review.

### 313.13.4 COMMAND REVIEW

The lieutenant or commander overseeing the primary pursuit officer’s assignment is responsible to review the pursuit details and incident, even if the supervisor in command of the pursuit is

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not in their direct chain of command. The assigned lieutenant or commander has the following responsibilities:

1. Review all pursuit reports, memorandums, checklists, and Blue Team entries.
2. Order a recording of the pursuit incident.
3. If there is a reasonable belief a policy violation occurred during the pursuit, prepares an additional written factual summary.
4. Forward all reports to the Professional Standards Unit.

313.13.5 PROFESSIONAL STANDARDS UNIT
Review all pursuit reports and take action as required by the Internal Affairs Policy.

## 313.14 TRAINING RESPONSIBILITIES

The Training Unit provides specialized training on Department policy, vehicle tactics and emergency vehicle operation.

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# Officer Response to Calls

## 315.1 PURPOSE AND SCOPE

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

## 315.2 POLICY

Officers shall operate their assigned vehicles with due regard for life and property and in accordance with the laws of the State of Washington and Departmental policy.

## 315.3 RESPONSE TO CALLS

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

### 315.3.1 EMERGENCY CALLS

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

Officers should only respond to a call as an emergency response when so dispatched or when circumstances reasonably indicate an emergency response is required.

Officers not responding to a call as an emergency response shall observe all traffic laws and proceed without the use of emergency lights and siren.

## 315.4 REQUESTING EMERGENCY ASSISTANCE

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

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

- Identifying call sign
- Location of the emergency situation
- Suspect information, including weapons
- Reason for the request and type of emergency
- Hazards and any known or potential dangers for responding officers

In any event where a situation has stabilized and the emergency response is no longer required, the requesting member shall immediately notify dispatch and responding officers.

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## 315.5 SAFETY CONSIDERATIONS

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

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

### 315.5.1 NUMBER OF OFFICERS ASSIGNED

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

The Shift Sergeant or field supervisor monitoring the call shall make a determination regarding the appropriateness of the response and reduce or enhance the response as warranted.

### 315.5.2 MOTORCYCLES

An officer operating a police motorcycle should not be assigned to an emergency response. However, if an officer is operating a police motorcycle in an emergency response, they should be replaced by an authorized emergency vehicle equipped with emergency lights and siren as soon as practicable.

## 315.6 EMERGENCY EQUIPMENT

Vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in an emergency response. Officers in such vehicles may provide support to pursuing vehicles as long as the vehicles are operated in compliance with all traffic laws.

### 315.6.1 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency response and respond accordingly. In all cases, the officer shall notify the monitoring supervisor or dispatch of the equipment failure so another unit may be assigned to the emergency response.

## 315.7 OFFICER RESPONSIBILITIES

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

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

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

### 315.8 SUPERVISOR RESPONSIBILITIES

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

(a) The proper response has been initiated.

(b) No more than those officers reasonably necessary under the circumstances are involved in the response.

(c) Affected outside jurisdictions are being notified as practicable.

The Shift Sergeant or field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing officers into or out of the response, if necessary. If, in the supervisor's judgment, the circumstances require additional officers to be assigned an emergency response, the supervisor may do so.

It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment is inappropriate due to the circumstances.

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

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

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# Police Service Technicians

## 316.1 PURPOSE AND SCOPE

This policy provides Police Service Technician with guidelines for their response to non-emergency incidents or requests for assistance, whether these are dispatched or self-initiated.

## 316.2 POLICY

The Police Service Technician (PST) is intended to provide support to sworn officers and staff in both office and field settings, allowing for more efficient and effective use of departmental resources.

## 316.3 ROUTINE DUTIES

1. PSTs are expected to perform a variety of duties such as providing information and assistance regarding various criminal or civil processes; interviewing crime victims and producing crime reports; and, providing crime prevention information.

2. PSTs may handle a variety of non-emergency calls for service. The non-emergency calls may include Priority 3, 4, 5 and 9 calls that meet the following criteria:

a. The incident is "Cold". *Field PSTs will not respond to calls where the suspect is on-scene, or where the suspect might return to the scene, unless directed to respond **WITH** a Police Officer.*

b. There is not an immediate need to attempt to locate or contact a suspect.

3. *Expectations for Field PSTs will be the same as the Office PSTs, but they will respond to the scene in order to take a report. Examples of this in addition to that which outlined above are:*

*a. Supplemental information on existing reports.*

*b. Nuisance complaints*

*c. Found property*

*d. Assist in processing of crime scenes*

*e. Recover and log evidence*

*h. Other duties assigned by a Sergeant*

4. *Field PSTs responding to non-emergency calls shall proceed accordingly and shall obey all traffic laws.*

### 316.3.1 FIELD POLICE SERVICE TECHNICIAN

Expectations for Field PSTs will be the same as Office PSTs, but they will respond to the scene in order to take a report. PSTs responding to non-emergency calls shall proceed accordingly and shall obey all traffic laws.

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**Note: Field PSTs will not respond to calls where the suspect is on-scene or when they might return to the scene, unless directed to respond with an officer.**

### 316.4 SUPERVISION

The Precinct Administrative Sergeant is responsible for the oversight of the Office PST Program and the PSTs assigned to it.

The on-duty field sergeant is responsible for the supervision of the daily functions and supervision of the PST assigned to patrol.

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# Canines

## 317.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services to the community including, but not limited to, locating individuals and contraband and apprehending criminal offenders.

## 317.2 DEFINITIONS

**Apprehension:** A suspect surrenders or is otherwise brought into custody as the result of a canine deployment. This may be because the canine was used as trained, or because the suspect surrendered after becoming aware that the canine might be used.

**Apprehension With Contact:** A canine makes contact with a suspect to bring the person into custody.

**Department Designated Trainer:** Vancouver Police Officer, qualified through training/ experience, to train Police K9 Teams in patrol work and narcotics detection. The trainer will complete a trainer's course through an appropriate canine vendor or training facility. The course should include canine selection, obedience, control work and detection work. The trainer should be recognized by the Washington State Police Canine Association (WSPCA) as a trainer. With in the K9 Unit, a Department Designated Trainer is subordinate to the K9 Supervisor.

**Deployment:** The specific term for commanding a PSD to track, apprehend a suspect, search for a suspect, search for evidence or search for the odor of controlled substances.

**K9 Handler:** Vancouver Police Officer who is assigned to the Vancouver Police K9 Unit and has successfully completed Department training.

**K9 Warning:** Loudly verbalizing or using a public address (PA) system to give a warning that a police service dog is about to be used to search/apprehend a suspect. The warning will include:

1. A statement of authority (e.g. "Police")
2. Instruction to the suspect and/or anyone else in the designated search area (e.g. a command to make their presence known)
3. The consequence if they do not comply (e.g. that they may be bit by the Police Service Dog (PSD))
4. Wait a reasonable amount of time for the suspect to verbally and the physically surrender before using the PSD.

***The following is an example VPD K9 warning:****"Vancouver Police Canine. You have 5 seconds to make your presence known or a police dog will be sent to find you. When he finds you he will bite you."*

**On Leash:** A PSD that is attached to, and controlled by, a leash in the hands of a K9 Handler.

**Police Service Dog (PSD):** A dog owned by the Vancouver Police Department that has been trained to, and certified to, Washington State Criminal Justice Training Commission (WSCJTC)

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policy standards. In addition, the PSD must be approved for duty by the Department Designated Trainer dn the Chief of Police through the proper Chain of Command.

**Proportional:** To be proportional, the level of force applied must reflect the totality of circumstances surrounding the situation at hand, including the nature and immediacy of any threats posed to officers and others. Officers must rely on training, experience, and assessment of the situation to decide an appropriate level of force to be applied. Reasonable and sound judgemental will dictate the force option to be employed. Proportional force does not require officers to use the same type or amount of force as the subject. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be proportional, objectively reasonable, and necessary to counter it.

## 317.3 POLICY

It is the policy of the Vancouver Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

## 317.4 REQUESTS FOR CANINE TEAMS

Patrol Division members are encouraged to request the use of a canine. Requests for a canine team from Department units outside of the Patrol Division shall be reviewed by the Shift Sergeant.

## 317.5 SCOPE OF CANINE DEPLOYMENTS

Canine deployments shall be limited to the following situations addressed in this section.

### 317.5.1 AUTHORIZED FELONY CRIMES

The following felony crimes are generally allowable applications of the Canine Team:

- Burglary, not including trespass with non-violent secondary crimes
- Robbery, not including theft that are accompanied by low level assault
- Homicide
- Assaults I, II, and III, as well as Vehicular Assault
- Kidnapping
- Arson with threat of harm to people
- Domestic violence felony crimes
- Felony sexual assault
- Drive by shooting, not including unlawful discharge of a firearm
- Hit and Run with serious physical injury
- Felony harassment with a weapon displayed or implied
- Escape I and II
- Unlawful possession of a firearm

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- Department of Corrections (DOC) warrant for failure to appear (FTA) or failure to contact (FTC) with original charge on this list

317.5.2 AUTHORIZED MISDEMEANOR CRIMES

The following misdemeanor crimes are generally allowable applications of the Canine Team:

- Domestic Violence Assault, with injury and/or independent witness statements
- Domestic Violence Order Violations that are subject to mandatory arrest violations shall involve the suspect's physical presence at the victim's location or a threat of harm.

317.5.3 NON TACTICAL USE OF CANINE

Canines may be deployed in non-aggressive work such as:

- Searching for evidence, controlled substance(s) or contraband
- Officer may use a trained detection PSD in accordance with Department search and seizure policy and current search and seizure laws

317.5.4 OTHER CANINE DEPLOYMENTS

- For all other crimes where the subject is considered to be armed or there is a threat of harm to the public, approval by an on-scene supervisor with the rank of sergeant or above is needed.
- If the canine unit is being requested outside the city limits, approval from the special operations chain of command, sergeant or above is needed.
- If the decision is made to deploy a K9 Team outside of the above identified parameters, the supervisor making the decision will articulate their reasoning in a police report.
- Canine teams should not be used to apprehend anyone suspected to be under the influence of drugs or alcohol if no other serious crime is involved, nor anyone who is experiencing a behavioral crisis, if no other serious crime is involved.

## 317.6 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include, but is not limited to:

(a) The suspect's known or perceived age

(b) The severity of the crime

(c) Whether the suspect poses an immediate threat to the safety of the officers or others

(d) Whether a suspect is actively resisting arrest or attempting to evade arrest

(e) The potential for suspect flight, if the canine is not utilized

(f) The degree of force that reasonably appears necessary to apprehend the suspect. The use of the canine should be proportional to the threat

(g) The availability of less intrusive means to apprehend the subject

(h) Any other requirements in policy 300 - Use of Force

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(i) The legal authority to apprehend the suspect

(j) If the deployment involves entering a building, do we have the legal authority to do so? (i.e., search warrant or valid warrant exception, such as exigent circumstances or consent)

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. Both the on-duty supervisor and canine handler have the authority to order that the canine team disengage. It is not necessary that the supervisor and canine handler agree. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

#### 317.6.1 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible verbalizing or using a PA system to give a warning that a PSD is about to be used to search/apprehend a suspect.

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

## 317.7 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

(a) A canine shall not be left unattended in any area to which the public may have access.

(b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

## 317.8 HANDLER COMPENSATION

The canine handler shall be available for call-out under conditions specified in the Canine Manual.

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the collective bargaining agreement/memorandum of understanding (29 USC § 207).

## 317.9 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current Criminal Justice Training Commission (CJTC) standards, Washington State Police Canine Association (WSPCA) standards or other recognized and approved certification standards. Cross-

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trained canine teams or those canine teams trained exclusively for the detection of narcotics shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills (WAC 139-05-915).

The canine coordinator shall be responsible for scheduling periodic training for all Department members in order to familiarize them with how to conduct themselves in the presence of Department canines. The Special Operations Sergeant, or designee, will be assigned as the canine coordinator.

All canine training should be conducted while on-duty unless otherwise approved by the canine coordinator or Shift Sergeant.

#### 317.9.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to current CJTC, WSPCA or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

(a) Canine teams should receive training as defined in the current contract with the Vancouver Police Department canine training provider.

(b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.

(c) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by this department.

#### 317.9.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

#### 317.9.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler’s and the canine’s training file.

#### 317.9.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements regarding the same. Alternatively, the Vancouver Police Department may work with outside trainers with the applicable licenses or permits.

### 317.10 CANINE OPERATIONAL MANUAL

As a supplemental document to this policy, the Canine Operational Manual has been developed to provide further assistance in the management and operations of the Canine Unit.

Click here to review the K9 Manual

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# Domestic Violence

## 319.1 PURPOSE AND SCOPE

The Vancouver Police Department recognizes domestic violence as a serious crime against society, stresses enforcement of criminal laws related to domestic violence, places a priority on protection of domestic violence victims and provides victims with information on the availability of civil remedies and community resources.

Refer also to Policy 1049 for reports and incidents of Domestic Violence involving Law Enforcement employees.

### 319.1.1 DEFINITIONS

Definitions related to this policy include:

**Bodily Injury** (RCW 10.31.100): Physical pain, illness or an impairment of physical condition.

**Dating Relationship** (RCW 26.50.010): A social relationship of a romantic nature. Factors that the court may consider in making this determination include: (a) The length of time the relationship has existed; (b) The nature of the relationship; and (c) The frequency of interaction between the parties.

**Domestic Violence** (RCW 26.50.010): (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (b) Sexual assault of one family member or household member by another; or (c) Stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.

**Domestic violence** includes, but is not limited to, the following crimes when committed by one family or household member against another, RCW 10.99.020:
1. Assault in the first, second, third and fourth degree (RCW 9A.36.11 to 36.41).
2. Drive-by shooting (RCW 9A.36.045).
3. Reckless endangerment (RCW 9A.36.050).
4. Coercion (RCW 9A.36.070).
5. Burglary in the first and second degree (RCW 9A.52.020 and.030).
6. Criminal trespass in the first and second degree (RCW 9A.52.070 and.080).
7. Malicious mischief in the first, second and third degree (RCW 9A.48.070 to.090).
8. Kidnappings in the first and second degree (RCW 9A.40.020 and.030).
9. Unlawful imprisonment (RCW 9A.40.040).
10. Violation of the provisions of a restraining order, no-contact order, or protection order (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.44.150, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or 74.34.145).
11. Rape in the first and second degree (RCW 9A.44.040 and.050).

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12. Residential burglary (RCW 9A.52.025).
13. Stalking (RCW 9A.46.110).
14. Interference with the reporting of domestic violence (RCW 9A.36.150).

**Essential Personal Effects** (RCW 26.50.010): Items necessary for a person's immediate health, welfare, and livelihood. Essential personal effects include but are not limited to: clothing for approximately 72 hours, cribs, bedding, documents, medications, and personal hygiene items.

**Family or Household Members** (RCW 26.50.010): Spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

**Self-Defense** (RCW 9A.16.020): Force used by a party about to be injured, or by another lawfully aiding him or her, in preventing or attempting to prevent an offense against his or her person, or a malicious trespass, or other malicious interference with real or personal property lawfully in his or her possession, in case the force is not more than is necessary.

## 319.2 POLICY

The Vancouver Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. This policy provides law enforcement officers with guidelines for enforcement of criminal laws related to domestic violence.

Vancouver Police Officers are expected to do the following:

1. Promote the safety of law enforcement personnel responding to incidents of domestic violence.
2. Establish arrest and prosecution as a preferred means of police response to domestic violence.
3. Respond to a report of domestic violence even if the call is canceled.
4. When probable cause exists, effect an arrest of the primary physical aggressor as required by law and this policy.
5. Enforce mandatory arrest laws for any violation of permanent, temporary, or emergency orders of protection (RCW 10.31.100 and 10.99.055).
6. Afford protection and support to adult and child victims of domestic violence.
7. Provide victims or witnesses of domestic violence with support and assistance through cooperative efforts with community stakeholders in order to prevent further incidents.

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### 319.3 OFFICER SAFETY

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

### 319.4 ENFORCEMENT OF DOMESTIC VIOLENCE LAWS

The primary duty of police officers when responding to a domestic violence situation is to enforce the laws allegedly violated and to protect any potential victim. When responding to a domestic violence call, officers shall:

1. Take reasonable measures to assure there are two officers at the scene and will not disregard or cancel the call for an assist officer.
2. Conduct an assessment for any possible injuries sustained during any type of altercation or assault. Ensure appropriate medical attention is provided if the officer believes it is necessary or the complainant claims injury or requests medical attention, whether an injury is visible or not.
3. Ensure the crime scene is safe/secure and all evidence is collected.
4. Ensure a thorough investigation is conducted, including the use of all required forms in the Domestic Violence (DV) Packet; DV Report, DV Victim Notification Form, Medical Release Form, DV Victim Statement (Smith Affidavit)
    (a) If necessary, due to a language barrier, provide an interpreter or form in the victim's own language.
    (b) If the victim is unable to complete the Smith Affidavit, provide assistance.
    (c) Review the Smith Affidavit to ensure it is complete and legible, and they are aware of all the information the victim includes in the form. If possible, the officer shall review the Smith Affidavit at the scene.
5. Seek out information on existing restraining and/or protective orders.
6. If probable cause exists that a violation of a valid protection order has occurred, make a physical arrest. Officers will not ask the victim if he/she wants the offender to be arrested.
7. If probable cause exists,enforce mandatory arrest laws consistent with (RCW 10.31.100) and (RCW 26.50.010) and the officer believes that:
    (a) A felonious assault has occurred;
    (b) An assault has occurred which resulted in bodily injury to the victim, whether the injury is observable by the Officer or not;
    (c) Any physical action has occurred which was intended to cause another person to reasonably fear imminent serious bodily injury or death (RCW 10.31.100(2)c).

Officers are strongly encouraged to effect an arrest when probable cause exists in these circumstances even if it is outside of the four hour mandatory arrest period.

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1. If probable cause exists and the alleged offender has left the scene, search the area and attempt obtain information as to the location of the suspect. Make every reasonable attempt to locate and arrest the suspect.
2. If the suspect is not located, issue a crime broadcast via MDC and complete a BOLO to other law enforcement that may later contact the suspect that there is probable cause to arrest.
    (a) Shift Supervisor will take the completed BOLO and e-mail it to dispatch and confirm it was received.
    (b) The investigating officer must submit the Probable Cause Statement and Booking Form to records.

## 319.5 SAFETY OF THE VICTIM

Officers shall ensure that procedures are followed relating to victim safety and protection in accordance with RCW 10.99.030. Officers will ensure that the victim receives a DV Victim Notification Form containing the language specified in RCW10.99.030(7) and providing information regarding the following:

1. All reasonable means to prevent further abuse.
2. The availability of contacting the 24 hour DV hotline advocate.
3. The availability of confidential transportation to a safe house, shelter or any other location that may provide greater victim safety and confidential victim advocacy.
4. Procedures for obtaining restraining and/or protection orders and victim's rights.
5. Judicial process and victims' rights following arrest.
6. Community resources and local domestic violence victim advocacy organizations.
7. Victim Information Network Everyday (VINE).

## 319.6 DISPATCH RESPONSIBILITIES

CRESA policy provides that Dispatchers shall handle domestic violence calls as they would any other crime. However, the relationship between the victim and accused creates additional responsibilities.

1. Dispatchers shall not cancel a law enforcement response at the request of the victim, as reporting is mandatory, regardless of victim's changing feelings.

2. When speaking to the victim of domestic violence, no dispatcher will discuss the victim’s desire to “press charges/drop charges” or “prosecute.” Any comment or statement which seeks to place the responsibility for enforcement actions with the victim is inappropriate.

## 319.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it

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reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18USC§ 2265). An otherwise valid out-of-state court order shall be enforced regardless of whether the order has been properly registered with this state.

### 319.8 ENFORCEMENT OF RESTRAINING ORDERS

Officers shall enforce an order issued by any court restricting a defendant's ability to have contact with a victim by arresting and taking the defendant into custody when the officer has probable cause to believe the defendant has violated the terms of that order (RCW 10.99.055). Officers must verify the existence of a protection or restraining order and its service prior to arrest. A detention may occur based on reasonable suspicion.
Orders can be verified by:

1. A proof of service attached to the victim's copy of the order showing service on the defendant.
2. Washington Crime Information Center (WACIC) check.
3. Contacting the law enforcement agency in the jurisdiction where the order was issued.
4. Contacting the Court Clerk's office.
5. Determining the defendant has knowledge of the order (RCW 10.31.100(2)(a)):

    (a) No proof of service is required for No Contact Orders as the defendant's presence is required at the time of issue.
    (b) If the order has been served, but neither the victim nor the defendant has a copy reflecting the terms of the order, request that dispatch check the terms.

If the order is not verifiable:

1. The order shall not be enforced and the victim should be advised to contact the court that issued the order, or the attorney who drafted the order.
2. Arrest the suspect if probable cause exists that a separate crime has been committed.
3. A report should be made including the disposition.

Officers should contact a supervisor for clarification when needed.

### 319.9 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

(a) The primary duty of officers when responding to a domestic violence situation is to enforce the laws allegedly violated and to protect the complaining party (RCW 10.99.030(5)).

(b) When an officer responds to a domestic violence call and has probable cause to believe that a crime has been committed, he/she shall make an arrest pursuant to the criteria in RCW 10.31.100 and RCW 10.99.030(6)(a).

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(c) When an officer has confirmed a valid court order exists and has probable cause to believe the defendant has violated that order, the officer shall make a physical arrest (RCW 10.99.055; RCW 10.31.100(a)(b)). Whenever a member of this department serves or assists in serving a court order and that service is completed, a return of service form shall be completed and submitted to the Washington Crime Information Center (WACIC).

### 319.9.1 MANDATORY ARRESTS

Once a suspect has been arrested, he/she shall be taken to jail. If the suspect cannot be taken to jail due to a medical condition, the officer shall take the suspect to the hospital and request notification of the suspect's discharge from the hospital.

When an arrest cannot be made due to lack of probable cause that a crime has been committed, the officer shall do the following (RCW 10.99.030):

1. Provide a Vancouver Police Department DV Victim Notification Form.
2. Explain to the complainant why an arrest is not being made.
3. Advise the complainant of his/her rights and explain the procedures for filing a criminal complaint and advise the complaining party of the importance of preserving evidence.
4. Encourage the complainant to contact the local domestic violence service provider for information regarding counseling and other services.
5. Stand-by, upon request, while the complainant gathers their essential personal effects for a short term absence from the home.
6. Offer, facilitate, or arrange transportation for the victim to a hospital for treatment of injuries or to a place of safety or shelter.

To ensure the proper charge is being filed on a No-Contact Order violation, officers will be required to conduct a criminal history of the arrestee. A review of the arrestee's criminal history is necessary to determine whether a felony referral is appropriate.

1. The arresting officer will contact the Records Division and request a criminal history of the arrestee as part of their criminal investigation.
2. The officer will be advised if the arrestee has two or more Domestic Violence court order convictions and will book for the appropriate charge.

**See attachment: 319 Vancouver Police Training Bulletin 15-004.pdf**

### 319.9.2 DUAL ARRESTS

Dual arrests in domestic violence cases should only be made in cases where there is probable cause to arrest both parties, the investigation reveals both parties used violence, neither party was found to be acting in self-defense, and neither party was found to be the primary physical aggressor.

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When determining who the primary aggressor is, officers should take the following into consideration:

The primary aggressor is the person who poses the most serious ongoing threat considering:

1. The intent of the law to protect victims of domestic violence from continuing abuse.
2. The comparative extent of injuries inflicted or serious threats creating fear of physical injury.
3. The history of domestic violence between the persons involved.

Dual arrests in domestic violence cases are strongly discouraged unless absolutely necessary.

319.9.3 REMOVAL OF A SUSPECT
If there is no court order in effect, and an arrest is not made, officers may request a person who is not in lawful possession of the premises to leave when:

1. The complainant is in lawful possession of the premise (as exhibited by rent receipts, lease, deed, verification by apartment manager, etc.); and
2. The complainant has requested the person leave the premises and the person has not established residency.

If one party leaves, the officer should stand by until the involved party removes essential personal effects. Officers will not assist or participate in the division of property. Such civil standbys should be limited to a reasonable amount of time.

If a suspect who has not established residency does not leave upon request, an arrest may be made for criminal trespass.

If the complainant requesting removal of the suspect cannot show proof of lawful possession, the officer should refer the complainant for a Protection Order or other appropriate civil remedy.

## 319.10 REPORTS AND RECORDS

Officers responding to a domestic violence call shall take a complete offense report, including the disposition of the case (RCW 10.99.030(b)).

(a) All such reports should be documented under the appropriate crime classification and should use the distinction "Domestic Violence" in the Type of Crime box of the crime report form (RCW 10.99.030(11)).

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(b) Whenever there is probable cause to believe a crime has been committed and unless the case is under active investigation, the Domestic Violence Prosecution Center Supervisor shall ensure all domestic violence crime reports are forwarded to the Clark County Prosecutor's Office within 10 days of the date the incident was reported (RCW 10.99.030(9)).

(c) The Vancouver Police Department shall ensure accurate records of domestic violence incidents are maintained and submitted to the Washington Association of Sheriffs and Police Chiefs (WASPC) in accordance with state law (RCW 10.99.030(12)).

### 319.10.1 REPORTING OF DOMESTIC VIOLENCE

A thorough report must be completed for all calls involving domestic violence. The report and (DV Packet when appropriate) shall include as much of the following information as possible:

1. A description of how the incident was reported or came to the attention of law enforcement, including the name of the individual who reported the incident, if applicable, and how they were involved.
2. Identify witnesses and document statements.
3. Identification of the relationship between the domestic violence suspect and victim.
4. A description of the nature of the argument and the emotional states of both the victim and the suspect.
5. Whether alcohol or drugs appear to have been involved.
6. Documentation of any domestic violence history reported by the parties, including the severity and frequency.
7. A description of the officer's observation of injuries on both the victim and the suspect as well as the location of those injuries and documentation of whether medical treatment was offered and/or received. If medical treatment was received, a description of the type of treatment.
8. A description of the action taken by the officer, including law enforcement action taken and victim assistance provided.
9. Documentation of any evidence that would tend to establish a crime has been committed, including a description of any weapons.
10. Whether either party acted in self-defense.
11. Whether there was an existing protection or restraining order.
12. An explanation as to why an arrest was not made if applicable.
13. The name of a contact person to locate the victim.
14. Required forms including the "Domestic Violence Report," "Domestic Violence Victim Notification," "Medical Release Forms," and the "Domestic Violence Victim Statement" (Smith Affidavit).
15. All such reports shall be documented under the appropriate crime classification and, in the Type of Crime box of the crime report form, the distinction "Domestic Violence" shall be made and Domestic Disturbance Reports should be sent to the DVPC.

Reporting officers should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence pamphlet provided to the victim.

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319.10.2 REPORTING OF DOMESTIC DISTRUBANCES (VERBAL INCIDENTS)
Verbal domestic disturbances will be documented in the appropriate police report. In cases in which there is an allegation of a crime by either party or the investigating officer determines that a crime has occurred, a GO must be completed. The report shall include as much of the following information as possible:

a. Establish if a DV relationship exists and if so, what is the relationship.
b. Confirm that no crime(s) have been reported and no orders are in place.
c. Identify any witnesses and document their statements.
d. Describe the nature of the argument, the emotional state of both parties and whether any party is in fear.
e. State whether alcohol or drugs appear to have been involved.
f. Provide a description of the action taken by the officer and victim assistance provided.
g. Document that a DV pamphlet was given, or at least offered and refused.
h. Include other factors that appear important and would be good to know later: belligerent towards police, weapons in house, etc.
i. Document history of verbal DV, if a history exists.

## 319.11 EVIDENCE

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

1. All visible injuries should be photographed regardless of severity, and all victims shall receive proper medical care if needed or desired. Victims whose injuries are not visible at the time of the incident shall be advised to contact a Domestic Violence Prosecution Center (DVPC) investigator or an on duty officer in the event they become visible. An investigator may be assigned to ensure the injuries are photographed during the course of preparing the case for court.

2. All injuries, whether observable or not, should be documented in the incident report. The emotional demeanor of the victim and suspect shall also be included.

3. Officers should ensure the crime scene is photographed.

4. Officers shall collect and submit all physical evidence that substantiates the victim’s injuries and/or the crime charged (e.g., weapons, torn clothing, broken items). If officers are unable to collect the evidence, they shall take photographs.

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# Search and Seizure of Property and Persons

## 321.1 PURPOSE AND SCOPE

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

## 321.2 POLICY

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

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

## 321.3 SEARCHES

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

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

- Valid consent
    - The officer shall provide a juvenile with access to an attorney for consultation before asking a juvenile to provide consent to an evidentiary search of the juvenile or the juvenile's property, dwellings, or vehicles under the juvenile's control.
- Incident to a lawful arrest
- Terry stops
- Legitimate community caretaking interests
- Exigent circumstances
- Plain view

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

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

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by case law. VPD members must read and be familiar with Department memoranda and bulletins concerning search and seizure.

### 321.4 SEARCH PROTOCOL

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

1. Members of this Department will strive to conduct searches with dignity and courtesy.
2. Officers should explain to the person being searched the reason for the search and how the search will be conducted.
3. Searches should be carried out with due regard and respect for private property interests and a reasonable effort should be made to minimize damage.
4. When the person to be searched is of the opposite gender, or makes it known they identify as the opposite gender as the searching officer, if necessary and practical, a reasonable effort should be made to summon an officer of the same gender as the subject identifies to conduct the search. When it is not practicable to summon an officer of the same gender as the subject, or as the subject identifies, the following guidelines should be followed:
    (a) Another officer or a supervisor should witness the search.
    (b) The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon or contraband.

### 321.5 SEIZURE OF PERSONS

When making an arrest, officers will thoroughly search arrested persons and will immediately take possession of all discovered weapons, potentially hazardous items and evidence. An officer making a decision to book an arrested person will transport the person or cause the person to be transported to the jail as soon as reasonable under the circumstances.

The Department precincts have temporary holding/interview rooms which are provided for the comfort, safety and security of police personnel, police facilities and arrested persons held for interrogation, release by citation and other situations.Refer to *Policy 323 Temporary Custody of Juveniles for detaining juveniles*.

1. Persons being held in a temporary holding/interview room will be closely monitored by an officer, provided access to restrooms in a timely manner and will also be provided access to water.
2. Supervisory notification should be made for any person being held for longer than 2 hours.
3. No person should be held longer than 4 hours, unless reasonable under the circumstances with supervisory approval.

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### 321.6 SEIZURE OF PROPERTY

The seizure of property shall be consistent with law and current established departmental procedures.

### 321.7 DOCUMENTATION

Officers are responsible to document any search when property is seized and/or an arrest is made, and to ensure any required reports are sufficient including, at minimum, documentation of the following as applicable:

(a) Reason for the search.

(b) In the event of forcible entry, document efforts used to minimize the intrusiveness of the search and steps taken to secure property as applicable.

(c) Description of any injuries or damage that occurred.

(d) A description of any property seized, who possessed it (if known) and the location it was seized. This may be accomplished by the entry of the item into the RMS evidence system.

(e) Officers who transport a person who has been detained / arrested must document the custodial transport with a report or supplemental report. The report should include where the person and his / her effects were transported from and where the transport concluded.

Supervisors shall review reports as a part of the report approval process in the Department RMS subject to VPD Policy 343 Report Preparation.

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# Temporary Custody of Juveniles

## 323.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Vancouver Police Department (42 USC § 5633).

### 323.1.1 DEFINITIONS

Definitions related to this policy include:

**Custodial interrogation** - express questioning or other actions or words by a law enforcement officer which are reasonably likely to elicit an incriminating response from an individual and occurs when reasonable individuals in the same circumstances would consider themselves in custody. RCW 10.122.020

**Juvenile** - any individual who is under the chronological age of 18 years RCW 13.40.740

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

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

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

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

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

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

## 323.2 POLICY

The Vancouver Police Department is committed to protecting the rights of juveniles and releasing them from temporary custody as soon as reasonably practicable and keeping juveniles safe while

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they are in the custody of the Vancouver Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

## 323.3 JUVENILES WHO SHOULD NOT BE HELD

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

(a) Unconscious

(b) Seriously injured

(c) A known suicide risk or obviously severely emotionally disturbed

(d) Significantly intoxicated

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

## 323.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Vancouver Police Department when there is no other lawful and practicable alternative to temporary custody.

No juvenile should be held in temporary custody at the Vancouver Police Department without authorization of the arresting officer's supervisor or the Shift Sergeant.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the Vancouver Police Department (42 USC § 5633; RCW 13.04.116(b)).

### 323.4.1 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released with a warning or released with the charge referred to the prosecutor's office. However, officers may take protective custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to a location to await a parent). Juvenile status offenders will not be held in secure custody (42 USC § 5633).

### 323.4.2 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Vancouver Police Department unless another form of custody is necessary due to exigent circumstances.

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

(a) Pursuant to a court order or warrant.

(b) If arrested for a crime (not a status offense).

(c) When his/her parole/probation has been suspended.

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When a juvenile offender is taken into custody, the officer should attempt, as soon as practicable, to notify the juvenile's parent, guardian or a responsible relative that the juvenile is in custody. This advisement can also be satisfied at the time of booking into the Juvenile Detention Hall by detention staff.

## 323.5 JUVENILE ACCESS TO AN ATTORNEY

Pursuant to RCW 13.40.740, law enforcement shall provide a juvenile with access to an attorney for consultation, which may be provided in person, by telephone, or by video conference, before the juvenile waives any constitutional rights if an officer:

(a) Questions a juvenile during a custodial interrogation;

(b) Detains a juvenile based on probable cause of involvement in criminal activity; or

(c) Requests the juvenile provide consent to an evidentiary search of the juvenile or the juvenile's property, dwellings, or vehicles under the juvenile's control.

## 323.6 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between any juvenile and adult who are in custody while in a VPD facility. There should also be sight and sound separation between any non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur, a member of the Vancouver Police Department shall maintain a constant, immediate presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

## 323.7 TEMPORARY CUSTODY REQUIREMENTS

Officers assigned to monitor any juvenile at the Vancouver Police Department shall ensure the following:

(a) The Shift Sergeant should be notified if it is anticipated that a juvenile may need to remain at a Vancouver Police facility more than four hours. This will enable the Shift Sergeant to ensure no juvenile is held for more than six hours.

(b) Juveniles shall have reasonable access to a restroom.

(c) Juveniles shall have reasonable access to a drinking water.

(d) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special dietary restrictions.

(e) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed of restrained in any way.

(f) Any significant incident/activities shall be documented and a supervisor notified.

### 323.7.1 NON-SECURE JUVENILE DETENTION LOG

See attachment: Policy 323 VPD Non-Secure Custody of Juveniles Log.pdf

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When any juvenile is held in a non-secure detention status at any Vancouver Police facility, a Non-Secure Juvenile Detention Log shall be completed by the officer responsible for detaining the juvenile.The officer or supervisor should forward the completed and signed log to the Professional Standards Unit's Audit Sergeant for records documentation.

This log is only required if the juvenile is brought inside and detained within a Vancouver Police facility.

### 323.8 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with Department Policy.

### 323.9 PERSONAL PROPERTY

The officer taking custody of a juvenile non-offender or status offender at the Vancouver Police Department shall ensure a thorough search of the juvenile's property is made.For community caretaking purposes, all property is removed from the juvenile, especially items that could compromise safety, such as pens, pencils and belts.

### 323.10 SECURE CUSTODY

Secure custody should only be used for juvenile offenders who are under arrest or when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others. If a juvenile must be placed in secure custody, the officer must transport them directly to the Juvenile Detention Facility or have them transported to a medical facility pursuant Emergent Detentions. No juveniles are to be placed into secure custody while in any Vancouver Police facility.

### 323.11 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

Interviews and interrogations of juveniles shall conform to the requirements of law, specifically RCW 13.40.740 and RCW 10.122.

### 323.12 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

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

### 323.13 RELEASE OF INFORMATION CONCERNING JUVENILES

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

#### 323.13.1 RELEASE OF INFORMATION PURSUANT TO WASHINGTON LAW

Juvenile records are confidential and may be released only as provided in law and Department policy.

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# Vulnerable Adult Abuse

## 325.1 POLICY

The Vancouver Police Department shall investigate reported incidents related to vulnerable adults and ensure proper reporting and notification as required by law.

## 325.2 MANDATORY NOTIFICATION

Members of the Vancouver Police Department shall notify the Washington State Department of Social and Health Services (DSHS) when there is reasonable cause to believe that abandonment, physical, mental, or sexual abuse, financial exploitation, assault, neglect, or harassment of a vulnerable adult has occurred.

The medical examiner or coroner shall also be notified when there is reason to suspect that the death of a vulnerable adult was caused by abuse, neglect or abandonment by another person.

### 325.2.1 NOTIFICATION PROCEDURE

The duty to file a mandatory report can be satisfied by an external routing on reports to Adult Protective Services and/or by calling Adult Protective Services' Central Intake Hotline.

## 325.3 INTERVIEWS

When practicable and the victim is and reasonably should be expected to be safe, Officers should forward their reports to the Elder Justice Center detective(s) for interviews and extensive investigation.

If an officer has reasonable cause to believe that a victim presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled, the officer may take the person into emergent detention pursuant VPD policy and RCW.

## 325.4 TRAINING

The Department Training Unit provides training on patrol response to vulnerable adult abuse incidents.

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# Discriminatory Harassment

## 327.1 PURPOSE AND SCOPE

The guidelines outlined in this policy are intended to prevent Department members from being subjected to discrimination or harassing behavior and to ensure full equal employment opportunity, in conformance with Title VII of the Civil rights Act of 1964 and other applicable laws and regulations.

## 327.2 POLICY

The Vancouver Police Department is committed to providing a work environment free from harassment by any individual. Employees have a responsibility to assist in this commitment by treating every person with respect and by reporting incidents of harassing behavior.

Discriminatory and harassing conduct directed at an individual because of his or her race, religion, color, national origin or ancestry, pregnancy, military status, age, gender, sexual orientation, marital status, genetic information, and/or the presence of any physical or mental disability and/or any other status protected by law is strictly prohibited. Any conduct which may be construed as retaliation against an individual because he/she made a complaint of harassment is also strictly prohibited.

## 327.3 INAPPROPRIATE CONDUCT

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

### 327.3.1 HARASSMENT

As a general rule, harassing conduct includes behavior that is demeaning, insulting, offensive or intimidating. It can include verbal conduct such as unwanted sexual or racist comments; non-verbal behavior; and physical behavior such as pats, squeezes or brushing against someone’s body. The conduct will be harassing and a violation of this policy if it is offensive or unwelcome, even if the conduct was not intended to be harassing.

There is an endless list of behaviors that may be unwelcome, demeaning, insulting, or offensive and lead to a complaint or harassment. Some examples are:

1. Demeaning, insult, intimidating, or sexually suggestive written, recorded or electronically transmitted messages;

2. Using demeaning or inappropriate names or labels that other find offensive;

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3. Making vulgar comments, using profane language, using indecent gestures or discussing sexual activities;

4. Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances, or propositions;

5. Verbal abuse of any kind;

6. The display of demeaning, insulting or sexually suggestive objects or pictures, including nude photographs;

7. Sabotaging work, assigning only demeaning work or refusing to provide critical job related information;

8. Laughing at, ignoring, or not taking seriously an employee who experiences or complains of harassment;

9. Blaming victims of harassment for causing the problem; or

10.Continuing offensive behaviors after an employee has objected to that behavior.

The following behaviors are not considered harassing: Bona fide requests or demands by a supervisor that the employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with City or Department rules or regulations, or any other appropriate work related communication between supervisor and employee.

### 327.3.2 SEXUAL HARASSMENT

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

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment position or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, abusive, or offensive work environment.

### 327.3.3 RETALIATION

Any action taken to punish an individual for making a complaint of harassment or to obtain revenge for making the complaint is retaliation, even if the complaint is unfounded. As with harassing conduct, there are many behaviors which may be considered retaliation if taken for the wrong reason. Examples of retaliatory conduct include:

1. Harassing, insulting or intimidating an employee in any way;

2. Take unjustified disciplinary action;

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3. Directly or indirectly encouraging others to retaliate against an individual who has made a complaint of harassment; or

4. Taking any action which is detrimental to the employee's job such as a demotion, a poor performance evaluation, a decrease in pay, sabotaging work, assigning demeaning work, or making it difficult for the employee to perform job duites.

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

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the Washington State Human Rights Commission.

(b) Bona fide requests or demands by a supervisor that an employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with City or Department rules or regulations, or any other appropriate work-related communication between supervisor and employee.

## 327.4 EMPLOYEE RESPONSIBILITIES
All employees are required to comply with the following expectations:

1. Employees are expected to treat every individual with respect and to refrain from any harassing or retaliatory behavior.

2. All employees are encouraged to report any observed or known violations of this policy to a supervisor. Employee (s) not comfortable with reporting violations of this policy to their immediate supervisor may bypass the chain of command and report it to a higher ranking officer. Complaints may also be filed with the Human Resources or the Professional Standards Unit.

## 327.5 SUPERVISOR RESPONSIBILITES
Supervisors and managers will be proactive in identifying behavior that may constitute harassment or retaliation, will take any complaint or harassment seriously, and will take prompt and effective action to assure that any harassing, offensive or retaliatory conduct stops and does not recur. All complaints or discrimination or harassment shall be fully documented, and promptly and thoroughly investigated.

Individual employees may be held personally liable for engaging in harassing behavior or failing to take action to stop harassing behavior.

## 327.6 RESOLUTION OF HARASSMENT ISSUES AND COMPLAINTS
Various methods of resolution exists to stop harassing behavior.

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### 327.6.1 EMPLOYEE RESOLUTION

Whenever possible, employees who believe they are experiencing discrimination and/or harassment are encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or highly inappropriate.

### 327.6.2 SUPERVISORY RESOLUTION

If an employee is unable to resolve the concern or if an employee feels uncomfortable, threatened, or has difficulty expressing his/her concern, assistance or counseling should be sought from a supervisor or manager.

### 327.6.3 FORMAL INVESTIGATION

At any time, an employee may initiate a formal complaint of harassment by contacting a supervisor, manager, Human Resources or PSU. All potential policy violations are reviewed and/or investigated in accordance with the policy and procedures relating to Internal Affairs investigations.

During the pendency of any such investigation, the Department will take reasonable steps to mitigate or eliminate any continuing hostile work environment.

## 327.7 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be documented as required by the Department's Internal Affairs Policy.

## 327.8 EQUAL OPPORTUNITY EMPLOYMENT COMPLAINTS

No provision of this policy shall be construed to prevent any employee from seeking legal redress outside the Department. Employees who believe they have been harassed or discriminated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Employees are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

## 327.9 TRAINING

The Department provides on-going training on the definition of harassment, appropriate workplace behavior, policies on the prevention of harassment, procedures for complaining about and resolving harassment problems that arise and employee responsibilities for preventing harassment in the workplace. In addition, supervisors and managers are required to attend periodic training on identifying, preventing and responding to complaints of harassment and retaliation.

## 327.10 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT

Members with questions regarding discrimination or sexual harassment are encouraged to contact a supervisor, manager, the Chief of Police, Human Resources, the City Manager, or they may contact the Washington State Human Rights Commission at 800-233-3247.

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# Child Custody Disputes

## 328.1 PURPOSE

The Vancouver Police Department enforces many of the provisions outlined in restraining/ protection orders. However, civil orders involving child custody require specific consideration. For this reason, information set forth in this policy is intended to guide our agency through these often difficult circumstances.

## 328.2 WRIT OF HABEAS CORPUS - DEFINED

Generally, a Writ of Habeas Corpus refers to a legal petition used to bring a person or detainee before the court to determine if the person's imprisonment, detention or custody is lawful. In regard to child custody disputes, a person (usually a parent) may bring an action in habeas corpus to seek custody of a minor child. When issued, a Writ of Habeas Corpus will direct law enforcement to take the child and bring him or her before the court to be dealt with according to the law. In Clark County, Washington, the Clark County Sheriff's Office (CCSO) serves and follows-up on all Writs of Habeas Corpus for children.

## 328.3 CUSTODIAL ISSUES AND COURT ORDERS

If the enforcement of restraining/protection orders creates circumstances requiring the transfer of child custody, then Child Protective Services will be notified. Vancouver Police Officers will avoid conducting child custody transfers in the field, if feasible.

The Vancouver Police Department will not enforce civil orders such as divorce decrees. parenting plans, custody or visitation orders. A child shall not be forcibly removed by law enforcement solely on the authority of these civil orders.

Officers will keep in mind that the welfare of the child is paramount and will assess any imminent harm or danger to the child. Any situations of possible custodial interference will be documented in a report and forwarded to the Domestic Violence Prosecution Center (DVPC) for follow-up. See RCW 9A.40.060 (070, 080) - Custodial Interference for further information.

### 328.3.1 FOREIGN / OUT-OF-JURISDICTION ORDERS

After the initial investigation on scene where reports are generated and completed, all follow-up of foreign or out-of-jurisdiction orders will be conducted by the DVPC and/or the CCSO Child Recovery Unit.

## 328.4 CONSULTATION

When appropriate, Officers and first line supervisors should consult with the City Attorney's Office or Clark County Prosecutors Office prior to enforcing court ordered child custody issues.

After business hours assistance should be handled by contact with the DVPC supervisor.

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### 328.5 WRIT OF HABEAS CORPUS PRESENTED TO LAW ENFORCEMENT PERSONNEL

When an attorney, parent or legal guardian contacts an officer with a Writ of Habeas Corpus and there is not probable cause to believe the child is being abused or neglected or that the child would likely be injured physically or sexually, the following will occur:

A. The officer will notify their supervisor.

B. The child will not be given to the person(s) with the Writ of Habeas Corpus based upon that fact alone. Instead they will be referred to the CCSO, Civil Department, during normal business hours.

C. If VPD officers are contacted concerning the service of a Writ of Habeas Corpus for a child, officers shall direct the party to the Clark County Sheriff's Office. The Clark County Sheriff's Office follows up on all Writs of Habeas Corpus for children within Clark County.

D. The officer will complete an information report, documenting what occurred, to include taking any documents needed to accompany the report. This report should be routed to the DVPC and CCSO Child Recovery Unit, in addition to any other investigatory notifications that are necessary.

### 328.6 PHYSICAL SEIZURE OF A CHILD

For the purposes of this section, a child may only be physically seized by law enforcement officers in the following circumstances:

A. The child is at risk, RCW 26.44.050. A child may only be taken into custody under this statute as follows:

1. A law enforcement officer may take, or cause to be taken, a child into custody without a court order if there is probable cause to believe that taking the child into custody is necessary to prevent imminent physical harm to the child due to child abuse or neglect, including that which results from sexual abuse, sexual exploitation, or a pattern of severe neglect, and the child would be seriously injured or could not be taken into custody if it were necessary to first obtain a court order pursuant to RCW 13.34.050.

2. If the child is taken into police protective custody, the child shall be transferred to the custody of Child Protective Services.

3. The parents should be advised that the child will remain with Child Protective Services pending a court hearing.

B. Based on a Juvenile Court pick-up order, RCW 13.34.050

C. Writ of Habeas Corpus, RCW 7.36. VPD officers should contact the CCSO Child Recovery Unit if presented with a Writ of Habeas Corpus.

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# Child Abuse

## 329.1 PURPOSE AND SCOPE

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

### 329.1.1 DEFINITIONS

Definitions related to this policy include:

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

**Abuse / Neglect** - sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section. (RCW 26.44.020(1))

**CJC** – Children’s Justice Center

## 329.2 POLICY

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

## 329.3 MANDATORY NOTIFICATION

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

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

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

or cause CPS to be notified

### 329.3.1 NOTIFICATION PROCEDURE

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

(a) In emergency cases, notification to CPS should be made immediately when the child's welfare is endangered but in all such cases within 24 hours.

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(b) In non-emergency cases, notification to CPS shall be made within 72 hours after a report is received.

(c) Notification, must contain the following information, if known (RCW 26.44.040):

1. The name, address and age of the child.
2. The name and address of the child's parents, stepparents, guardians or other persons having custody of the child.
3. The nature and extent of the alleged injury or injuries.
4. The nature and extent of the alleged neglect.
5. The nature and extent of the alleged sexual abuse.
6. Any evidence of previous injuries, including the nature and extent of the injury.
7. Any other information that may be helpful in establishing the cause of the child's death, injury or injuries, and the identity of the alleged perpetrator or perpetrators.

## 329.4 QUALIFIED INVESTIGATORS

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

(a) Conduct the forensic interviews in child appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (RCW 26.44.180 et seq.)

## 329.5 PATROL INVESTIGATIONS AND REPORTING

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

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

a. The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.

b. Any relevant statements the child may have made and to whom he/she made the statements.

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c. If a child was taken into protective custody, the reasons, the name and title of the person making the decision.

d. Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable. Under no circumstances should photographs be taken, by law enforcement, of the child's genital area. Those photographs must be taken by the health care provider.

e. Whether the child victim was transported for medical treatment or a medical examination.

f. Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

g. Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

h. Each officer's role in handling cases and how he/she has coordinated with other local agencies or systems. (RCW 26.44.180 et seq.).

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

## 329.6 PROTECTIVE CUSTODY

If it is determined a child needs to be taken into protective custody, a supervisor shall be notified and the CPS hotline must be called for a social worker to respond. Law enforcement does not have the authority to transfer custody of a child. A report will be completed and forwarded to CPS.

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

(a) A court order has been issued authorizing the removal of the child.

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

### 329.6.1 SAFE HAVEN LAW

A parent is not guilty of abandonment when leaving a newborn 72 hours old or younger with a qualified person at the emergency department of a licensed hospital or a fire station while personnel are present (RCW 13.34.360). The qualified person shall notify CPS. CPS shall assume custody of the newborn.

## 329.7 INTERVIEWS

### 329.7.1 PRELIMINARY INTERVIEWS

The investigating patrol officer should attempt to gather, if possible from the victim, only the information necessary to begin an investigation. The patrol officer shall defer any in-depth or

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forensic interview with the victim to a specialty trained investigator from the CJC. While on scene a more detailed interview may be conducted with witnesses, medical staff, parents, or guardians.

### 329.7.2 FORENSIC INTERVIEWS

A forensic interview is a structured conversation with a child intended to elicit detailed information about a possible event(s) the child may have experienced or witnessed. These interviews are to only be conducted by trained CJC investigators. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

### 329.7.3 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

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

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the child need to be addressed immediately.
2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
4. CPS hotline must be called and a social worker respond.

(b) A court order or warrant has been issued.

### 329.7.4 TRAINING REQUIREMENT

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

## 329.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify CPS and a social worker will respond.

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## 329.9 DRUG-ENDANGERED CHILDREN

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

The investigating patrol officer should:

a. Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

b. Notify a supervisor to determine the need to activate any available interagency response when a child is present or there is evidence that a child lives at a drug lab or other narcotics crime scene.

c. Document the environmental, medical, social and other conditions of the child using photography and completing a thorough report.

## 329.10 STATE MANDATES AND OTHER RELEVANT LAWS

Washington requires or permits the following:

### 329.10.1 RELEASE OF REPORTS

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

### 329.10.2 ARREST WITHOUT WARRANT

When an officer responds to a call alleging that a child has been subjected to sexual or physical abuse or criminal mistreatment and has probable cause that a crime has been committed, or the officer responds to a call alleging that a temporary restraining order or preliminary injunction has been violated, he/she has the authority to arrest the person without a warrant (RCW 10.31.100; RCW 26.44.130).

### 329.10.3 CASE SUBMISSION TO PROSECUTOR

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

(a) A child has died or has had a physical injury.

(b) Injuries were inflicted upon a child other than by accidental means.

(c) A child has been subjected to alleged sexual abuse.

### 329.10.4 AGENCY COORDINATION

If this Department responds to a complaint of alleged child abuse and discovers that another agency has also responded to the complaint, this Department shall notify the other agency of

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its presence. The agencies shall coordinate the investigation and keep each other apprised of progress (RCW 26.44.035).

### 329.10.5 LOCAL CHILD ABUSE PROTOCOLS

The CJC Supervisor should ensure that local child abuse protocols for the investigation of child abuse are available to those same members who have a role in child abuse investigations (RCW 26.44.180 et seq.).

### 329.10.6 CONFLICT OF INTEREST IN INVESTIGATIONS

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

## 329.11 TRAINING

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

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# Child Abductions

## 330.1 PURPOSE AND SCOPE

The Vancouver Police Department investigates reports of child abductions in this jurisdiction. The Vancouver Police Department will assist other agencies with child abduction cases if requested.

This policy is a guide to the recovery of abducted children and is subject to change as investigative techniques and case law changes. Not all investigation strategies listed in this policy are mandatory. These investigation techniques should be considered and tailored towards what is necessary in the recovery of the abducted child.

This policy establishes guidelines and responsibilities regarding the response to child abductions.

## 330.2 INITIAL PATROL REPSONSE

### 330.2.1 PATROL OFFICER INITIAL RESPONSE

The responding officer should attempt to obtain permission to search the residence of reporting party and/or residence the child was last seen to verify the child is in fact missing and not hiding.

If it is determined that the disappearance is an abduction, the responding officer should determine the circumstances of the abduction. Information such as suspect description, victim description, suspect vehicle description, parental custody status, and the location the victim was last seen should be obtained.

For an AMBER Alert to be issued, the following information should be obtained:

a. Where the abduction took place.

b. Specific physical description of the child.

· Clothing worn when last seen

· Height

· Weight

· Age

· Hair length/color

· Skin/Eye color

· Additional distinguishing physical characteristics

c. A physical description of the abductor.

· Suspect clothing

· Height

· Weight

· Age

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· Hair length/color

· Skin/Eye color

· Additional distinguishing physical characteristics

d. Location last seen.

e. Suspect vehicle description.

· Make

· Model

· Year (approx. older or newer)

· Color

· License plate state/number

· Additional distinguishing physical characteristics

The responding officer shall contact an on-duty supervisor and have them respond to the scene.

The responding officer shall contact dispatch (CRESA) to broadcast information about the abduction to other patrol units and surrounding law enforcement agencies. This should include suspect/victim description, suspect vehicle description and any other information that may be pertinent. If enough information is available, the responding officer should issue a BOLO.

The responding officer should attempt to obtain a recent photograph of the abducted child for media release. Digital photographs are preferred if available.

#### 330.2.2 PATROL SUPERVISOR INITIAL RESPONSE

The on-duty supervisor shall respond and ensure resources are deployed as appropriate.

If the criteria is met for an AMBER Alert, the on-duty supervisor shall contact CRESA and have them issue an AMBER Alert per the instructions in the Public Alerts Policy.

Notify the District Lieutenant or Precinct Commander and contact the Digital Evidence Cybercrime Unit (DECU) supervisor for assistance.

The on-duty supervisor should contact the Public Information Coordinator (PIC) to address incoming media questions and release of information to the public as needed.

The on-duty supervisor should, if needed, contact Trauma Intervention Program (TIP) volunteers and have them respond to the scene.

### 330.3 INVESTIGATIONS RESPONSE

The primary DECU investigator will assign an Incoming Leads Team Leader, a MACE Missing/ Abducted Child Excel (MACE) Team Leader, and a Neighborhood Canvass Team Leader.

After AMBER alerts are issued and information is released to the media, a high volume of phone calls with potential leads are expected. In order to manage the incoming telephone leads, CRESA

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will provide phone lines to be utilized by VPD personnel. The Incoming Leads Team Leader will assign personnel to address incoming leads.

A command post should be established away from the area the abduction occurred and the missing child's residence.

A flyer with the abducted child's photograph should be generated for use during the neighborhood canvass.

Detectives/officers will be assigned to interview pertinent witnesses (e.g., family members, close associates, suspects). If interviews involve children witnesses, consider utilizing Child Justice Center (CJC) detectives.

A neighborhood canvass/search shall be performed. The Neighborhood Canvass Team Leader will supervise and address any questions concerning the search. Officers should document the address, who was contacted, and who else lives at each location.

An officer should be assigned as a family liaison to answer questions or concerns the family might have.

An officer should be assigned to video record the neighborhood the child is missing from. Focus should be made on vehicles in the neighborhood to include license plate numbers.

An officer should be assigned to locate nearby video surveillance (banks, ATMs, convenience stores, etc.) for possible leads. Seize video within 24 hours to prevent recording over.

In the case of suspected child abductions or mysterious disappearances of children, the federal kidnapping statute, 18 USC 1201, can be invoked and the FBI is authorized to immediately enter the investigation. The FBI National Center for the Analysis of Violent Crime (NCAVC) can provide assistance and resources if needed. Contact the local FBI office for these resources.

Consider the installation of recorders on all telephone lines coming into the missing child's residence as well as the ability to trap and trace incoming telephone calls. This could be important in the case of a ransom situation. The FBI can assist with this function.

Develop a detailed timeline of the missing child's known activities up to the time they were reported missing. Continue with timeline establishing when certain events are performed during the investigations. This timeline can be managed utilizing the MACE Application. VPD crime analysts also have the ability to provide this function.

If possible, seize and obtain consent to search for computers in the abducted child's residence for forensics.

Consider commercial garbage companies to coordinate trash dump of dumpsters.

### 330.3.1 INCOMING LEADS TEAM LEADER

The Incoming Leads Team Leader will manage all incoming leads coming in through CRESA. The Incoming Leads Team Leader will assign available Police Service Technicians (PST) to answer incoming telephone calls. If a PST is not available, officers can be utilized for this function.

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*Child Abductions*

Missing/Abducted Child Excel (MACE) Lead forms will be provided to call takers to document all incoming telephone leads. MACE Lead forms and instructions are attached to the appendix. After a telephone lead has been obtained, the Incoming Leads Team Leader will send the MACE Lead form to the MACE Team Leader at the command post.

### 330.3.2 MACE (MISSING/ABDUCTED CHILD EXCEL) TEAM LEADER

MACE is a spreadsheet application that will run on Microsoft EXCEL (which is the standard spreadsheet application on most computers with the Microsoft Office Suite). It is designed as a simple system for tracking leads and other investigative steps in a missing or abducted child case.

The MACE Application is the leads management system utilized by the FBI. Instructions on how to use MACE and the MACE Application spreadsheet are attached to the appendix.

The MACE Team Leader will assign a PST or an officer to manage the MACE Application. All leads shall be reviewed by the MACE Team Leader and entered into the MACE Application prior to being assigned as follow-up.

Once a lead is entered into the MACE Application, the MACE Team Leader will assign the lead to officers for investigation. After the lead has been investigated, the MACE Lead form will be provided back to the MACE Team Leader for closure or reassignment.

The MACE Team Leader will provide all MACE Lead forms to the case officer for review.

### 330.3.3 NEIGHBORHOOD CANVASS/SEARCH TEAM LEADER

The Neighborhood Canvass/Search Team Leader will manage a physical search effort for the missing child. Prior to conducting a neighborhood canvass, consideration should be given in utilizing a search dog. Pacific Crest Search Dogs can be utilized for this purpose. Contact information for Pacific Crest Search Dogs is listed under resources in this policy.

Responsibilities of the Neighborhood Canvass/Search Team Leader include:

a. Maintaining the Searcher Log which documents persons assigned to the search team.

b. Assigning areas to be searched by team members and documenting the areas searched and persons contacted on the Neighborhood Canvass Log.

c. Providing searchers with Neighborhood Canvass Forms.

d. Providing the MACE Team Leader with results of search for input into the MACE Application for proper documentation.

Search teams will consist of two officers on each team. These teams will be assigned to contact all residences in the neighborhood the child resides and was last seen. When contacting home owners, attempt should be made to obtain permission to search their residence. A Ferrier Warning should be provided when obtaining permission. In addition to searching the living areas of the residence, attic and crawl spaces should be searched. If permission is denied document the residence and who contact was made with if possible. If anything suspicious or unusual is observed at the residence, contact a DECU detective immediately.

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If a search is needed for wooded areas or bodies of water, contact the Clark County Sheriff's Office (CCSO) Search and Rescue for assistance via CRESA. CCSO will direct this search.

Neighbors on Watch (NOW) volunteers can be utilized to search wooded areas and with canvassing neighborhoods. NOW volunteers are not to be utilized in contacting home owners.

DECU Sex Offender Monitoring detective can provide sex offenders registered address for contact and search of residence.

Road blocks are not permitted in the state of Washington.

VPD Crime Analysts can generate neighborhood maps.

## 330.4 RESOURCES AND FORMS

**Pacific Crest Search Dogs**:

Sharon Ward (503) 704-2366 / pager (360) 690-0443

Kent Stuart (360) 567-8066 / pager (360) 690-6460

**FBI-Vancouver**: (360) 695-5661 during normal work hours.

**FBI-Seattle**: (206) 622-0460 after hours and weekends. They will contact Vancouver Special Agents.

**National Center for Missing and Exploited Children (NCMEC)**: 1-800-THE-LOST / (1-800-843-5678)

See attachment: 330 MACE Instructions.pdf

See attachment: 330 MACE Lead Sheet.pdf

See attachment: 330 MACE Leads EXCEL Spreadsheet.xlsx

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# Missing Persons

## 331.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

### 331.1.1 DEFINITIONS

Definitions related to this policy include:

**High risk** - This includes persons who:

(a) Are 12 years of age or younger.

(b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:

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

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

(a) Missing adult – A person 18 years of age or older, and whose absence is contrary to their normal pattern of behavior.

(b) Missing child – A person 17 years of age or younger and whose whereabouts are unknown to such individual’s legal custodian.

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

## 331.2 POLICY

The Vancouver Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Vancouver Police Department gives missing person cases priority over property-related cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

## 331.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Digital Evidence Cybercrime Unit (DECU) supervisor shall ensure the following forms and kits are developed and available:

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

## 331.4 ACCEPTANCE OF REPORTS

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

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

## 331.5 INITIAL INVESTIGATION

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

(a) Respond to a dispatched call as soon as practicable.

(b) Interview the reporting person and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

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(d) Broadcast a “Be on the Look-Out” (BOLO) bulletin if the person is under 18 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 18 years of age or may be at risk.

(e) Ensure that entries are made into WACIC/NCIC and over the Mobile Data Computer (MDC), as follows:

1. Immediately, when the missing person is at risk or is 21 years of age and under .
2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

(f) At minimum, the following information shall be entered into WACIC/NCIC and MDC for a missing child:

1. Name, date of birth, sex, race, height, weight, eye color, and hair color.
2. The date and location of the last known contact with the child.
3. The circumstances under which the child is reported missing.

(g) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(h) Collect and/or review:

1. A photograph and fingerprint card of the missing person, if available.
2. Any documents that may assist in the investigation, such as court orders regarding custody.
3. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to a high-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

(j) Contact the DECU supervisor for additional resources or response.

(k) Consider contacting the Washington State Patrol's (WSP) Missing and Exploited Children's Task Force (MECTF) if additional resources are needed (RCW 13.60.110).

## 331.6 REPORT PROCEDURES AND ROUTING

The responding officer should complete all missing person electronic reports, tabs and forms promptly and advise the appropriate on-duty supervisor as soon as a missing person report is ready for review.

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If there is an exigency to accomplish a missing person report and the officer does not have access to the electronic report writing system on scene, then the Vancouver Police Department Missing Person Form should be completed and used to make the proper notifications.

In every case of a missing person, the Vancouver Police Department Dental Information Form must be completed and signed by the reporting party or guardian of the missing person.

See attachment: 331 Missing Persons Report - Revised July 2014.pdf

### 331.6.1 SUPERVISOR RESPONSIBILITIES

If the missing person is high risk, the on-duty supervisor shall respond and ensure resources are deployed as appropriate. If necessary, notify the DECU supervisor for assistance and ensure applicable notification and public alerts are made.

The supervisor shall review and approve missing person reports upon receipt. The reports should be promptly sent to the Records Division and entered into the appropriate missing person networks.

The supervisor should also take reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

### 331.6.2 RECORDS DIVISION RESPONSIBILITIES

The receiving records member shall:

(a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.

(b) Notify and forward a copy of the report to the agency of jurisdiction where the missing person was last seen.

(c) Notify and forward a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.

(d) Forward a copy of the report to the DECU supervisor.

## 331.7 INVESTIGATIONS FOLLOW-UP

The detective assigned to a missing person investigation:

(a) Should ensure the missing person’s school has been contacted to verify that the student’s transcripts had not been transferred.

(b) Should re-contact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.

(c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

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(d) Shall verify and update WACIC, NCIC and any other applicable missing person networks within 60 days of the original entry into the networks and every 45 days thereafter until the missing person is located (42 USC § 5780).

(e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 45 days.

(f) Shall maintain a close liaison with the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 (42 USC § 5780).

(g) Should obtain and forward medical records and X-rays, photos, dental X-rays and biological samples, as applicable to the Washington State Patrol (WSP) Missing and Unidentified Persons Unit (MUPU).

(h) Should attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the WSP Missing and Unidentified Persons Unit (MUPU).

(i) Should make appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

### 331.7.1 MISSING OVER 30 DAYS OR WHEN CRIMINAL ACTIVITY SUSPECTED

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

(a) File a missing person's report with MUPU.

(b) Initiate the collection of biological samples from the known missing person and his/her family members for nuclear and mitochondrial DNA testing along with the necessary consent forms, if not previously obtained during the investigation.

(c) Ask the missing person's family or next of kin to give written consent to request the person's dental records.

1. Whenever possible, obtain diagnostic quality copies or original records of the missing person's dental records. As soon as possible, biological samples shall be submitted to the appropriate lab; dental records shall be submitted to MUPU (RCW 43.43.751; RCW 68.50.320).

In all missing person cases, the assigned detective should attempt contact with the reporting party no less than every three months in order to verify the status of the reported missing person. After 12 months, contact with the reporting party should be attempted yearly. All verifications should be reported to WSP via A Central Computerized Enforcement Service System (ACCESS).

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## 331.8 WHEN A MISSING PERSON IS FOUND

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

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

(a) Notification is made to MUPU.

(b) Entries are made in the applicable missing person networks.

(c) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

If a missing person is an adult and does not want the reporting party to know their location, the officer will not disclose their location.

### 331.8.1 UNIDENTIFIED PERSONS

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

(a) Obtain a complete description of the person.

(b) Enter the unidentified person's description into the NCIC Unidentified Person File.

(c) Use available resources, such as those related to missing persons, to identify the person through NamUs.

## 331.9 CASE CLOSURE

The Investigations Lieutenant may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.

(b) If the missing person is a resident of Vancouver or this Department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

(c) If this Department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

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## 331.10 TRAINING

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

(a) The initial investigation:

1. Assessments and interviews.
2. Confirming missing status and custody status of minors.
3. Evaluating the need for a heightened response.
4. Identifying the zone of safety based on chronological age and developmental stage.

(b) Briefing of Department members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.

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# Public Alerts

## 333.1 PURPOSE AND SCOPE

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

## 333.2 POLICY

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

## 333.3 RESPONSIBILITIES

### 333.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Vancouver Police Department should immediately notify their supervisor or Shift Sergeant upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

### 333.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the appropriate Precinct or Division Commander and the Public Information Coordinator (PIC) when any public alert is generated.

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

(a) Updating alerts

(b) Canceling alerts

(c) Ensuring all appropriate reports are completed

(d) Preparing an after-action evaluation of the investigation to be forwarded to the appropriate unit Commander.

### 333.3.3 PUBLIC ALERT REPORTING OFFICER RESPONSIBILITIES

The Chief of Police should designate a Public Alert Reporting Officer, who is responsible for:

(a) Remaining familiar with the protocols for activating, maintaining and cancelling all applicable public alerts.

(b) Being the point of contact with the Washington AMBER Alert Advisory Committee.

(c) Staying current with any changes to the alert entry process through the committee and via www.wsp.gov.wa/crime/mpu.htm.

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(d) Ensuring all Department members are made aware of any changes in the public alert system.

## 333.4 WASHINGTON STATEWIDE AMBER ALERT™ PLAN

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

The Vancouver Police Department participates in this partnership and may initiate an AMBER Alert to disseminate information to the public when the criteria for an AMBER Alert are met.

### 333.4.1 ALERT CRITERIA

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

(a) The child is under 18 years of age and is known to have been abducted. The child is not a runaway or an abandoned child.

(b) The abducted child is believed to be in danger of death or serious bodily injury.

(c) The AMBER Alert activation should occur within four hours of the qualifying event unless circumstances or the timeliness of the information warrant otherwise.

(d) There must be enough descriptive information to believe that an AMBER Alert activation will assist in the recovery of the child, including:

1. Where the abduction took place.
2. A physical description of the child: height, weight, age, hair color and length, eye color, clothing worn when the child was last seen, and any distinguishing physical characteristics.
3. A physical description of the abductor: height, weight, age, hair color and length, eye color, clothing worn when the suspect last seen, and any distinguishing physical characteristics.
4. Place last seen.
5. Description of the vehicle: color, make, model, license number, approximate year.

(e) The incident must be reported to and investigated by a law enforcement agency.

### 333.4.2 PROCEDURE

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

(a) Ensure that Department protocol is followed regarding approval of the alert.

(b) Ensure all appropriate documentation is completed.

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(c) Contact the Clark Regional Emergency Service Agency (CRESA) advising of the need to active an AMBER Alert.

(d) CRESA will relay the information on to the Washington State Patrol (WSP) Communication Center for entry into the Law Enforcement Alerting Portal (LEAP).

### 333.4.3 INITIAL NOTIFICATIONS

Upon initiation of an AMBER Alert, the Shift Sergeant or supervisor shall:

(a) Ensure the Records Division promptly enters the information into the Washington Crime Information Center (WACIC) and National Crime Information Center (NCIC) databases.

(b) Promptly notify the appropriate Precinct or Division Commander of any AMBER Alert activation.

(c) Ensure the preparation of an initial press release that includes all the information required by the Washington Statewide AMBER Alert Plan, and any other available information that might aid in locating the child, such as:

1. A photograph.
2. Detail regarding location of incident, direction of travel, potential destinations, etc., if known.
3. Name and telephone number of the PIC or other authorized point of contact to handle media and law enforcement liaison.
4. A telephone number and point of contact for the public to call with leads or information.

### 333.4.4 POST-INCIDENT REPORTING

The Chief of Police or authorized designee shall be responsible for submitting the AMBER Alert Report to the Washington State Police Chiefs (WASPC) in a timely fashion. The Chief of Police or the authorized designee shall be responsible for representing the Department during the AMBER Alert Review Committee’s after-action review of the alert.

## 333.5 ENDANGERED MISSING PERSON ADVISORY

The Endangered Missing Person Advisory is a voluntary partnership between law enforcement, other government agencies and local broadcasters to rapidly disseminate information to law enforcement agencies, the media and the public about a missing and endangered person in circumstances that do not qualify for an AMBER Alert (RCW 13.60.050).

The Vancouver Police Department participates in this partnership and may initiate the required notifications whenever a person is reported missing from this jurisdiction and meets the criteria of an Endangered Missing Person. An endangered missing person advisory may be termed a "silver alert" when initiated to assist in the recovery of a missing endangered person age 60 or older.

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*Public Alerts*

### 333.5.1 ADVISORY CRITERIA

All of the following criteria must exist prior to initiating an Endangered Missing Person Advisory:

(a) The person is missing under unexplained, involuntary or suspicious circumstances.

(b) The person has a developmental disability, is a vulnerable adult or is believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or is believed to be unable to return to safety without assistance (RCW 13.60.010).

(c) There is enough information that could assist the public in the safe recovery of the missing person (e.g., photo or description, clothing worn when last seen, vehicle, location last seen).

(d) The incident has been reported to and investigated by a law enforcement agency.

### 333.5.2 PROCEDURE

Should the Shift Sergeant or supervisor determine that the incident meets the criteria of an Endangered Missing Person Advisory, the Shift Sergeant or supervisor should:

(a) Ensure that Department protocol is followed regarding approval of the alert.

(b) Ensure all appropriate documentation is completed.

(c) Ensure CRESA contacts the WSP Communication Center for entry into LEAP.

(d) Ensure Records Division personnel enter the information into the WACIC and NCIC databases using the proper message key: Missing (MNP), Endangered (EME), or Involuntary (EMI).

(e) Notify Dispatch of the advisory and ensure that it is prepared to handle a high volume of telephone calls.

(f) Ensure that the handling officer attempts to obtain a photograph of the missing person and/or suspect as soon as possible.

(g) Ensure the Records Division enters the photograph into WACIC and NCIC, then send an email to the WSP Missing Persons Unit (MPU).

(h) Appoint the PIC to handle the media.

1. The PIC should notify the media through appropriate channels regarding the Endangered Person Advisory. Upon request, the WSP MPU can provide electronic posters with details of the missing person.
2. If the Endangered Missing Person is 21 years of age or younger, the National Center for Missing and Exploited Center (NCMEC) should be notified as soon as practicable.

(i) The Records Division personnel should promptly cancel the advisory after an Endangered Missing Person is located by sending an administrative message through

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A Central Computerized Enforcement Service System (ACCESS), noting that the person has been found.

## 333.6 BLUE ALERTS

The Blue Alert system is a voluntary cooperation between law enforcement, state government agencies and local broadcasters to enhance the public's ability to assist in locating and apprehending persons suspected of killing or seriously injuring a law enforcement officer (RCW 10.108.030).

The Vancouver Police Department participates in this partnership and may initiate a Blue Alert to disseminate information to the public when the criteria for a Blue Alert are met.

### 333.6.1 CRITERIA

All of the following criteria are required to exist prior to initiating a Blue Alert (RCW 10.108.030):

(a) The suspect has not been apprehended.

(b) The suspect poses a serious threat to the public.

(c) Sufficient information is available to disseminate to the public to assist in locating and apprehending the suspect.

(d) The release of the information will not compromise the investigation.

(e) The release of the information will not improperly notify an officer's next of kin.

### 333.6.2 PROCEDURE

Should the Shift Sergeant or supervisor determine that the incident meets the criteria of a Blue Alert, the Shift Sergeant or supervisor should:

(a) Direct Records Division personnel to prepare a Blue Alert administrative message through ACCESS. The words "Blue Alert Advisory" should be included in the title of the message.

(b) Have CRESA contact WSP Communications to verify that the advisory was received and, if available, provide the suspect's vehicle information and request the Washington Department of Transportation (WSDOT) to activate variable message signs.

(c) Ensure that descriptive information about the suspect, the suspect's whereabouts and the suspect's method of escape is disseminated.

(d) Appoint the PIC to issue press releases and handle media inquiries.

1. The PIC should be updated continually and be in constant contact with all media outlets to obtain maximum media exposure, provide updates and cancel the Blue Alert when appropriate.

(e) Confirm that Dispatch is aware of the Blue Alert and ensure that it is prepared to handle a high volume of telephone calls.

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(f) Ensure that a press release is issued cancelling the Blue Alert.

## 333.7 OTHER RESOURCE CONSIDERATIONS

The Shift Sergeant or supervisor should consider the following resources, as appropriate:

(a) Local allied law enforcement agency resources

(b) FBI local office

(c) The National Center for Missing and Exploited Children (NCMEC)

1. Monitor the Cyber Tipline® link and post missing children alerts

(d) The National Oceanic Atmospheric Administration (NOAA)

1. Will relay AMBER Alerts over Weather Radio

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# Hate Crimes and Bias Incidents

## 337.1 PURPOSE AND SCOPE

This Department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this Department will utilize all available resources to see that justice is served under the law. This policy has been developed to provide members of this Department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

## 337.2 DEFINITIONS

Except where otherwise noted (*), the following definitions are provided per RCW 9A.04.110:

**Bodily Injury, Physical Injury, or Bodily Harm** - Physical pain or injury, illness, or an impairment of physical condition.

**Malice and Maliciously** - To import an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

**Reasonable Person** - A member of the victim's race, color, religion, ancestry, national origin, gender, or sexual orientation, or who has the same mental, physical, or sensory handicap as the victim (RCW 9A.36.080(1)(a)).

**Sexual Orientation** - Heterosexuality, homosexuality or bisexuality

**Gender Identity -** Having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from what is traditionally associated with the sex assigned to that person at birth.

**Threat** - To communicate, directly or indirectly, the intent to cause bodily injury immediately or in the future to any other person or to cause physical damage immediately or in the future to the property of another person.

**Bias Incident*** - Offensive derogatory comments directed at a person's sexual orientation, race, or other protected status which causes fear and/or concern in the targeted community during a non-criminal incident.

**Crime with Bias Elements*** - An event in which a crime is committed that is not bias-based but during the incident the suspect uses derogatory language directed at the victims' protected status group.

* NOT A RCW DEFINITION

## 337.3 CRIMINAL STATUTES

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### 337.3.1 HATE CRIMES
HATE CRIMES

A person is guilty of a hate crime offenseif he/she maliciously and intentionally commits one of the following acts because of his/her perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression or identity or mental, physical, or sensory disability. (RCW 9A.36.080(1)):

(a) Causes physical injury to the victim or another person;

(b) Causes physical damage to or destruction of the property of the victim or another person; or

(c) Threatens a specific person or group of persons and places that person, or members of the specific groups of persons, in reasonable fear of harm to person or property. The fear must be a fear that a reasonable person would have under the circumstances. For purposes of this section, a “reasonable person” is a reasonable person who is a member of the victim’s race, color, religion, ancestry, national origin, gender, or sexual orientation or who has the same gender expression or identity, or the same mental, physical, or sensory disability as the victim. Words alone do not constitute a hate crime offense unless the context or circumstances surrounding the words indicate the words are a threat. Threatening words do not constitute a hate crime offense if it is apparent to the victim that the person does not have the ability to carry out the threat.

### 337.3.2 PRIMA FACIE ACTS OF HATE
Prima facie acts of hate are (RCW 9A.36.080(2)):

(a) Burning a cross on property of a victim who is or whom the actor perceives to be of African American heritage; or

(b) Defaces property of a victim who is or whom the actor perceives to be of Jewish heritage by defacing the property with a swastika.

(c) Defaces religious real property with words, symbols, or items that are derogatory to persons of the faith associated with the property.

(d) Places a vandalized or defaced religious item or scripture on the property of a victim who is or whom the actor perceives to be of the faith with which that item or scripture is associated.

(e) Damages, destroys, or defaces religious garb or other faith-based attire belonging to the victim or attempts to or successfully removes religious garb or other faith based attire from the victim's person without the victim's authorization.

(f) Places a noose on the property of a victim who is or whom the actor perceives to be of a racial or ethnic minority group.

### 337.3.3 THREATS TO BOMB OR INJURE PROPERTY
It is unlawful for any person to threaten to bomb or otherwise injure any public or private school building, any place of worship or public assembly,any governmental property, or any other building, common carrier, or structure, or any place used for human occupancy; or to communicate or repeat any information concerning such a threatened bombing or injury, knowing such information to be

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false and with intent to alarm the person or persons to whom the information is communicated or repeated (RCW 9.61.160(1)).

#### 337.3.4 FEDERAL JURISDICTION

The federal government has the power to investigate and prosecute bias-motivated violence by giving the U.S. Department of Justice jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (18 USC § 245).

## 337.4 CIVIL STATUTES

In addition to the criminal penalty provided in RCW 9A.36.080 for committing a crime of malicious harassment, the victim may bring a civil cause of action for malicious harassment against the harasser. A person may be liable to the victim of malicious harassment for actual damages, punitive damages of up to ten thousand dollars, and reasonable attorney's fees and costs incurred in bringing the action (RCW 9A.36.083).

## 337.5 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES

While it is recognized that not all crime can be prevented, this Department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

(a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks.

(b) Providing victim assistance and follow-up as outlined below, including community follow-up.

(c) Educating community and civic groups about hate crime laws.

## 337.6 INITIAL RESPONSE FOR INVESTIGATING HATE CRIMES

Whenever any member of this Department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

(a) Officer(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate.

(b) A supervisor should be notified of the circumstances as soon as practical, if probable cause for a crime exists.

(c) Once “in progress” aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned officer(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved.

(d) The assigned officer(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.

(e) Depending on the situation, the assigned officer(s) or supervisor may request additional assistance from detectives or other resources to further the investigation.

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(f) The assigned Officer(s) will document the hate crime or bias incident in a RMS police report.

(g) The assigned officer(s) will include all available evidence indicating the likelihood of a hate crime in an appropriate report. All related reports will be clearly marked as “Hate Crimes” by completing the "Bias" option and note the victim's protected class, and, absent prior approval of a supervisor, will be completed and submitted by the assigned officer(s) before the end of their work week.

(h) The "on scene" supervisor shall notify their precinct Lieutenant as soon as possible if a victim of Hate Crime experiences serious injury or death. If no serious injury or death occurs, the on scene supervisor shall include the hate crime or bias incident in a C-Brief.

### 337.6.1 INVESTIGATIONS RESPONSIBILITIES FOR HATE CRIMES

If a case is assigned to the Investigations Division, the Investigations Commander will be responsible for following up on the reported hate crime as follows:

(a) Coordinate further investigation with the Clark County Prosecutor and other appropriate law enforcement agencies, as appropriate.

(b) Maintain contact with the victim(s) and other involved individuals as needed.

(c) Coordinate with the Public Information Coordinator regarding any information that should be reported to the media.

(d) Maintain statistical data on suspected hate crimes and tracking as indicated and report such data to the Washington Association of Sheriff's and Police Chiefs (WASPC) (RCW 36.28A.030).

## 337.7 TRAINING

All members of this Department will receive Criminal Justice Training Commission (CJTC) approved training on hate crime recognition and investigation (RCW 43.101.290).

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# Standards of Conduct

## 339.1 PURPOSE, SCOPE AND PHILOSOPHY

This policy establishes standards of conduct that are consistent with the values and mission of the Vancouver Police Department and expectations of its members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning member conduct. Members are also subject to provisions contained throughout this manual as well as any additional guidance on conduct that may be disseminated by the Department or the member's supervisors.

The public demands exemplary conduct from all police personnel and, although public scrutiny is particularly intense for uniformed personnel, it includes all members of the Department. The actions of any one member of this Department which are found or perceived to be excessive, unjustified or illegal will be criticized more severely than with comparable actions by person in other occupations. For these reasons, rules must be established to govern the conduct of all members both on and off duty.

This policy applies to all employees (full, part-time), and volunteers.

## 339.2 DEFINITIONS

**Bad Faith:** A dishonest belief or purpose or a fraudulent intent.

**Criminal Offender:** Includes any person convicted of a felony or anyone on parole or probation or required to register as a sex offender.

**Employee:** Any certified law enforcement officer, professional staff or volunteer.

**Good Faith:** An honest belief or purpose and an absence of fraudulent intent.

**Intoxicants:** Any substance which, when taken into the body, impairs a person to a perceptible degree either physically and/or psychologically.

**Office of the Chief:** The Chief of Police and Assistant Chiefs of Police.

**Procedurally Just Conduct:** Procedural justice is a core organizational value. Procedural justice is about fair processes and experiences. It applies to supervisor-employee relations, community-police interactions, and the criminal justice system. The pillars of procedural justice have application throughout the organization at all levels (executive, supervisor, frontline, and community). Perceptions of procedurally just encounters are based on four central features:

1. Voice: Individuals are given a chance to express their concerns and participate in decision-making processes by telling their side of the story
2. Respect: Decisions are unbiased and guided by consistent and transparent reasoning
3. Neutrality: Decisions are unbiased and guided by consistent and transparent reasoning
4. Trustworthiness: Decision-makers convey trustworthy motive and concern about the well-being of those impacted by their decisions

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**Sexual Contact:** As defined in RCW 9A.44.010

**Sexual Intercourse:** As defined in RCW 9A.44.010

**Wrongdoing:** Conduct that is contrary to law or contrary to the policies of the witnessing officer's agency, provided that the conduct is not de minimis or technical in nature. For purposes of this policy, de minimis means "too trivial or minor to merit consideration."

## 339.3 POLICY

The Vancouver Police Department is committed to a culture of excellence and providing quality public safety services to the community. It is the policy of this Department to provide expectation to all employees regarding their conduct and performance. All employees must report suspected or actual violations of Department orders, policies, directives or misconduct by any Department employee. Supervisors must take appropriate action as soon as a potential or actual violation of rules, regulations, policies, or laws comes to their attention. Employees shall not knowingly or negligently violate the provisions of the Vancouver Police Department policy manual, operating procedures or other written directive of an authorized supervisor.

Certain rules of conduct concern behavior off-duty; these are limited to the extent that official status, police authority or other job relatedness is involved. The standards set forth in this policy are not exclusive, and members are expected to meet the standards of the law enforcement profession at all times, to uphold the public trust and to act in a manner which is a credit to the Department and the profession at all times.

Ignorance of the law, rule, regulation, directive, order or policy of the City of Vancouver or of the Vancouver Police Department shall not be considered justification for any violation or omission.

## 339.4 CONDUCT

Employees shall follow this Department's mission and values statement, oath of office, and code of ethics. If an employee experiences an ethical conflict with these items, they should consult a supervisor for further clarification. All employees will be knowledgeable of City of Vancouver and Vancouver Police Department policies, procedures, and orders that apply to their duties. Any employee who questions the clarity or intent of a policy, procedure, or order will seek immediate clarification through the chain of command. Employees will, within their authority, enforce City of Vancouver and Vancouver Police Department policies, procedures, and orders. Employees will be judged under this policy based on an objectively reasonable standard.

General conduct includes the following:

### 339.4.1 PROFESSIONAL CONDUCT

Following the tenants of procedurally just conduct, employees are expected to:

1. Conduct themselves in the discharge of their duties and their relations with the public and each other in a tactful and professional manner.
2. Not publicly criticize the Vancouver Police Department, its policies, programs, actions, or employees. Nor must they perform any or make any written or oral statements that

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would impair or diminish the orderly and effective operation, supervision, or discipline of the Department. Nothing herein prohibits employees from engaging in protected union activities or protected speech/association.

3. Only comment on matters related to the Department that are of general public concern to the community after taking reasonable steps to check the truth of the facts. If an employee is not speaking as an official representative of the Department, the employee must clearly state that he or she speaks only as a private citizen.
4. Maintain command bearing and strive to maintain a professional relationship with the public.
5. Seek affirmative ways to cooperate and work with each other, public officials, and employees of other agencies to deliver lawful, effective, efficient, and safe services.

### 339.4.2 RESPECT FOR DIVERSITY

Staff must show respect for the diversity of our community and coworkers. Derogatory remarks, gestures, or other negative actions against anyone based on a person's nationality, race, religion, sex, sexual orientation, gender, gender identity, disability, veteran's status, physical attributes or age are prohibited.

### 339.4.3 ADHERENCE TO LAWS, REGULATIONS, AND ORDERS

1. Employees shall abide by all laws, regulations, policies, rules, directives, orders and procedures of the City of Vancouver and Department.
2. Employees shall obey all lawful orders.
3. Employees who are arrested or come under investigation for any criminal offense in any jurisdiction shall immediately report this fact to their supervisor. (This does not include minor traffic violations.)
4. Employees who are subjects of a protection or restraining order shall immediately report this fact to their supervisor.
5. A court conviction for a crime that carries a possible sentence of incarceration shall be prima facie evidence of a violation of this policy.

### 339.4.4 COMPETENT PERFORMANCE

1. Employees must perform the duties of their rank or assignment at a level that meets the performance expectations of the Department as defined by policies, procedures and performance dimensions of the evaluation system.
2. Incompetent performance such as inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse is unacceptable.
3. Employees in supervisory or management positions must exercise leadership and demonstrate ownership of their areas of operation and report/document known misconduct as required by policy. They must take appropriate action to ensure employees adhere to Department/City policies and procedures, and all personnel comply with all laws. They must never exhibit unequal or disparate exercise of authority

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toward any employee and will consider and apply principles of procedural justice in the workplace.

4. Employees are expected to take reasonable action while on-duty and when required by law, statute, resolution or approved Department practices or procedures.
5. Employees are expected to exercise sound judgment and safe tactics. This includes demonstrating proper driving habits.
6. If an employee is unsure how to complete a task, they should immediately seek out guidance from their supervisor.

### 339.4.5 UNBECOMING CONDUCT

Employees shall not conduct themselves in a manner, on or off duty that:

1. Materially and directly impacts the employee's integrity, honesty, moral judgment, or character.
2. Brings discredit to this agency. This includes:
   A. Acceptance of a bribe or gratuity.
   B. Misappropriation of misuse of public funds.
   C. Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
   D. Violating any misdemeanor or felony statute or any other law.
3. Is criminal or dishonest behavior adversely affecting the employee/employer relationship, whether on or off duty.
4. Materially and directly impairs the agency's efficient and effective operation.
5. Intentionally or recklessly divulges information to any person, directly or indirectly, that may enable that person to avoid arrest.
6. Causes them to engage in unauthorized or unlawful behavior such as fighting, threatening, or attempting to inflict unlawful bodily injury on another.
7. Causes them to sleep while on duty.
8. Exerts or attempt to exert any influence on any of the participants in a Departmental disciplinary procedure, except as expressly provided by regulation or contract.

In addition, any employee who has been suspended from duty is subject to all rules and regulations of the Department. A suspended employee shall not wear any part of their official uniform or act in any official capacity except as ordered by the Office of the Chief. Upon order of the Office of the Chief, an employee who has been suspended shall immediately surrender his/her department issued weapon and official identification to the command-level person placing them on suspension.

### 339.4.6 TRUTHFULNESS

1. Absent legitimate safety or investigative purposes, employees must not purposely lie, give misleading information, withhold, or obfuscate information, falsify written,

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verbal, or electronic communications in an official report or in their actions with another person or organization. Employees will impart the whole truth when giving testimony or rendering an official report or statement.

2. Employees shall never purposely make false, misleading or malicious statements or bad faith complaints that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or any employee thereof.

3. Employees shall never purposely fail to disclose information or make a false or misleading statement on any application, examination form or other official document, report, form, or during the course of any work-related investigation.

4. Employees will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness.

### 339.4.7 INSUBORDINATION

1. Employees are required to observe and obey the lawful verbal and written rules, work instructions, policies, procedures, and practices of this Department and to be respectful toward supervisors, managers and the Office of the Chief.

2. Employees must subordinate their personal preferences and work priorities to the lawful verbal and written rules, duties, policies, procedures, and practices of this Department, as well as the lawful orders and directives of supervisors and higher-ranking personnel.

3. Employees must perform all lawful duties and tasks assigned by supervisory or higher-ranking personnel.

4. Insubordination can include a verbal refusal, a non-verbal refusal, or an excessively unreasonable delay in complying with an order.

5. If in doubt as to the legality of an order, an employee shall request the issuing supervisor to clarify the order or confer with higher authority. Employees shall not obey any order that a reasonable officer would believe is clearly unlawful.

6. Employees who are given an otherwise proper order that is in conflict with a previous order shall respectfully inform the supervisor issuing the new order of the conflict. When informed of the conflict, the supervisor shall determine the appropriate course of action and notify the employee accordingly. Under these circumstances, the responsibility for resolving the conflict shall be upon the supervisor issuing the new order, and employees shall follow the supervisor's resolved direction and shall not be held responsible for deviation from the previous order.

7. Any supervisor may immediately relieve a subordinate from duty for violation of any part of the Vancouver Police Department Policy and Procedure Manual if continuation of duty by that subordinate would cause dissension in the Department.

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### 339.4.8 NEGLECT OF DUTY

1. All employees shall perform their duties faithfully and diligently and shall take responsibility for and exhibit attentiveness, care, and thoroughness in the completion of assignments and performance of their responsibilities.
2. Employees shall conduct themselves in an expeditious manner to avoid any unreasonable delays to the public in the performance of law enforcement duties and activities.

### 339.4.9 ENGAGING IN SEXUAL CONDUCT

1. Employees are prohibited from engaging in "sexual intercourse", "sexual contact" or engaging in "sexually explicit conduct" of any kind while on duty
2. Employees are prohibited from engaging in "sexual intercourse", "sexual contact" or engaging in "sexually explicit conduct" at any time on/in City of Vancouver property, buildings or vehicles.

### 339.4.10 RUMORS

Employees must not knowingly spread rumors (*circulate a clearly false story or report or a story or report of unknown or doubtful truth*) about Vancouver Police Department policies, activities, staff, public events, or crimes. Reporting possible employee misconduct or concerning behaviors to a supervisor is required and will not be considered spreading rumors if it is consistent with section 330.4.6 (Truthfulness) of this policy and reported in good faith.

### 339.4.11 INTOXICANTS

1. Employees shall not report to work under the influence of intoxicants.
2. Employees shall report fit for duty at all times. If an employee is called out for duty and is impaired from any cause (alcohol, drugs, medication, etc.), they shall notify their supervisor prior to reporting for duty. A supervisor will not assign to duty a subordinate in an unfit condition.
3. Employees shall not bring intoxicants to work for purposes of consumption or consume any such substance while on duty. Exceptions to this must be approved by the Office of the Chief.
4. Employees shall not report to work following the use of alcohol, a controlled substance or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties.
5. Employees shall promptly disclose to an immediate supervisor the use of any over-the-counter or prescription or medication containing a controlled substance with warning labels or notices which have reported side effects that could reasonably be expected to affect the ability of the employees to safely perform the essential function of the job.
6. If a supervisor has reasonable grounds to believe that an employee is adversely affected by having used an intoxicant while on duty, that employee may, at the discretion of the supervisor, be required to submit to tests for drug or alcohol intoxication. If a blood/urine sample is to be tested, the supervisor must take the

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employee to a medical facility for extraction of such a sample by competent personnel. The time lapse between the initial report of the condition of the member and the tests for intoxication must be accurately recorded.

### 339.4.12 SMOKING AND CHEWING TOBACCO

Employees must not carry or smoke of any kind of lighted, vaping instrument, pipe, cigar, cigarette, or any other lighted tobacco product within the Vancouver Police Department building or vehicles. Employees must not smoke or chew tobacco in a manner that may offend either the public or fellow employees, or that may detract from the appearance of an employee. VPOG employees are subject to Article 30 of the VPOG collective bargaining agreement.

### 339.4.13 GAMBLING

Generally, no employee may engage in any form of gambling while on duty or while in uniform unless related to a legitimate law enforcement purpose. The Officer of the Chief may approve other exceptions.

### 339.4.14 ACCOUNTABILITY AND RESPONSIBILITY

1. Employees are directly accountable for their actions, through the chain of command, to the Office of the Chief.
2. Any identifiable on-duty peace officer who witnesses any wrongdoing committed by another peace officer, or has a good faith reasonable belief that another peace officer committed wrongdoing, shall report such wrongdoing to their supervisor or other supervisory peace officer in accordance with VPD's policies and procedures for reporting such acts. A Department member shall not discipline or retaliate in any way against a peace officer for reporting wrongdoing in good faith as required by this section.
3. Employees have a duty to report any misconduct of which they become aware and shall notify a supervisor as soon as possible when another member of this Department is violating law or policy. Law enforcement employees are required to immediately report to the Office of the Chief any pending criminal charges and any conviction, plea, or other case disposition they are subject to.
4. Employees shall cooperate fully in any internal administrative investigation conducted by this agency or any other department or agency authorized by the Office of the Chief and shall not attempt to conceal, divert, or mitigate any culpability of theirs or others by falsehoods or omissions.
5. Employees shall utilize Department supplies, property, and equipment only for their official purpose and in accordance with established Department rules, policies, and procedures and shall not intentionally abuse, destroy, dispose of, or damage these items.
6. Employees must notify the Department by the completion of their next work shift of any change in residence address, home phone number, or marital status.

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7. Employees shall devote their on duty time to official matters only. Private business must not be engaged in during a tour of duty unless express permission is granted by a supervisor or as otherwise allowed by law.
8. Employees are required to maintain current licenses (e.g., driver's license) and certifications (e.g., first aid)
9. Employees shall observe posted rules, signs, and written or oral safety instructions while on duty and/or within Department facilities or to use required protective clothing or equipment.
10. Employees shall report any on-the-job or work-related accident or injury within 24 hours.
11. Employees shall not engage in horseplay.

### 339.4.15 ABUSE OF LAW ENFORCEMENT AUTHORITY OR POSITION

1. Employees may not accept goods, services, or discount of value not available to the general public and shall report any unsolicited goods or services they receive and the circumstances of their receipt to a supervisor.
2. Employees shall not use their authority or position:
    A. For financial gain.
    B. To obtain or grant privileges or favors.
    C. To avoid the consequences of illegal acts for themselves or others.
    D. To barter, solicit, or accept any goods or services, such as gratuities, gifts, discounts, rewards, loans, or fees, whether for themselves or others.
3. Employees shall not purchase, convert to their own use, or have any claim to found, impounded, abandoned, or recovered property or any property held or released as evidence.
4. Employees are prohibited from using law enforcement sensitive information gained through their position to advance financial or other private interests of theirs or others.
5. Employees shall not steal, forge, or tamper with any official law enforcement document. Documents shall not be altered or duplicated unless such actions are approved by a supervisor.
6. Employees shall not take or release photographs capturing sensitive information or images unless authorized to do so.
7. Employees shall not use any information, photograph, video or other recording obtained or accessed as a result of employment with the Department for personal or financial gain or without the expressed authorization of the Office of the Chief.
8. Employees shall not undertake any investigation or other official action that is not part of their regular duties without first obtaining permission from their supervisor, unless the exigency of the situation requires immediate law enforcement action.
9. Employees must issue business cards for official purposes only. A business card must not bear any notations or endorsements other than those pertaining to the official

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functions of the Department. Business cards shall not be issued for the purpose of obtaining special privileges or benefits from any other person, to request that the bearer receive any type of favorable consideration, or to indicate the relationship of an individual to the member named on the card.

10. Employees shall never allow unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.

### 339.4.16 PROHIBITED ASSOCIATIONS AND ESTABLISHMENTS

1. Employees should avoid regular or continued association or dealings with person whom they know, or should know, to be under criminal investigation or indictment, or who have a reputation in the community or the Department for present involvement in felonious or criminal behavior. Exceptions to this policy may be those contacts necessary to the performance of official duties, or where unavoidable because of other personal relationships of the members.
2. Employees shall not knowingly engage in off duty, personal social or romantic relationships with confidential informants, victims, or witnesses involved with investigations.
3. Employees shall not knowingly participate or interfere in investigations involving family members or persons with whom they have a close personal or business relationship.
4. Except in the performance of official duties, employees shall not enter any establishment or premises in which the employee knows the law is being violated.
5. Employees shall not knowingly join or participate in any organization that advocates, incites, or supports criminal acts or criminal conspiracies or that promotes hatred or discrimination toward racial, religious,ethnic, or other groups or classes of individuals protected by law.
6. Any employee engaging in a personal intimate relationship with a subordinate shall immediately report this, either verbally or in writing, to the Office of the Chief. Additionally, any employee in such a relationship shall report to the Office of the Chief when the relationship is terminated.

### 339.4.17 POLITICAL ACTIVITY

Employees shall follow applicable laws regarding their participation and involvement in political activities. Where legal mandates are silent on this issue, employees shall be guided by the following examples of prohibited political activities while on duty, in uniform, or otherwise serving as a representative of this Department. Employees shall not:

1. Place, affix, or display any campaign literature or other paraphernalia in or on City-owned or controlled property, to include offices and vehicles.
2. Solicit political funds from any employee of this Department or another governmental agency of this jurisdiction.
3. Solicit contributions, signatures, or other forms of support for political candidates, parties, or ballot measures.

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4. Use official authority to interfere with any election or with the political actions of other officers or the general public.
5. Favor or discriminate against any person seeking employment because of political opinions or affiliations.

339.4.18 ATTENDANCE

1. Employees may not leave a job to which they have been assigned during duty hours without a reasonable excuse and proper permission and approval.
2. Employees shall not have unexcused or unauthorized absences or tardiness on scheduled day(s) of work.
3. Unless otherwise directed, employees shall report for duty at the designated time and place.
4. Employees shall be punctual in reporting for duty and shall remain in their assigned duty assignment until properly relieved unless directed otherwise by a supervisor. If an employee requires relief from duty, they shall notify their supervisor immediately. (*Does not include normal/routine breaks or lunch*)
5. Employees shall report for duty with all required equipment.
6. In case of an emergency affecting the Vancouver community, employees are expected to comply with and follow the instructions of the Department Special Occurrences Manual.

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# Information Technology Use

## 341.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of Department information technology resources, including computers, electronic devices, hardware, software and systems.

### 341.1.1 DEFINITIONS

Definitions related to this policy include:

**Computer system** - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Vancouver Police Department or City of Vancouver that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department.

**Hardware** - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

**Software** - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

**Temporary file, permanent file or file** - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

## 341.2 POLICY

It is the policy of the Vancouver Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

## 341.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any Department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the Department email system, computer network and/or any information placed into storage on any Department system or device. This includes records of all keystrokes or Web-browsing history made at any Department computer or over any Department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through Department computers, electronic devices or networks.

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Employees may not be asked or required to disclose login information for their personal social networking accounts or to provide access to their personal social networking accounts unless otherwise allowed under RCW 49.44.200.

## 341.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training.

### 341.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any Department computer. Members shall not install personal copies of any software onto any Department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the Information Technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on Department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

### 341.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to Department-related activities. Data stored on or available through Department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation or who otherwise have a legitimate law enforcement or Department-related purpose to access such data. Any exceptions to this policy must be approved by the Chief of Police or the authorized designee.

### 341.4.3 INTERNET USE

Internet usage is permissable under the guidelines outlined under the City of Vancouver Policy 605.6 - Use of Computers, Emails, Internet and Technological Resources.

See attachment: 341 COV Policy 605 - Use of Computers_Email_Internet_and Other Electronic Resources.pdf

Internet sites containing information that is not appropriate or applicable to Department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain exceptions may be permitted

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with the express approval of the Chief of Police, or the authorized designee as a function of a member's assignment.

### 341.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure Department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, login information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system and shall be changed at intervals as directed by IT staff.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

### 341.6 INSPECTION OR REVIEW

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any Department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the Department computer system when requested by a supervisor or during the course of regular duties that require such information.

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# Report Preparation

## 343.1 PURPOSE AND SCOPE

The Vancouver Police Department is committed to documenting crimes and other police-related events that occur in its jurisdiction. The Vancouver Police Department will also assist other agencies by documenting crimes that have occurred in their jurisdiction if requested.

Writing police reports is a critical component of the responsibilities of employees who are tasked with documenting crime and other police-related events. Police reports provide a thorough, accurate, and timely written account of an employee's observations and actions throughout the course of his or her work. In turn, police reports serve as the foundation for ongoing investigations and prosecutions, help to refresh an officer's memory for court, guide strategic planning and tactical deployment of increasingly scarce resources, are a valuable officer safety tool, facilitate information sharing with others possessing the right and need to know the information documented, and provide victims with written documentation as evidence of their reported crime.

### 343.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor.

Handwritten reports or forms must be prepared legibly. If the report is not legible, the submitting employee may be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. The reporting employee's opinions shall not be included in reports.

### 343.1.2 DEFINITIONS

Bias Incident - Offensive derogatory comments directed at a person's sexual orientation, race, or other protected status which causes fear and/or concern in the targeted community during a non-criminal incident.

Police Report - Documentation of a crime or incident made in the Department's Records Management System (RMS)

## 343.2 REQUIRED REPORTING

Written RMS police reports are required in all of the following situations unless otherwise approved by a supervisor.

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*Report Preparation*

### 343.2.1 CRIMINAL ACTIVITY REPORTING

When an employee responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the employee is required to document the activity in a police report. The fact that a victim is not desirous of prosecution is not an exception to completing a report. The following are examples of required police report documentation regardless of whether complete information pertaining to each element of the crime is available. If additional information is received at a later time, a supplemental report will be written:

(a) In every instance where one or more of the following crimes has been reported:

  i. a felony;

  ii. a Part I crime (i.e., criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny-theft (to include misdemeanor theft, motor vehicle theft and arson);

  iii. an assault, to include assault by mutual combat.

(b) In every instance where a Hate Crime or a Crime with Bias Elements is reported.

(c) In every case where any force is used against any person by police personnel.

(d) All incidents involving domestic violence.

(e) All arrests.

### 343.2.2 NON-CRIMINAL ACTIVITY

Incidents that require documentation on the appropriate approved report include:

(a) Any time an officer points a firearm at any person.

(b) Any use of force against any person by a member of this Department.

(c) Any firearm discharge.

(d) Any time a person is reported missing, regardless of jurisdiction.

(e) Any found property or evidence.

(f) Any dispatched traffic collisions meeting the minimum reporting monetary level.

(g) Any drug or alcohol related accident or arrest.

(h) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.

(i) All protective custody or emergent detentions.

(j) Suspicious incidents that may place the public or others at risk.

(k) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.

(l) Verbal domestic disturbances.

(m) Every instance where a Bias Incident is reported.

(n) Any time an Officer points a taser at another person, outside of a training environment

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In cases where a criminal offense did not occur, but a police report is completed to document the incident, employees should classify the report consistent with the initial allegation or call for service. Then a clearance code of "unfounded" or other appropriate title should be used. The offense classification of Information, or INFO.RPT, should be used sparingly, and typically reserved for incidents where no crime was ever alleged to have occurred.

#### 343.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances. An officer handling a death investigation should notify and apprise a supervisor of the circumstances surrounding the incident and a determination will be made on how to proceed.

#### 343.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

A police report shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, a police report shall be taken when any damage to City property or City equipment is a result of an act of a City employee.

#### 343.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this Department shall require a police report when a supervisor deems it necessary and directs an employee to document the incident.

### 343.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to a special need under exceptional circumstances.

### 343.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should return the report to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed by the end of their next scheduled work shift for approval by a supervisor.

### 343.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Division for filing and distribution shall not have its core narrative or an individual's information modified or altered except by way of a supplemental report.

Report coding information may be amended by Records Division staff or the Case Management Sergeant to reflect state and national data filing requirements.

Reviewed reports that have not yet been approved by a supervisor may be corrected or modified by the report writer.

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## 343.6 PRIVATIZING SENSITIVE AND CONFIDENTIAL CASES

Upon approval from a supervisor, police reports can be made private, and not accessible by users of the VPD Records Management System (RMS). Employees should only privatize cases where the release of critical or sensitive information could jeopardize the investigation or the safety of an individual.

Supervisors must balance the decision to privatize cases and critical information against maintaining transparency within the department RMS.

In utilizing the privatization features, it is imperative to include the appropriate Supervisors/ Commanding Officers, Records Division Staff, and members of the Prosecutor's Officer as part of the group who can view the case. Each approving supervisor is responsible to work with the Case Management Sergeant or Records Manager to set up the appropriate routing and notifications to ensure cases are not rendered inaccessible by those who need to view them as part of their duties.

### 343.6.1 PROCEDURE

A. Definitions

1. Private - Cases that will only display a case number and a contact person to request information about the case.
2. Private Invisible - Cases that do not appear at all when searched. The Vancouver Police Department will not be utilizing this level of privatization due to public records liability.

B. It is the responsibility of supervisors to monitor and approve their unit's privatization usages.

C. The following are a list of cases that are acceptable to privatize:

1. Sex Assault
2. Child Abuse
3. Gang Cases
4. Incidents involving Police Employees
5. Drug Trafficking Organization Cases
6. Homicide Investigations
7. Officer Involved Shootings involving the Vancouver Police Department

D. Just because a case may be privatized does not automatically mean that it should be privatized. Supervisors should strive to privatize only cases containing information that is critical or sensitive in nature, and when the release of that information could jeopardize the investigation or the safety of an individual. If cases have minimal confidential or sensitive information, the officer should consider privatizing only the critical information. Privatizing the entire case may not be necessary.

E. The privatization status of a case does not release the Vancouver Police Department from its due diligence to comply with the Public Records Act.

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F. At the first opportunity to un-privatize a case (i.e., adjudicationof a case, referral of a case for prosecution, or the statute of limitation is up), the investigating officer or supervisor shall notify the Case Management supervisor or Records Division manager to un-privatize the case.

G. Copies of privatized reports shall be released only for law enforcement purposes upon authorization of the investigator assigned to the case or of a supervisory sergeant in the investigative unit concerned.

H. Cases which are privatized will be reviewed at least quarterly by the Records Manager to determine if there is a persistent need for the privatized portion of the case to remain private. Such reviews should be documented as part of the case.

## 343.7 CASE MANAGEMENT

Case management is a system to manage investigative resources, increase investigative effectiveness, and improve case solvability. The process involves regulating case flow, monitoring investigative activities, and assessment of individual performance.

Investigative resources should be applied to those cases and investigations that can most benefit from expenditure of the resources. Department supervisors will screen and assign cases, establish deadlines for reporting investigative progress, and manage investigator caseloads.

Department resources should be dedicated to investigating serious crime, incidents of community importance, and cases that are likely to be solved and cleared by arrest.

### 343.7.1 ASSIGNMENT OF CASES - PATROL

A. Patrol officers and police service technicians will conduct follow-up investigations:

1. On cases they initiate from assigned calls, as circumstances and workload dictate.

2. On other cases, as assigned by a supervisor.

B. The approving supervisor will review each case and determine whether further follow-up investigation by patrol officers is justified. Cases returned to the initiating officer or another assigned officer for further follow-up investigation remain in open status, until completed.

C. Cases which do not merit follow-up investigation shall be suspended.

D. Cases found to be linked together by crime analysis shall be routed to a supervisor.

E. In the event that new investigative information is developed on a previously suspended case, the officer who discovered the new information is responsible for bringing it to the attention of a supervisor for evaluation and disposition.

### 343.7.2 ASSIGNMENT OF CASES - INVESTIGATIONS DIVISION

Investigations Division case assignments will be made by the unit supervisor. The unit supervisor will review each case that is referred to their unit to determine whether further follow-up investigation by detective or patrol officers is justified. Cases returned to the initiating officer or assigned to a detective for further follow-up investigation will remain in open status until completed.

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Each unit supervisor is responsible for tracking investigator assignments, and ensuring that cases are closed in an appropriate manner.

### 343.7.3 DISPOSITIONS - GENERAL

The Department complies with National Incident Based Reporting System (NIBRS) guidelines in reporting the incidence and disposition of cases. There are two general types of case dispositions: Case Clearances and Case Suspensions. Case clearances involve those cases cleared by arrest, cleared exceptional, and cleared unfounded. Case suspensions involve those cases closed by suspension

A. Cleared by Arrest: An offense is cleared by arrest or solved for crime reporting purposes when at least one person is arrested, charged with the commission of the offense, and presented to the prosecuting authorities for prosecution.

B. Cleared Exceptional: An offense is cleared exceptional when the investigation establishes the identity of the person responsible for the commission of the crime, but that person is not arrested, charged or prosecuted for that offense. In order to qualify for an exceptional clearance, the following questions must be answered "Yes":

    1. Has the investigation definitely established the identity of the offender?

    2. Is there enough information to support an arrest, charge and turn the suspect over to the court for prosecution?

    3. Are there circumstances beyond police control that prevent the prosecuting authority from prosecuting the offender?

C. Clear Unfounded: A case may be cleared unfounded if the investigation reveals that the reported offense did not occur, or the investigation fails to develop sufficient elements to support the allegation that a crime has been committed.

D. Case Suspensions: Cases are suspended when investigative leads have been exhausted and there remains no reasonable means by which to clear the case.

## 343.8 ADMINISTRATIVE REPORTING

The purpose of this section is to provide for systematic delivery of management information to the Chief of Police and each Division Commander. These Reports will consist of the following:

A. Daily Report: CRESA routinely transmits a daily activity log.

B. Annual Report: Selected monthly statistics and unit activity reports will be compiled into an annual, yearend report to be submitted to the Chief of Police. Such information will be made available to the public upon request.

C. Periodic Reports: Reports on a variety of subjects are requested from employees on an individual basis throughout the year. The topics, responsible parties, and timeline for completion will be designated by the supervisor making the request.

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# Media Relations

## 345.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

## 345.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Office of the Chief; however, in situations not warranting immediate notice to the Chief of Police and in situations where the Office of the Chief has given prior approval, the Public Information Coordinator (PIC), designated Public Information Officer/s (PIO) or on-duty Shift Sergeant may prepare and release information to the media in accordance with this policy and the applicable law.

### 345.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the PIC, or if unavailable, to the first available Shift Sergeant or on-duty PIO. Prior to releasing any information to the media, employees shall consider the following:

(a) At no time shall any employee of this Department make any comment or release any official information to the media without prior approval from a supervisor or the designated Department media representative.

(b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this Department.

(c) Under no circumstance should any member of this Department make any comment(s) to the media regarding any law enforcement incident not involving this Department without prior approval of the Office of the Chief.

## 345.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the Department PIC or other designated spokesperson.

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2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Sergeant. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).

(c) No member of this Department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee.

(d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Office of the Chief and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media should be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the PIC.

#### 345.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Office of the Chief.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Office of the Chief will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

### 345.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will provide a daily update of significant law enforcement activities upon request, to media representatives through the Public Information Coordinator. When requested, additional information may be made available (RCW 42.56.070(1)). This update will generally contain the following information:

(a) The date, time, location, case number, type of crime, extent of injury or loss and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

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(b) The date, time, location, case number, name, birth date and charges for each person arrested by this Department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Clark County Medical Examiner's Office.

Any requests for copies of related reports or additional information shall be referred to the Public Information Coordinator or the Public Records Officer. Such requests will generally be processed in accordance with the provisions of the Public Records Act (RCW Chapter 42.56.001 et seq.).

### 345.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this Department.

The Department will not release the following information in connection with an ongoing investigation of an event or crime:

a. The identity of a suspect prior to arrest unless such information would aid in apprehending the suspect or serve to warn the public of potential danger;

b. The identity of any victim of a sex crime or any related information which, if divulged, could lead to the victim’s identity;

c. The identity of victims or witnesses if such disclosure would prejudice an investigation to any significant degree, or if it would place the victim in personal danger;

d. The name of any juvenile who is a suspect in an investigation. The exception to this would be to assist investigators in apprehension of a suspect who is wanted in connections with a serious felony crime.

e. The identity of any critically injured or deceased person prior to confirmed notification of the next of kin;

f. The results of any investigation procedure such as lineups, polygraph tests, fingerprint comparison, ballistics test or other procedures (the fact that these tests have been performed may be revealed without further comment);

g. Information which, if prematurely released may interfere with the investigation or apprehension such as the nature of leads, specifics of an “MO”, details of the crime known only to the perpetrator and the police, or information that may cause the suspect to flee or more effectively avoid apprehension;

h. Information that may be of evidentiary value in criminal proceedings;

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i. Specific cause of death unless officially determined by the medical examiner;

j. The home address of telephone number of any member of the Department; and

k. Any matter of Departmental policy or rules and regulations unless directed to do so by the Chief of Police.

Following arrest and formal charging of a suspect, but prior to adjudication, the following information will not be released:

a. Prior criminal conviction record , character or reputation of a defendant;

b. Existence or contents of any confession, admission or statement of a defendant, or failure or unwillingness to make a statement;

c. Performance or results of any tests, or a defendant's refusal or failure to submit to tests such as a polygraph;

d. Identity, statement or expected testimony of any witness or victim;

e. Statements about credibility or the anticipated testimony of witnesses;

f. Any opinion about the guilt or innocence of a defendant, or the merits of the case (including evidence or arguments of the case);

g. The content of a statement or alibi attributable to the defendant; and

h. Any opinion or knowledge of the potential for a plea bargain or other pretrial action.

**When in doubt, authorized and available legal counsel should be obtained.**

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# Subpoenas and Court Appearances

### 347.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Department members who must appear in court. It will allow the Vancouver Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

### 347.2 POLICY

Vancouver Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

### 347.3 SUBPOENAS

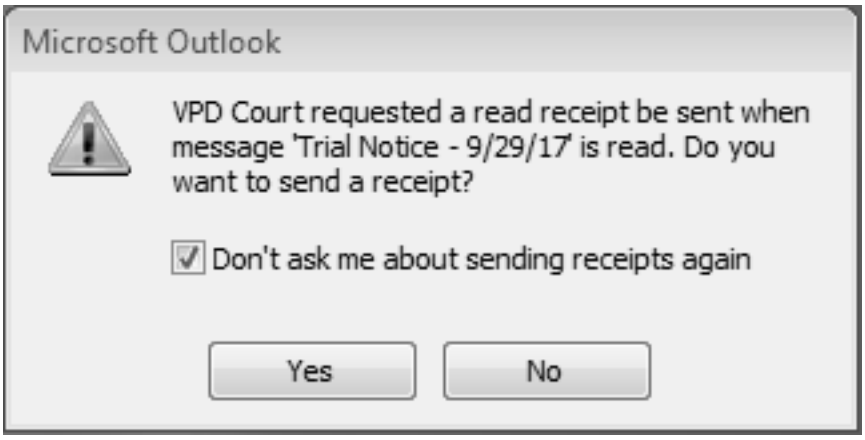
Only the Records Division is authorized to receive a subpoena on behalf of this Department or any of its members.

Civil subpoenas may be served upon a member by personal service (Civil Rules, CR 45; Civil Rules, CRLJ 45; Criminal Rules, CrRLJ 4.8; Criminal Rules, CrR 4.8).

Criminal subpoenas may also be served upon a member by first-class mail, fax or email (Criminal Rules, CrRLJ 4.8; Criminal Rules, CrR 4.8).

When a member receives a subpoena, other than through the Records Division, the member must forward the subpoena to the Records Division for their court appearance to be entered in the court coordinating scheduler.

When the Records Division receives a subpoena they will send an electronic copy to Department member with a request of **Read Receipt**. The following message will pop up and Department member will be required to select **Yes**.




To eliminate this step in the future Department members can check mark the box for “Don’t ask me about sending receipts again” and select Yes. Read Receipt will be generated regardless if an email is opened on desktop computers or cellular phones.

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347.3.1 SPECIAL NOTIFICATION REQUIREMENTS
Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party, other than the City Attorney or Prosecuting Attorneyor, shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.

(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

(d) Any civil action stemming from the member’s on-duty activity or because of his/her association with the Vancouver Police Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Vancouver Police Department.

The supervisor will then notify the Office of the Chief and the appropriate prosecuting attorney as may be indicated by the case. The Office of the Chief should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

347.3.2 CIVIL SUBPOENA
The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current collective bargaining agreement.

347.3.3 OFF-DUTY RELATED SUBPOENAS
Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

## 347.4 FAILURE TO APPEAR
Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance, related to their official duties, may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

If a member is unable to respond to a subpoena refer to **Policy 1036.3.1 - Unavailable Status** for direction.

In the event the Department becomes aware of a member's failure to appear, they shall notify the member's immediate supervisor to address the absence.

## 347.5 COURTROOM PROTOCOL
When appearing in court, members shall:

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(a) Be punctual when appearing in court and prepared to proceed immediately with the case for which they are scheduled to appear.

(b) Dress in the Department uniform or business attire.

(c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

347.5.1 TESTIMONY

Before the date of testifying, the subpoenaed member should obtain a copy of relevant reports and become familiar with the content in order to be prepared for court.

## 347.6 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current collective bargaining agreement.

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# Outside Agency Assistance

## 350.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

## 350.2 POLICY

It is the policy of the Vancouver Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this Department.

## 350.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Shift Sergeant's office for approval. In some instances, a mutual aid agreement or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this Department, the Shift Sergeant may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this Department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this Department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this Department will not ordinarily be booked at this Department. Only in exceptional circumstances, and subject to supervisor approval, will this Department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report may be prepared and submitted by the handling member as directed by a supervisor.

### 350.3.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Vancouver Police Department shall notify his/her supervisor or Dispatch as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

## 350.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

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

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### 350.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a police report may be documented in the dispatch call notes or as otherwise directed by the Shift Sergeant.

### 350.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administration Division Commander or the authorized designee.

The documentation should include:

(a) The conditions relative to sharing.

(b) The training requirements for:

1. The use of the supplies and equipment.
2. The members trained in the use of the supplies and equipment.

(c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to Dispatch and the Shift Sergeant to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Sergeant should maintain documentation that the appropriate members have received the required training.

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# Registered Offender Information

## 354.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Vancouver Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered offenders.

## 354.2 POLICY

It is the policy of the Vancouver Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

## 354.3 REGISTRATION

In the State of Washington the respective county Sheriff is the agency responsible for sex offender and kidnap offender registration. All offenders residing in Clark County, regardless of the geographic subdivision in which they reside must report to the Sheriff for registration.The designated authority is the Clark County Sheriff's Office Sex Offender Monitoring Unit.

Upon conclusion of the registration process, the Clark County Sheriff's Office shall ensure that the registration information is provided to the Washington State Patrol (WSP) within five working days in accordance with RCW 43.43.540. The Washington Association of Sheriffs and Police Chiefs (WASPC) shall be provided any requested information for the administration of the Sex Offender Information website (RCW 4.24.550).

A criminal investigation for failure to register will be initiated if a registrant refuses to provide any of the required information or complete the process. The agency of jurisdiction will conduct the investigation.

### 354.3.1 CONTENTS OF REGISTRATION FOR SEX OR KIDNAPPING OFFENDERS

Sex or kidnapping offenders who are required to register must appear in person and provide the following (RCW 9A.44.130):

- Name
- Complete residential address or where he/she plans to stay
- Date and place of birth
- Place of employment
- Crime for which the person has been convicted
- Date and place of conviction
- Aliases
- Social Security number
- Biological sample if one has not already been submitted to the WSP (RCW 43.43.754).

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Offenders lacking a fixed residence must keep an accurate accounting of where he/she stays during the week and provide it to the county sheriff upon request.

The registering member shall take photographs and fingerprints of all sex/kidnapping offenders.

## 354.4 MONITORING OF REGISTERED OFFENDERS

The Clark County Sheriff's Office has established a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include, as applicable:

(a) Efforts to confirm residence using an unobtrusive method, such as an Internet search, drive-by of the declared residence or address verification under RCW 9A.44.135.

  (a) When notice is received that a sex offender is moving outside the jurisdiction of the Vancouver Police Department, the Digital Evidence Cybercrime Unit (DECU)supervisor is responsible for address verification until the registrant completes registration with a new residential address (RCW 9A.44.130(5)).

(b) Review of information on the WASPC Sex Offender Information website.

(c) Contact with a registrant’s community correction officer.

Any discrepancies with sex/kidnapping offenders should be reported to ACCESS (A Central Computerized Enforcement Service System), which is administered by WSP, and, in the case of sex offenders only, to WASPC.

The Clark County Sheriff's Office has established a procedure to routinely disseminate information regarding registered offenders to Vancouver Police Department personnel, including timely updates regarding new or relocated registrants.

The Vancouver Police Department shall be responsible for verifying the registration of sex/kidnapping offenders within their jurisdiction.

### 354.4.1 OFFENDERS TRAVELING OUT OF THE COUNTRY

When written notice is received from a registrant who intends to travel outside of the United States, the Clark County Sheriff's Office shall notify the United States Marshals Service as soon as practicable after receipt of notification and also of any further notice of changes or cancellation of travel plans (RCW 9A.44.130(3)).

## 354.5 DISSEMINATION OF PUBLIC INFORMATION

Vancouver Police members will not unilaterally make a public notification advising the community of a particular sex/kidnapping registrant’s presence in the community. Police employees who identify a significant risk or other public safety issue associated with a sex/kidnapping registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

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*Registered Offender Information*

Members of the public requesting information on sex/kidnapping registrants should be provided the WASPC Sex Offender Information website or the Vancouver Police Department's website.

The Records Supervisor shall release local sex/kidnapping registered offender information to residents in accordance with RCW 4.24.550 and in compliance with a request under the Public Records Act (RCW 42.56.001 et seq.).

### 354.5.1 RELEASE NOTIFICATIONS FOR SEX OR KIDNAPPING OFFENDERS

The Clark County Sheriff's Office is responsible for making release notifications and may ask for Departmental input (e.g., recommendations regarding the radius of notifications from the offender's address). Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.

(b) The information is provided as a public service and may not be current or accurate.

(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

(d) The crime for which a person is convicted may not accurately reflect the level of risk.

(e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

(f) The Vancouver Police Department has no authority to direct where an offender may live.

### 354.5.2 MANDATORY NOTIFICATION

The Clark County Sheriff's Office shall ensure that:

(a) A public notification is made for sex offenders who are classified as Risk Level III and who register in the County. The notice shall conform to the guidelines established in RCW 4.24.5501.

(b) All information on sex/kidnapping offenders registered in the County is regularly updated and posted on the WASPC Sex Offender Information website (RCW 4.24.550(5)).

(c) The Vancouver Police Department is not responsible for public notifications under this subsection.

### 354.5.3 DISCRETIONARY DISSEMINATION FOR SEX OFFENDERS

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

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

(b) Offenders classified as Risk Level II: In addition to the dissemination for Level I, the Clark County Sheriff's Office may also disclose relevant, necessary and accurate

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information to public and private schools, child day care centers, family day care providers, public libraries, businesses and organizations that serve primarily children, women or vulnerable adults, and neighbors and community groups near the residence where the sex offender resides, expects to reside or is regularly found.

(c) Offenders classified as Risk Level III: In addition to the dissemination of Level I and Level II, the Clark County Sheriff's Office may also disclose relevant, necessary and accurate information to the public at large.

(d) Homeless and transient sex offenders may present unique risks to the community due to the impracticality of localized notification. The Clark County Sheriff's Office may also disclose relevant, necessary and accurate information to the public at large for sex offenders registered as homeless or transient.

The Vancouver Police Department may, at its discretion, inform members of the community of the status of a registered offender when it is necessary to verify the reported address of an offender or in the course of an investigation for failure to register as a sex/kidnapping offender. Such notifications may be made with consideration of the above detailed risk levels.

### 354.5.4 SCHOOL NOTIFICATIONS

The Clark County Sheriff's Office has the responsibility of notifying the applicable school's principal or public safety department of any sex/kidnapping offender who attends or is employed at the school and for providing the following information about the offender (RCW 9A.44.138):

- Name
- Complete residential address
- Date and place of birth
- Place of employment
- Crime for which the person have been convicted
- Date and place of conviction
- Aliases
- Social Security number
- Photograph
- Risk level classification

The Vancouver Police Department shall notify the Clark County Sheriff's Office when it obtains information that a registered sex/kidnapping offender has begun employment with a school.

## 354.6 SEX OFFENDER RISK ASSESSMENT

The Clark County Sheriff's Office shall establish a procedure to review and assign an initial risk level classification of sex/kidnapping offenders who have moved or are released into this jurisdiction and the risk assessment level has not already been assigned by the Washington Department of Corrections. The Vancouver Police Department shall participate in the Clark County

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## *Registered Offender Information*

Sheriff's Office sex/kidnapping offender risk assessment committee. That procedure shall address (RCW 4.24.550(6)):

- The circumstances under which the Clark County Sheriff's Office is authorized to assign its own risk level.
- Risk level classification criteria.
- What risk assessment tools may be used and how such tools are scored.
- Assessment of known aggravating or mitigating factors related to the risk posed by the offender to the community.
- Notification process following a change in the risk level classification.
- The process for an offender to petition for review of the risk level classification.

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# Major Incident Notification

## 356.1 PURPOSE AND SCOPE

The policy provides guidelines for officers and supervisors regarding notifying command personnel and the Office of the Chief of critical incidents.

## 356.2 POLICY

Incidents that are of a significant nature require notification to VPD supervisors and command personnel. Notification is critical to advise superiors, deploy needed resources, respond to questions from the community, and to properly address inquiries from members of the press. Most situations where the media show a strong interest are of interest to the Chief of Police and the affected Division Commander.

## 356.3 MINIMUM CRITERIA FOR NOTIFICATION

Sergeants must provide verbal notification to a District Lieutenant or Precinct Commander as soon as practical for the following incidents:

1. Whenever a specialty unit is activated.
2. When officers are involved in the following incident.
    (a) Officer involved shooting (OIS) on or off-duty.
    (b) Officer injury involving hospitalization and/or medical evaluation while on-duty.
    (c) Officer involved vehicle collision that results in serious injury or fatality or significant damage to police or citizen’s vehicle or property.
    (d) Police discharge of a weapon other than an OIS (e.g., Dog Shooting or Negligent Discharge).
    (e) Major uses of force by an officer, and the officer and/or suspect sustain significant injuries.
    (f) Arrest, detention, and or booking of our employees.
3. Shots fired at a person or residence.
4. Aircraft crash.
5. Explosions (bombs) and credible bomb threats.
6. Missing children or suspicious runaways that meet the appropriate risk level.
7. Missing/endangered persons.
8. Anytime a victim of a hate crime or biased incident experiences serious injury or death.
9. Arrests and/or criminal investigations involving a VPD employee, VPD volunteer, City personnel, or other law enforcement personnel.
10. High risk or SWAT operations conducted in our City by other agencies.
11. Significant non work-related illness or death of a VPD employee or immediate family member.

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12. Any major incident that necessitates calling of law enforcement agencies for assistance (Major Incident Mutual Aid request).

356.3.1 COMMAND BRIEF (C-BRIEF)
Sergeants must include the following incidents in a C-Brief and use their discretion to determine whether verbal notification is necessary:

1. Major assaults (I or II).
2. Elder abuse major investigations.
3. Robberies.
4. Serious injury vehicle collision.
5. Other significant or media worthy events.
6. Damage to City property.
7. Any hate crime or biased incident that does not result in serious injury or death to the victim(s).

## 356.4 VERBAL NOTIFICATION
The on-duty supervisor is responsible for making appropriate notification to their District Lieutenant or Precinct Commander as soon as practical. The on-duty supervisor shall make reasonable attempts to obtain as much information on the incident as possible before notification. Initial notification must be verbal.

## 356.5 NOTIFICATION OF A SPECIALTY UNIT
In determining whether to contact a specialty unit, the patrol sergeant will consider:

1. Potential danger to the public.
2. Available resources.
3. Complexity of the case.
4. Whether the incident is part of a series of crimes.
5. The particular vulnerability of the victim.
6. The severity of injuries.

356.5.1 MAJOR CRIMES NOTIFICATION
Sergeants should use the following list as a guide when determining whether to notify the Major Crimes Unit (MCU):

1. There are multiple victim and/or witness interviews and the lack of resources and/or complexity limits the patrol officer’s ability to do timely and thorough interviews.
2. Sexual assaults that have occurred within the past 24 hours, victim submits to a SART exam, suspect has been identified and their location is known, when the complexity and/or age of the victim warrants expertise of a detective.
3. Serious crimes that fit the pattern of crimes being handled by the Investigations.

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4. Processing of the crime scene for evidence such as photographs, fingerprints and/or DNA.
5. Death investigations when there are suspicious circumstances.
6. Suicides and Accidental Deaths.
7. Felony assaults against officers of a complex nature (e.g., multiple victim officers, vehicle used as a weapon, large or multiple scenes) or where serious injuries are sustained by the officer or suspect.

356.5.2 CHILDRENS JUSTICE CENTER UNIT NOTIFICATION

Sergeants should notify the Childrens Justice Center (CJC) sergeant regarding following incidents:

1. Felony physical assault of juveniles by family member/adult involving injury or use of a weapon.
2. Sexual assault of juveniles occurring withing the past 72 hours, and/or when the suspect is a family member or has access to the child victim.

356.5.3 DIGITAL EVIDENCE CYBERCRIME UNIT NOTIFICATION

Sergeants should notify the DECU sergeant as soon as practical regarding the following incidents:

1. Missing Persons:
    (a) Endangered:
        i. Abduction or suspected abduction
        ii. Left under suspicious circumstances requiring immediate detective follow-up (DV victim, child communicating with adult, person traveling does not arrive in reasonable time, phone/wallet left behind, etc.).
        iii. If youth, age makes them highly vulnerable. (12 and under)
        iv. If elderly, age makes them vulnerable and there is extensive follow-up needed beyond patrol capabilities.
        v. Medical or mental health issues make them highly vulnerable and detective follow-up may assist in finding the subject (Autistic, homicidal, danger to self, etc.).
    (b) Child Exploitation:
        i. Suspect appears to be adult and is making active plans to meet the child.
        ii. Child is chatting and there is limited time to take-over account.
        iii. When a supervisor is unsure what to do or how to proceed with a serious felony online child exploitation crime.
        iv. Child sex trafficking if unable to reach the SIU.
2. Registered Sex Offenders (RSO):
    (a) RSO is found with minor under suspicious circumstances.
    (b) An RSO is in custody when an exposure has occurred.

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3. Public Threat:
    (a) Whenever any other circumstance creating an immediate risk of great bodily harm or immediate grave risk to public safety may require a detective to obtain and/or interpret electronic records on an emergency basis.
4. Forensics:
    (a) Suspect in violent felony crime has phone open and it needs to be kept in a safe state for examination (murder, rape, assault 1).
    (b) Immediate video extraction for violent felonies.
    (c) Violent felony victim phones needing immediate examinations.
    (d) When suspect in major felony crime is suspected of using anti-forensics tactics (encryption, advanced wiping technologies, etc.) and on-site assistance is needed.
5. Polygraph:
    (a) When the suspect in custody for a serious felony crime is willing to take a polygraph prior to being booked.
6. K-9:
    (a) When a unit is in need of locating an electronic device that cannot wait until business hours.

356.5.4 DOMESTIC VIOLENCE UNIT NOTIFICATION

Sergeants should notify the Domestic Violence (DV) Unit of felony domestic violence calls as soon as practical when the outstanding suspect represents a threat of danger to the victim or serious physical injury is sustained by the victim.

**Danger Assessments Notifications to the DV Sergeant:**

1. When the Danger Assessment is identified as Extreme Risk, or the point total is 18+ points.
2. If the suspect in the case is outstanding, the notification should be verbal to minimize delay if a response by the DV Unit is appropriate (This includes cases where officers investigate a DV crime and PC is not established for any crime and the Danger Assessment is identified as Extreme Risk, or the point total is 18+ points).
3. If the suspect in the case is in custody, then the notification can be via email or text.
4. On serious felony DV crimes.
5. On DV Sexual Assault Crimes meeting the same or similar criteria for MCU notification for sexual assault case covered in 356.5.1.2: ***Sexual assaults that have occurred within the past 24 hours, victim submits to SART exam, the suspect has been identified and their location is known, when the complexity and/or age of the victim warrants expertise of a detective.***

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6. Department personnel are encouraged to contact the DV Unit for additional information or guidance when they want or need assistance on a specific case or DV subject area, such as dual arrest, violation of orders, service of orders, dual or competing orders, etc.
7. The DV Unit is not responsible for follow up on a DV misdemeanor crime(s) unless the case involves an Extreme Risk crime that has been documented in the report.

### 356.5.5 PROPERTY CRIME UNIT NOTIFICATION

Sergeants should notify the Property Crimes Unit through email anytime one of the following events occur. Include in the notification a brief synopsis of the incident, suspect information and applicable case number(s):

1. **Thefts/Forgeries**
   (a) Over $25,000.00 loss suffered by the victim: **and**
   (b) Named or identifiable suspect(s) or vehicle information; **and/or**
   (c) Surveillance photos/videos (if available) have been collected and evaluated to ensure that the depictions of the suspect(s) are of a quality that will likely lead to an identification.
2. **Burglaries**
   (a) Over $25,000.00 loss suffered by the victim; **and**
   (b) Named or identifiable suspect
3. **Auto Theft**
   (a) Named or identifiable suspect(s)

If the investigating officer has reason to believe the incident they are investigating is linked to a series of crimes by modus operandi or by named suspect(s), the officer should notify the Property Crimes Unit (PCU) sergeant via email. The goal is to concentrate on cases where the biggest impact can be made on the crimes being committed, not just the dollar amount.

### 356.5.6 SAFE STREETS TASK FORCE NOTIFICATION

Sergeants should notify the Safe Streets Task Force as soon as practical on gang related crimes including serious injury assaults, home invasion robberies, multiple victim and/or witness interviews and firearms related crimes.

### 356.5.7 SPECIAL INVESTIGATIONS UNIT (SIU) NOTIFICATION

Sergeants will notify the SIU as soon as practical in the following circumstances:

1. Any Human Trafficking-related Call for Service (CFS) or incident that is actively occurring
2. Any Political Activist CFS or incident that is actively occurring
3. An overdose if MCU opts not to respond

### 356.5.8 K9 NOTIFICATION

Sergeants should observe the following guidelines regarding K9 notification:

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1. Contact the Special Operation sergeant if you have canine questions.
2. Please do not contact off duty canine handlers with canine questions.
3. If you need a canine and one is not working, please contact dispatch to have one paged out.

356.5.9 MCU AND TRAFFIC FOR VEHICULAR ASSAULT NOTIFICATION
Consult MCU and Traffic on all vehicular assault cases where there is intent developed for the driver.

## 356.6 PSU NOTIFICATION

The District Lieutenant or Precinct Commander will notify the Professional Standards Unit (PSU) of all serious officer involved collisions, officer involved shootings (OIS) and all incidents in which an officer uses force that could result and/or does result in serious physical injury or death. A representative of the PSU will respond to the scene.

## 356.7 PUBLIC INFORMATION COORDINATOR (PIC)

The District Lieutenant or Precinct Commander will ensure notification to the Public Information Coordinator after members of staff have been notified and it appears the media may have a significant interest in the incident.

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# Death Investigation

## 358.1 PURPOSE AND SCOPE

This policy provides guidelines for law enforcement response to calls involving the death of a person.

## 358.2 POLICY

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations is critical.

## 358.3 MEDICAL RESPONSE

Medical personnel will respond to most calls involving death. In the event of a crime scene, medical response will stage until authorized to proceed by law enforcement personnel on-scene.

## 358.4 LAW ENFORCEMENT RESPONSE

Officers will respond to calls involving death as follows:

1. Suspicious or unexpected death

2. Deaths where Fire or Medical personnel or the Medical Examiner's Office determine a law enforcement response is necessary.

3. Homicide or Accidental Death

4. Suicide Death

5. Unless unusual or exceptional circumstances exist, officers will not respond to calls involving:

    (a) Death at a Hospice facility.

    (b) Death when a Physician Ordered Life Sustaining Treatment (POLST) or Do Not Resuscitate (DNR) exists.

    (c) Death at a nursing home.

    (d) Death at an independent care or home care facility involving five (5) patients or less.

    (e) An expected death at home where the deceased was under hospice care.

### 358.4.1 PROCEDURES FOR LAW ENFORCEMENT RESPONSE

Medical response shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed, etc.).

Officers are not authorized to pronounce death. The medical examiner determines the manner and cause of death. A supervisor shall be notified in all death investigations.

When responding to a suspected death call, officers shall:

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1. Check Life Signs: The first responsibility of the responding officer is to check for life signs; if the officer's opinion is that the victim is deceased, the officer shall protect the scene and gather preliminary information.

2. Suspicious Death: In the case of any death which involves a homicide or other suspicious circumstances, a supervisor shall notify the VPD Major Crimes Unit.

3. Homicides, Suicides or Accidental Deaths: In cases involving homicide, suicide or accidental death, the following procedure will apply:

(a) The responding officer shall protect the scene.

(b) The responding officer shall notify the immediate supervisor.

(c) The supervisor will respond to the scene.

(d) The supervisor will notify the VPD Major Crimes Unit.

(e) All available information relating to the incident will be collected.

(f) Witnesses will be identified, separated, and detained. If it is not possible to detain a witness, an officer shall determine where, when and how they can be reached by follow-up personnel.

4. Natural Death: In apparent natural death cases, the responding officer is responsible for the following:

(a) Notifying a supervisor.

(b) Notifying the medical examiner.

(c) Attempting to determine the physical condition of the deceased prior to death and if the deceased was under the care of a doctor.

(d) Completing an incident report.

(e) Photographing the scene.

The body or human remains shall not be disturbed or moved from the position or place of death without permission of the coroner, medical examiner or their deputies (RCW 68.50.050).

## 358.5 DEATH NOTIFICATION

The Clark County Medical Examiner's office will generally be responsible for notifying next of kin of deceased persons. At the request of the medical examiner's office, during exigent circumstances, or in the furtherance of an investigation VPD personnel may notify next of kin of a person's death. When VPD is responsible, notification should be made in person to the next of kin. If the next of kin lives in another jurisdiction, a law enforcement official from that jurisdiction may be requested to make the personal notification.

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### 358.6 DEATH INVESTIGATION REPORTING

All incidents involving a death where VPD responds to the scene shall be documented in a police report and on the Death Investigation Report Form. All photographs shall be entered into the evidence system. Access to viewing photos shall be restricted to those personnel having an investigatory need.

See attachment: 358 Death Investigation Report.pdf

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# Identity Theft

## 360.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for the reporting and investigating identity theft crimes.

## 360.2 POLICY

This Department will initiate a police report whenever a person reasonably suspects that his/her financial information or means of identification has been unlawfully obtained, used, or transferred to another person or entity in all cases where the victim resides or works within this jusridication, or where any part of the crime occurred within this jurisdiction.

## 360.3 REPORTING

An employee receiving the report will ensure that a report is completed and provide the victim with a case number. If the victim requests a copy of the report, they can obtain a copy by contacting the Vancouver Police Records Division and obtain one without charge (RCW 9.35.050).

In cases where the reporting party does not reside or work within this jurisdiction and there is no known or suspected criminal activity occurring within this jurisdiction, the reporting party may be referred to the appropriate law enforcement agency having jurisdiction. If it is not reasonably practical for the reporting party to file a timely report with his/her home jurisdiction, the receiving employee should take a courtesy incident report to be forwarded to the agency having jurisdiction.

Reports should include all known incidents of fraudulent activity (e.g., credit card number applied for in the victim's name when the victim has never made such an application).

The employee preparing the report should, if possible, cross-reference all other known reports made by the victim (e.g., US Secret Service, credit reporting bureaus, US Postal Service and Department of Licensing) with all known report numbers.

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# Communications with Persons with Disabilities

## 368.1 PURPOSE AND SCOPE

This policy provides guidance to all members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

### 368.1.1 DEFINITIONS

Definitions related to this policy include:

**Americans with Disability Act (ADA)** - The Americans with Disabilities Act (ADA) prohibits discrimination against people with disabilities in several areas, including employment, transportation, public accommodations, communications and access to state and local government' programs and services.

**Auxiliary Aids and Services** – Tools used to communicate with people who have a disability or impairment.They include but are not limited to, Qualified Interpreters (defined below) on-site or through video remote interpreting ("VRI") services; notetakers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones ("TTYs"), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making aurally (by means of the ears or the sense of hearing) delivered information available to individuals who are deaf or hard of hearing (28 C.F.R. § 35.104).

**Communication Disability** - is defined as a person with a disability (as defined by the ADA, 42 U.S.C. § 12102(2); 28 C.F.R. § 35.104) that impacts their ability to communicate.

**Deaf or hard of hearing** - An individual who has or is regarded as having substantially limited hearing with or without assistance.

**Field Assessment Form (FAF)** – an infographic which allows a person with a Communication Disability to point to a preferred communication icon.

**Qualified interpreter** - An interpreter who, via a VRI service or an on-site appearance, is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary, given the individual who is deaf or hard of hearing's language skills and education.Qualified interpreters include, for example, sign language interpreters, oral transliterators, and cued-language transliterators (28 C.F.R. § 35.104).To be a Qualified Interpreter, the interpreter must be able to interpret in the language the individual with a disability uses (e.g., ASL or Signed English).

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### 368.2 POLICY

It is the policy of the Vancouver Police Department to reasonably ensure that people with disabilities, including but not limited to victims, witnesses, suspects, arrestees or general members of the public requesting police service have equal access to law enforcement services, programs and activities.

In determining the type of Auxiliary Aid or Service necessary to comply with the ADA, VPD employees will give primary consideration to the expressed preference for a particular Auxiliary Aid or Service by an individual who has a Communication Disability (28 C.F.R. § 35.160).Whenever a member of the community self-identifies as having a Communication Disability, or whom the Department member reasonably believes to have a Communication Disability, the Department member shall use the Department approved Field Assessment Form (FAF) to determine the expressed preference for an Auxiliary Aid or Service.If using the FAF compromises officer safety, the Department member will defer use until the immediate safety issues are resolved.When there is an emergency involving an imminent threat to the safety or welfare of an individual or the public, VPD may deviate from giving primary consideration to the expressed preference until the emergency has passed.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

### 368.3 AMERICANS WITH DISABILITIES ACT (ADA) COORDINATOR

Pursuant to 28 CFR 35.107, the Chief of Police shall delegate certain responsibilities to an ADA Coordinator. The ADA Coordinator shall be appointed by, and directly responsible, to the Administration Bureau Assistant Chief or the authorized designee. The VPD Audit Sergeant is currently assigned the duties of VPD ADA Coordinator. The ADA Coordinator's name, work location address, email address and work telephone number shall be on the department website as well as posted conspicuously in public areas of all precincts.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

(a) Working with the City ADA coordinator regarding the Vancouver Police Department's efforts to ensure equal access to services, programs, and activities.

(b) Shall have training relating to the legal rights of persons with disabilities, including but not limited to the obligations of public entities under federal and state laws covering individuals with Communication Disabilities.

(c) Developing reports, new procedures, or recommending modifications to this policy.

(d) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to Department services, programs and activities.

(e) Ensuring that a list of qualified interpreter services is maintained and available to each Shift Supervisor and Clark Regional Emergency Services Agency (CRESA). The list should include information regarding the following:

1. Contact information
2. Availability

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(f) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(g) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids or services are available free of charge to people with disabilities.

(h) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to Department services, programs and activities.

(i) To comply with 28 CFR 35.107, the ADA Coordinator, or their upper chain of command, will work with PSU to investigate communication disability complaints

(j) Maintain a log of all communication with persons with communication disabilities if they are a victim, witness or suspect in a crime.

## 368.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this Department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Members should not assume that effective communication is being achieved. The fact an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual, if time allows, to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) Use of a Video Remote Interpreting service may not be appropriate when an individual has limited ability to move their head, hands or arms; vision or cognitive issues; significant pain or emotional instability; or visibility of the screen. In such cases, VPD will contact its contracted agency as soon as is practicable to obtain an in-person interpreter.

## 368.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

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In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of Auxiliary Aid or Service. Members will use an approved Field Assessment Form to inquire as to the individual with a Communication Disability's preference for Auxiliary Aids and Services to achieve effective communication, unless doing so would compromise safety.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Vancouver Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

In cases where there is an imminent threat to the safety or welfare of an individual or the public, VPD must timely provide a Qualified Interpreter when the imminent threat to safety has passed.

## 368.6 TYPES OF ASSISTANCE AVAILABLE

Vancouver Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance because of an actual or perceived disability. The Department will not charge anyone to receive Auxiliary Aids or Services, nor shall they require anyone to furnish their own Auxiliary Aid or Service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who has a Communication Disability may choose to accept Department provided Auxiliary Aids or Services, or they may choose to provide their own.

Department provided Auxiliary Aids or Services may include, but are not limited to, the assistance methods described in this policy. (e.g., see subsections 368.7, 368.8, and 368.9 of this Policy)

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### 368.7 AUDIO RECORDINGS AND ENLARGED PRINT

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

### 368.8 QUALIFIED INTERPRETERS

A Qualified Interpreter shall be provided whenever it is necessary to afford equal access to programs, activities or services. A Qualified Interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee) if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The Qualified Interpreter shall not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified Interpreters should be:

(a) Available within a reasonable amount of time but in no event longer than one hour(for VRI services) and 24 hours for in person services if requested.

(b) Experienced in providing interpretation services related to law enforcement matters.

(c) Familiar with the use of VRI and/or video remote interpreting services.

(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use Department approved procedures to request a Qualified Interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

### 368.9 VIDEOPHONES, TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are, deaf or hard of hearing, have impaired speech or vision, or are blind the opportunity to place calls using an available Videophone or TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of Videophone interpretation services, TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

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VPD will ensure that the privacy of telephone calls by individuals using a videophone is equal to that of other telephone calls.

VRI will not be used whenever it is not effective, for example, due to an individual's limited ability to move his or her head, hands or arms; vision or cognitive issues; significant pain or emotional instability; or visibility of the screen. In such cases where VRI is not effective, VPD member will contact the contracted language service provider as soon as is practicable to obtain an on-site interpreter. The interpreter must arrive within 24-hours of a request.

## 368.10 COMMUNITY VOLUNTEERS, FAMILY AND FRIENDS

While community volunteers, family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect). In general, members shall not rely on an adult accompanying the individual with a disability to interpret or facilitate communication except:

(a) In an emergency involving imminent threat to the safety or welfare of an individual or the public where there is no interpreter available.

(b) Where the individual with a disability specifically requests that the accompanying adult interpret or facilitate communication, the accompanying adult agrees to provide such assistance, and the reliance on that adult for such assistance is appropriate under the circumstances. (28 CFR 35.160)

Minor children shall not be relied upon to interpret or facilitate communication, except:

(a) In an emergency involving imminent threat to the safety or welfare of an individual or the public where there is no interpreter available.

## 368.11 REPORTING

Any Department employee who communicates with a person with a communication disability, who is a victim, suspect or witness of a crime, shall report and document the encounter in the related police report. The type of information required in the report is the following:

1. The Auxiliary Aid or Service provided.
2. If there was a delay in providing the Auxiliary Aid or Service, including but not limited to the response time of an on-site interpreter.
3. If no Auxiliary Aid or Service was provided, an explanatory statement regarding the reason for the delay or non-provision of the requested service (i.e. an imminent threat to the person or employee).

All police reports of this type shall be forwarded to the Department ADA Coordinator.

No report is required for non-criminal police service interaction.

## 368.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may

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involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

When a member of the community with a Communication Disability indicates their communication needs (either using the FAF, or through any other form of communication), Department members will timely provide the appropriate Auxiliary Aid or Service to the community member, giving primary consideration to the form of communication identified by the individual. If the Department member is uncertain how to proceed, they will immediately contact their supervisor for guidance.

In addition to circumstances in which a community member expressly requests the provision of a Qualified Interpreter (as defined by this policy), Department members must also timely provide a Qualified Interpreter in the following circumstances:

(a) When conducting a criminal investigation involving a person (whether as a victim, witness, or suspect) who has a Communication Disability;

(b) When conducting a criminal investigation involving a minor child (whether as a witness, victim, or suspect) and the parent(s), guardian, or custodian has a Communication Disability; and

(c) Whenever a Department member believes a Qualified Interpreter is necessary to achieve Effective Communication.

To ensure effective communication with a person with a Communication Disability, members and/or supervisors must continually assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who has a Communication Disability requires communications assistance.

Members should obtain the assistance of a Qualified Interpreter before placing an individual with a Communication Disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

### 368.13 CUSTODIAL INTERROGATIONS

In an effort to ensure the rights of individuals who have a Communication Disability are protected during a custodial interrogation, this Department will provide Qualified Interpreter services before beginning an interrogation unless exigent circumstances exist. The use of a VRI service should be considered, where appropriate, if a live interpreter is not available. Miranda warnings shall be provided to suspects who have a Communication Disability by a Qualified Interpreter.

If the suspect is under arrest for a felony crime, or the suspect is a juvenile under arrest for any crime, any custodial interrogation must be audio recorded.If the custodial interrogation takes place at a jail, police or sheriff's station, holding cell, or correctional or detention facility, the

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electronic recording must be both audio and video. There are limited exceptions to the electronic recording requirement such as spontaneous statements, exigent circumstances, refusal to be recorded by the suspect, interview by another agency, reasonable belief that recording is not required, reasonable belief of a safety concern or equipment malfunction.Officers that do not electronically record a custodial interrogation must author a report explaining why the interview was not recorded.

Prior to the custodial interrogation of a juvenile (any person under the age of eighteen) they shall be provided with access to an attorney for consultation prior to waiving any of their constitutional rights.The juvenile is prohibited from waiving their right to be provided access to an attorney.

### 368.14 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use Department approved procedures to provide a qualified interpreter as soon as reasonably practicable, unless the individual indicates he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody of an officer.

### 368.15 COMPLAINTS

The Department shall ensure individuals with disabilities who wish to file a complaint regarding members of this Department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print as appropriate. Complaints will be referred to the Department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Internal Affairs Policy. Investigators shall use Qualified interpreters.

### 368.16 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this Department are important to the ultimate success of more traditional law enforcement duties. This Department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

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### 368.17 TRAINING

To ensure all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Effective communication requirements of the ADA.

(d) Prohibitions against using persons other than qualified interpreter for interpretations and the allowed exceptions.

(e) How and when to use the FAF.

(f) How and when to obtain a sign language interpreter or other auxiliary aids and services.

(g) The modification requirement when handcuffing a person with a Communication Disability.

(h) Working with in-person and telephone interpreters and related equipment.

(i) The Department's prohibition against discrimination, retaliation, or coercion against any person who made, or is making, a complaint for exercising their rights of the ADA.

(j) The name and base responsibilities of the Department ADA Coordinator and how they can be reached.

The Training Sergeant shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

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# Solicitor License

## 369.1 PURPOSE AND SCOPE

The Chief of Police is given the statutory responsibility to ensure a criminal history investigation is conducted when an application for Solicitor License is received by the City of Vancouver.

If after the criminal history investigation is conducted and the applicant has prior convictions for specific criminal violations, the Chief of Police shall deny the Solicitor License Application.

**See attachment: 369 VMC 05.050.050 - Investigation for Issuance.pdf**

## 369.2 INVESTIGATION PROCESS

Upon receipt of an application for Solicitor's License, a request shall be made to the Washington State Patrol for the criminal history of each individual who will be acting as a "Canvasser" or "Solicitor" as defined within VMC 5.50.020. The Chief of Police or designee shall then review the criminal history of each proposed Canvasser or Solicitor.

### 369.2.1 MANDATORY DENIAL

The Chief of Police or designee shall mandatorily deny the application if, in rendering a fitness determination, it is determined that the applicant has any of the following enumerated disqualifiers which are found by the Chief of Police to bear directly upon the ability or fitness to serve in the capacity of Canvasser or Solicitor:

1. Within three (3) years of the date of application, the applicant had a bail forfeiture, conviction or other final adverse finding for one or more of the following:

a. Assault: to include any crime codified within RCW 9A.36;

b. Non-felony Theft: to include any misdemeanor or gross misdemeanor codified within RCW 9A.56;

2. Within ten (10) years of the date of application, the applicant had a bail forfeiture, conviction or other final adverse finding for one or more of the following:

a. Identity Crimes: to include any crime codified within RCW 9.35;

b. Promoting Pornography: to include any crime codified within RCW 9.68;

c. Sexual Exploitation of Children: to include any crime codified within RCW 9.68A;

d. Homicide: to include any crime codified within RCW 9A.32;

e. Kidnapping: to include any crime codified within RCW 9A.40;

f. Sex Offenses: to include any crime codified within RCW 9A.44;

g. Harassment: to include any crime codified within RCW 9A.46;

h. Burglary: to include any felony codified within RCW 9A.52;

i. Theft and Robbery: to include any felony codified within RCW 9A.56;

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j. Identification Documents: to include any crime codified within RCW 9A.58;

k. Fraud: to include any crime codified within RCW 9A.60;

l. Indecent Exposure: to include any crime codified within RCW 9A.88.

3. The applicant is currently under the duty to register as a Sex Offender.

369.2.2 DISCRETIONARY DENIAL

The Chief of Police or designee may deny the application if, in rendering a fitness determination, it is determined that the applicant has any of the following enumerated disqualifiers which may, depending on the circumstances, bear upon the ability or fitness to serve in the capacity of Canvasser or Solicitor:

1. The applicant has been convicted of any felony within ten (10) years prior to the date of the Solicitor License application;

2. The applicant has been convicted of any misdemeanor involving violence and/or property damage within ten (10) years prior to the Solicitor License application;

3. The applicant makes a misrepresentation of, or fails to disclose, a material fact to the City of Vancouver in relation to licensing qualifications.

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# Off-Duty Law Enforcement Actions

## 384.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for officers of the Vancouver Police Department with respect to taking law enforcement action while off-duty.

## 384.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this Department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

## 384.3 FIREARMS

When carrying firearms while off-duty officers shall also carry their Vancouver Police Department issued badge and identification card.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. The officer may not be under the inluence of alcohol or any other intoxicating or hallucinatory drug.

## 384.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

(a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.

(b) The inability to communicate with responding units.

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

(d) The lack of cover.

(e) The potential for increased risk to bystanders if the off-duty officer were to intervene.

(f) Unfamiliarity with the surroundings.

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(g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

### 384.4.1 INTERVENTION PROCEDURE

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

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

### 384.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances, officers should call the responsible agency to handle the matter.

### 384.4.3 CIVILIAN/NON SWORN RESPONSIBILITIES

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

### 384.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

## 384.5 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify an on-duty Vancouver Police supervisor as soon as practicable. The officer taking such action shall accomplish an appropriate department report or memorandum documenting their actions. This report must be submitted to the officer's immediate supervisor for review.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested.

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# RESCINDED - See Civil Protection Orders

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# INTERVIEWS AND CUSTODIAL INTERROGATIONS

## 389.1 POLICY

The purpose of this policy is to provide guidance for conducting custodial interrogations of detained individuals, whether arrested or not, in compliance with RCW 10.122 - UNIFORM ELECTRONIC RECORDATION OF CUSTODIAL INTERROGATIONS ACT.

## 389.2 DEFINITIONS

**Custodial interrogation** - Express questioning or other actions or words by a law enforcement officer which are reasonably likely to elicit an incriminating response from an individual and occurs when reasonable individuals in the same circumstances would consider themselves in custody. RCW 10.122.020

**Electronic recording** - an audio recording or audio and video recording that accurately records a custodial interrogation. RCW 10.122.020

**Place of Detention** - a jail, police or sheriff's station, holding cell, correctional or detention facility, police vehicle, and, in the case of juveniles, schools. RCW 10.122.020.

**Statement** - a communication whether oral, written, electronic, or nonverbal. RCW 10.122.020

**Temporary Investigative Detention (Terry Stop)** - The brief detainment or seizure of an individual, whether on foot or in a vehicle, based on reasonable suspicion that a suspect is committing, has committed, or is about to commit a crime. Reasonable Suspicion must be based on specific, articulable and rational facts.

## 389.3 VOLUNTARY CONTACTS

The police activity of inquiring into a person's identity and the reason for his/her presence at an unusual time, and/or place, or under circumstances plays an important role in the prevention of crime and the apprehension of criminals. It is the policy of the Vancouver Police Department to encourage its members to actively engage in this process.

During voluntary contacts, officers should not use any words, actions, demeanor, or other show of authority that would reasonably indicate that a person is not free to leave; voluntary contacts are not seizures.

Voluntary Contacts fall under two categories:

1. Social Contact: A voluntary and consensual encounter between the police and a subject with the intent of engaging in casual and/or non-investigative conversation. The subject is free to leave and/or decline any of the officer's requests at any point; social contacts are not seizures.
2. Non-Custodial Interview: A voluntary and consensual investigatory interview that an officer conducts with a subject during which the subject is free to leave and/or decline any of the officer's requests at any point; non-custodial interviews are not seizures.

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If a voluntary contact develops into a custodial interrogation or temporary investigative detention of a juvenile, officers will comply with recording requirements under RCW 10.122 and/or juvenile access to an attorney under RCW 13.40.740.

## 389.4 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may be lost or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to identify all persons present at the scene and in the immediate area. When feasible, officers should obtain a statement or make arrangements for a statement to be made.

Any potential witness who is unwilling to remain available or identify themselves should not be detained unless there is probable cause to arrest or reasonable suspicion to conduct a temporary investigative detention.

## 389.5 CUSTODIAL INTERROGATIONS

Pursuant RCW 10.122, custodial Interrogations conform to the following:

1. A custodial interrogation must be recorded in its entirety if the interrogation subject is a juvenile or if the interrogation relates to a felony crime.
    (a) Pursuant RCW 13.40.740, juveniles shall be provided with access to an attorney prior to waiving their rights before any custodial interrogation.
2. Consent is not required to record the interrogation.
3. A custodial interrogation at a jail, police or sheriff's station, holding cell, or correctional or detention facility must be recorded by audio and video means. A custodial interrogation at any other place of detention must be recorded by audio means at minimum.

## 389.6 ELECTRONIC RECORDING

Officers should use Department issued recording devices to make electronic recordings of custodial interrogations meeting the requirements of RCW 10.122.

Video and/or sound recordings will conform to the following:

1. The arrested person shall be informed that a recording is being made and the statement so informing him or her shall be included in the recording;
2. The recording shall commence with an indication of the time of the beginning thereof and terminate with an indication of the time thereof;
3. At the commencement of the recording the arrested person shall be fully informedof his or her constitutional rights, and such statements informing him or her shall be included in the recording.

### 389.6.1 EXCEPTIONS TO ELECTRONIC RECORDING

A custodial interrogation to which RCW 10.122.030 otherwise applies need not be recorded electronically under the following circumstances;

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1. When a spontaneous statement made outside the course of a custodial interrogation or a statement made in response to a question asked routinely during the processing of the arrest of an individual. Such statements may be included in the officer's report.
2. If recording is not feasible because of exigent circumstances.-The law enforcement officer conducting the interrogation shall record an explanation of the exigent circumstances before conducting the interrogation, if feasible, or as soon as practicable after the interrogation is completed.
3. If the individual to be interrogated indicates they will not participate in the interrogation if it is recorded - If feasible, the agreement to participate without recording will be recorded.
4. If, during a custodial interrogation the individual being interrogated indicates they will not participate further unless the recording ceases, the remainder of the custodial interrogation need not be recorded. If feasible, the individual's agreement to participate without further recording will be recorded.
5. If a custodial interrogation occurs in another state in compliance with that state's law or is conducted by a federal law enforcement agency in compliance with federal law, the interrogation need not be recorded.
6. The officer conducting the interrogation has no knowledge or reasonable belief that the interrogation subject committed an act requiring the interrogation to be recorded under RCW 10.122.
    (a) If, during such an interrogation the individual reveals facts and circumstances giving the officer conducting the interrogation reason to believe that an act requiring the interrogation be recorded, continued interrogation concerning that act must be recorded, if feasible.
7. If an officer conducting the interrogation or the officer's superior reasonably believes that recording would disclose the identity of a confidential informant or jeopardize the safety of an officer, the individual being interrogated, or another individual.
    (a) If feasible and consistent with the safety of a confidential informant, an explanation of the basis for the belief that recording would disclose the informant's identity must be recorded at the time of the interrogation.
    (b) If recording of the basis for the belief is not feasible at the time of the interrogation, the recording must be made as soon as practicable after the interrogation is completed.
8. When recording is not feasible because the available recording equipment fails, and timely repair or replacement is not feasible.

### 389.6.2 VIDEO RECORDING EQUIPMENT PLACEMENT

When utilizing video recording of a custodial interrogation, the officer should seek to ensure the angle, focus, and field of vision of the recording device reasonably promotes accurate recording of the custodial interrogation.

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### 389.7 HANDLING AND PRESERVING ELECTRONIC RECORDING

To preserve the chain of custody of an electronic recording, within a reasonable time, recording files are submitted into the Department RMS or the Department evidence system consistent with established procedures.

When submitting a recording of a custodial interrogation the recording file or evidence item submission description should be labeled by the name of the subject interviewed at a minimum to ensure the specific recording can be readily identified and accessed.

Recordings made utilizing a body-worn camera may be referenced in the officer's report.

### 389.8 DOCUMENTATION

If an officer conducts a custodial interrogation to which the recording requirement under state law applies without recording it in its entirety, the officer shall complete a report explaining the reason for not recording, and summarizing the custodial interrogation process and the individual's statements as soon as practicable.

Recorded custodial interrogations conducted outside a place of detention (ie: in a residence, business, etc.) shall include in the related report an explanation of why the subject was interrogated at that location, and summarizing the custodial interrogation process.

### 389.9 SUPERVISOR RESPONSIBILITY

There is no requirement for the review of recordings of custodial interviews by supervisors. However, supervisors may choose to randomly or selectively review recordings of custodial interviews consistent with, and as a part of, the report approval process in the Department RMS subject to VPD Policy 343 Report Preparation.

### 389.10 MATERIAL RESOURCES

The Department shall provide adequate electronic recording equipment in good repair for the use of officers to comply with the requirements of RCW 10.122.

### 389.11 TRAINING

The Training Unit will provide education and training, to ensure that all sworn personnel are familliar with the requirements of RCW 10.122 - UNIFORM ELECTRONIC RECORDATION OF CUSTODIAL INTERROGATIONS ACT.

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# Chapter 4 - Patrol Operations

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# Patrol Function

## 400.1 POLICY

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Vancouver, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day seven days per week.

## 400.2 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the Patrol Division of the Department to ensure intra-Department cooperation and information sharing.

### 400.2.1 GENERAL PATROL FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of the city of Vancouver, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

(a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions.

(b) Crime prevention activities such as residential patrols, business patrols, etc.

(c) Calls for service, both routine and emergency in nature.

(d) Investigation of both criminal and non-criminal acts.

(e) The apprehension of criminal offenders.

(f) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature.

(g) The sharing of information between the Patrol and other divisions within the Department, as well as other outside governmental agencies.

(h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and Problem Solving strategies.

(i) Traffic direction and control.

(j) Prepare crime and information reports.

### 400.2.2 PATROL BRIEFINGS

Patrol briefings are generally conducted at the beginning of the officer’s assigned shift to provide an opportunity for important exchange between employees and supervisors.

Patrol briefings should accomplish the following:

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a. Provide officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations.

b. Notify officers of changes in schedules and assignments.

c. Review recent incidents for training purposes.

d. Provide training on a variety of subjects.

e. Discuss new policy and/or general order.

f. Discuss other job related topics.

A supervisor generally will conduct patrol briefings; however, officers may conduct the briefing for training purposes with supervisor approval.

## 400.3 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-Department cooperation and information flow between the various divisions of the Vancouver Police Department.

### 400.3.1 CRIME ANALYST

Crime analysts exchange criminal information and intelligence reports to all police personnel through emails and special bulletins.

### 400.3.2 CRIME REPORTS

A crime report may be completed by any patrol officer or Police Service Technician who receives criminal information. The report will be processed and forwarded to the appropriate division/ investigative unit for follow-up investigation.

### 400.3.3 PATROL SHIFT BRIEFING

Patrol supervisors, detective sergeants, and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily shift briefings as time permits.

### 400.3.4 INFORMATION CLIPBOARDS

Several information clipboards will be maintained in the briefing room and will be available for review by officers from all divisions within the Department.

## 400.4 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety

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concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

If enforcement activity is required refer to **Policy 206.3.1 - Police Emergency Operations Plan** and review the Vancouver Police Special Occurrence Manual for Field Force Mobilization.

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# Racial- or Bias-Based Profiling

## 402.1 PURPOSE AND SCOPE

This policy provides guidance to Department members and establishes appropriate controls to ensure that employees of the Vancouver Police Department do not engage in racial- or bias-based profiling or violate any related laws while serving the community.

### 402.1.1 DEFINITION

Definitions related to this policy include:

**Racial- or bias-based profiling** - An inappropriate reliance on factors such as race, ethnicity, national origin, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service.

## 402.2 POLICY

The Vancouver Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this Department to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

## 402.3 RACIAL- OR BIAS-BASED PROFILING PROHIBITED

Racial- or bias-based profiling is strictly prohibited. However, nothing in this policy is intended to prohibit an officer from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

### 402.3.1 OTHER PROFILING PROHIBITED

The Vancouver Police Department also condemns the illegal use of an individual or group's attire, appearance or mode of transportation, including the fact that an individual rides a motorcycle or wears motorcycle-related paraphernalia, as a factor in deciding to stop and question, take enforcement action, arrest or search a person or vehicle with or without a legal basis under the United States Constitution or Washington State Constitution (RCW 43.101.410).

## 402.4 MEMBER RESPONSIBILITY

Every member of this Department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial- or bias-based profiling to a supervisor.

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402.4.1 REASON FOR DETENTION

Officers detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify the detention, independent of the individual's membership in a protected class.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview card), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the detention, as applicable.

Nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

## 402.5 SUPERVISOR RESPONSIBILITY

Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the Internal Affairs Policy.

(a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.

(b) Supervisors should periodically review any available video or audio recordings, MDC data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.

1. Supervisors should document these periodic reviews.
2. Recordings that capture a potential instance of racial- or bias-based profiling should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should ensure that no retaliatory action is taken against any member of this Department who discloses information concerning racial- or bias-based profiling.

## 402.6 ADMINISTRATION

Each year, the Operations Bureau Assistant Chief shall review the efforts of the Department to prevent racial- or bias-based profiling and submit an overview, including public concerns and complaints, to the Chief of Police. This report should not contain any identifying information regarding any specific complaint, citizen or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

## 402.7 TRAINING

Each member of this Department will be required to complete an approved refresher training course every five years, or sooner if deemed necessary, in order to keep current with changing community trends (RCW 43.101.410(c)).

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# Ride-Along Policy

## 410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the administration of the ride-along program. The Vancouver Police Department recognizes the need and benefit for the Department, citizens, lawful residents or others with approval from the Office of the Chief, to observe police operations on a firsthand basis.

### 410.1.1 ELIGIBILITY

Certain guidelines and procedures are established for the protection of the rider, the police officer, and the City of Vancouver.

1. Riders will be at least 16 years old and must have a guardian's permission if they are younger than 18 years old.

2. Riders will have no felony convictions.

3. Riders will not be the suspect in criminal investigations.

4. Riders who appear to have recently consumed alcoholic beverages or intoxicating drugs are prohibited from riding with a police officer.

The precinct lieutenant has the discretion to allow or not allow participation on a case by case basis. The entire Ride-Along packet must be completed and signed by the applicant prior to the ride-along to include the Emergency Contact, Ride-Along Request, Liability Release, and Participant Rules for the Ride-Along.

Citizens and lawful residents are allowed to participate in the ride along program once every six (6) months. This can be amended by the precinct lieutenant.

### 410.1.2 INFORMATIONAL VIDEO

Persons qualifying for participation in the Department's "Ride-Along" program will be required to watch a video on blood borne pathogens, airborne pathogens, radio operations and department rules and regulations for police ride-along. This information comes in the form of a video presented just prior to the actual ride-along.

The ride-along will typically last no longer than two hours. The officer has the discretion to extend this if the shift supervisor approves.

## 410.2 PROCEDURE TO REQUEST A RIDE-ALONG

A. Ride-along packets can be obtained at a precinct.

(a) The rider will fill out the form completely to include a copy of their ID and it will be received by a police service technician (PST).

(a) The PST will check the ride-along system to verify the last time the rider participated in a ride-along.

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(b) The Records Division will check RMS to see if the rider is a suspect in any crimes/ investigations, an NCIC III check, local criminal history check and a wants and warrants check will be completed as well.

(c) The packet will then be forwarded to a precinct lieutenant who will review and assign it to a patrol sergeant for issuance to an officer.

  (a) If a request is made by a member of the Department the ride-along packet will still be filled out, and a records check will still be completed.

  (b) Family members and friends of officers requesting to go on a ride-along are subject to the same procedures as (a).

  (c) Once reviewed the NCIC III check will be disposed of.

(d) Once the ride-along is completed, the patrol sergeant will give the completed form to a PST who will scan and attach the packet into the ride along database.

  (a) If needed the officer should include any information that would preclude the rider from any future participation in the program.

### 410.2.1 ASSIGNED OFFICER'S RESPONSIBILITIES

The assigned officer will schedule the rider to arrive early enough to view the informational video prior to riding. After which both the rider and the officer will sign the liability waiver. The officer will ensure that the sergeant has been given the paperwork.

(a) Officers will advise dispatch of the start and end of their ride-along's participation..

The assigned officer must weigh situations for potential hazards when responding to calls. Riders are not to be exposed to situations known to involve extraordinary danger or extreme hazards (e.g., person with a gun). In such extra-hazardous situations, a rider should be let out of the vehicle a safe distance away from the scene or the rider should be told to remain in the patrol vehicle once at the scene. If the rider is let out, the officer must notify the shift supervisor where the rider was let out. The shift supervisor is then responsible for coordinating alternative transportation for the rider.

### 410.2.2 RIDER RESPONSIBILITY

The rider must be dressed in an appropriate manner. The rider shall wear pants, shirt and flat heeled shoes. The shift supervisor will have the final determination if the clothing of the rider is appropriate.

Unless the rider is a sworn member of this Department or another law enforcement agency, the rider is prohibited from carrying weapons of any kind during the ride-along program.

A rider is an observer who is to avoid participating or becoming involved in police work unless otherwise directed. The ride-along will follow the officer's direction. Failure to do so will immediately terminate the ride-along, and may prohibit future participation in the program. Unless otherwise directed, the rider is prohibited from:

(a) Operating a patrol vehicle or any other departmental equipment.

(b) Acting as an agent for the Department or otherwise performing any police-related duty.

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(c) Approaching any vehicle on a traffic stop or approaching any residence, building, or other situation where the potential for violence exists or a crime is in progress.

(d) Entering any crime scene of a serious nature (such as a homicide) and/or touching, possessing, tampering with, or otherwise having contact with any evidence.

### 410.3 AUDIT

Records will be purged after three years

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# Response to Bomb Calls

## 416.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in their initial response to incidents involving suspicious packages and explosives.

## 416.2 POLICY

Officers shall follow these guidelines in their initial response to incidents involving suspicious packages, suspicious items, explosives, explosive devices, or explosion/bombing incidents.

Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

## 416.3 FOUND SUSPICIOUS ITEMS OR PACKAGES

When an officer responds to a call of a suspicious item or package, efforts should be taken to determine whether or not it is dangerous or may contain an explosive device. Some factors to consider when assessing the item or package include:

1. Is the item in close proximity to a high-value target (i.e., government building, area where large numbers of people gather, school)?
2. Has a threat been received in association with the discovery of the item?
3. Have there been recent related events involving the same type of suspicious item?
4. Does the reporting party believe that the item may be dangerous or an explosive device?
5. Are there odd odors or sounds coming from the item?
6. Is the exterior of the item discolored or have oily stains?
7. Are there wires, batteries, or other electronics components visible in the item or package?

Safety shall always be the primary consideration when assessing suspicious items or packages. If an officer believes that an item may be dangerous or contain an explosive device, it should be treated as a suspect device.

## 416.4 FOUND EXPLOSIVES/SUSPECT DEVICES

When an officer responds to a call of a suspected explosive device, the following guidelines shall be followed:

1. **Do not touch or move any known or suspected explosive item.**
2. No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
3. If a known or suspected explosive item is found, notify the Portland Police Metro Explosive Disposal Unit (EDU) as soon as possible.

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4. Secure the perimeter around the suspected device for a minimum of three hundred feet allowing for an entrance for support personnel.

5. Relay as much initial information as possible to the Shift Sergeant without touching the device, including:

(a) Any stated threats.

(b) How the bomb was made.

(c) The exact location of the item, including the specific address and/or building location or name, floor, room number and location in the room where the device has been placed.

(d) The type of bomb, its physical description (e.g., size, shape, markings) and/or container.

(e) The time the device will detonate.

(f) The reason the device was placed (motivation).

(g) The individual or group claiming responsibility.

6. Do not transmit on any equipment that produces radio frequency energy within 100 feet (e.g., hand held radio, car radio, cell phone, etc). Hand held radios generate less radio energy, and should be used for all on-scene communications outside of the 100 foot radius.

7. Consideration should be given to the possibility for evacuation if a device is located within a building or close to an area where civilians are present.

8. Once an area is clear of civilians, officers should retreat to an area of substantial cover.

9. Consider the need for support personnel such as paramedics and Fire Department personnel.

10.Explosive Disposal Unit (EDU) personnel will assume command of the scene upon their arrival and until the area is declared safe to enter.

## 416.5 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the patrol officer. As in other catastrophic incidents, a rapid response will help to minimize such things as further injury to victims, contamination of the scene by gathering crowds, further damage by resulting fires or unstable structures.

Whether the explosion was the result of an accident or a criminal act, the following concerns will need to be addressed:

1. Injury to victims.

2. First aid (primarily Fire Department responsibility).

3. Evacuation of victims (primarily Fire Department responsibility).

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### 416.5.1 NOTIFICATIONS

When an explosion has occurred, the following people shall be notified as soon as practical if their assistance is needed:

1. Vancouver Fire Department
2. Portland Police Metro Explosive Disposal Unit (EDU)
3. Additional field officers
4. Chain of Command
5. Arson Investigations Unit
6. Detectives

### 416.5.2 CROWD CONTROL

No one should be allowed free access to the scene unless they have a legitimate and authorized reason for being there.

### 416.5.3 SCENE OF INCIDENT

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could be extended for several hundred feet, at least one and one-half times the distance of the farthest piece of evidence from the area of the explosion. Evidence may be imbedded in nearby structures or hanging in trees and bushes, etc.

A search of the area should be conducted for other objects foreign to the area such as a secondary device. If an item is found, it should not be touched. The item should be secured and personnel should wait for the arrival of the Explosive Disposal Unit.

## 416.6 BOMB THREATS

When an officer responds to a call involving a bomb threat, the following procedures apply.

### 416.6.1 ASK QUESTIONS

The officer should ask specific questions regarding the bomb threat:

1. The following questions should be asked in the event of a bomb threat:

    (a) The exact location of the item, including the specific address and/or building location or name, floor, room number and location in the room where the device has been placed.

    (b) Any stated threats.

    (c) How the bomb was made.

    (d) The time the device will detonate.

    (e) The type of bomb, its physical description and/or container.

    (f) The reason the device was placed (motivation).

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(g) The individual or group claiming responsibility.

2. If the bomb threat is taken by phone, attempt to keep the caller on the line as long as possible and document the answers to these five basic questions.

(a) Time of the call.

(b) Exact words of the person as accurately as possible.

(c) Age and sex of the caller.

(d) Speech patterns and/or accents.

(e) Background noises.

If the incoming call is received on a recorded line, steps shall be taken to ensure that the recording is retrieved as evidence.

### 416.6.2 PROCEDURES

The officer should follow specific procedures regarding the bomb threat:

1. As soon as a bomb threat has been received, the Shift Sergeant will be advised and fully informed of the details.

2. Police officers must not participate in the search of buildings without the expressed approval of the field supervisor. In the case of an approval for participation in a search, it is the duty of the Officer on the scene to advise the owner, manager, or responsible person that if Police have not found a bomb, or suspicious device, there is no guarantee that none exists.

3. In the event that search is conducted and a suspect device is found, the ranking officer on scene will secure the area and start an evacuation of the immediate and adjacent area.

4. When a threat is received by any facility, building, and/or premise, public or private, the decision to evacuate is the responsibility of the person in charge of the facility, building or premises. A police officer will not make the decision to evacuate an occupied building unless a suspicious object is found or factual information is received that a bomb has been placed in the building.

## 416.7 ACTIVATION OF THE EXPLOSIVE DISPOSAL UNIT (EDU)

EDU can be activated by a request through dispatch. Officers should be prepared to give dispatch a brief description of the suspected device, a location of a safe staging area for EDU, and if feasible, a callback phone number for EDU. EDU will be activated in the following circumstances:

1. When a suspicious object is discovered and the officer believes that there is a possibility that it is an explosive or incendiary device.

2. When any explosive, explosive chemical, or ordnance is discovered abandoned, illegally possessed, or voluntarily surrendered (including ammunition .50 caliber or larger).

3. When large quantities of illegal fireworks are discovered or seized.

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4. When an explosive or incendiary device has detonated.

5. If an officer intends to charge or arrest an individual with possession or manufacture of an explosive device under RCW 70.74.

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# Response to Suicidal Subject Calls

## 417.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist personnel in their assessment to suicidal subject calls.

## 417.2 SANCTITY OF LIFE

The sanctity of life is central to the Department's calls for service where a person suicidal and/or emotionally distraught. The Department recognizes and respects the value of all human life and dignity without prejudice to anyone.

## 417.3 DEFINITIONS

**Engage/Engagement –** To make communications contact with the suicidal subject.

**Disengage/Disengagement –** To terminate communications and reposition to a reasonably safe location while remaining aware of the developing situation.

**Suicidal subject –** A person who is threatening by words or actions to terminate his/her own life as reported to law enforcement or observed by a law enforcement officer. In this policy, the term subject is intended to mean the suicidal person.

## 417.4 SITUATIONAL GUIDELINES

It is not possible to write guidance for every variation of a suicidal call. Each call is different and all facts available to officers and sergeants should be taken into account when addressing the situation. The totality of the circumstances should be considered, and decisions based upon what is known. The following factors should be considered:

1. Has a crime been committed? What is the crime?

2. Is the subject home alone or are others in the house?

3. Is the subject at home or another location? What is the subject’s relationship to that other location? (Any outdoor or other public location where a gun is involved should be a setting where the police don’t allow the subject to leave).

4. Have suicidal threats been made? Have threats to harm others been made? To whom? Does the subject have the means to carry out the threats?

5. Has a phrase similar to, “if the police come out here, I will kill them and myself” been made?

6. Are weapons involved? What type(s) of weapons?

7. Residence history?

8. Subject history – any previous suicidal threat calls, history of violence, military / law enforcement training?

9. Are there other extenuating/aggravating circumstances (e.g., was the subject recently fired from a job, did they recently have a relationship end, etc.?).

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10. Is the subject intoxicated?

Officers should consider whether or not the subject is attempting to force a confrontation with police which could lead to a significant use of force. The following are actions that may be considered:

· If there is anyone with the subject who may be or become a hostage or victim, law enforcement should attempt to separate the innocents from the subject. If they are unwilling to separate, or the subject is alone, consider disengagement.

· Attempt to determine if the subject is armed in a public place and a risk to innocent by-standers. If the subject is in a public place and is a risk to others, attempt to limit the subject's movements and consider use of a less lethal option. If the subject does not appear to be a risk to others, attempt to contain the subject and negotiate to try to learn his/her willingness to receive help. If the subject is unwilling to receive help, consider disengagement.

· Attempt to determine if the suicidal person is a threat to officers or first responders. Be aware of "suicide by cop." Many times, the mere presence of law enforcement escalates the situation to a use of force scenario. Avoid approaching the suicidal person unnecessarily.

· If the subject is alone and does not appear to be a threat to others, disengagement may be considered as an option. Attempts may be made by a Crisis Intervention Trained (CIT) officer or crisis worker to contact the subject by phone to offer them services. If the subject does not answer, expresses no interest, or clearly tells you, by word or action not to bother him/her, do not force a confrontation.

### 417.4.1 RESPONSE OPTIONS

Based on the factors and guidelines above, continue to evaluate the need for engagement or disengagement at all option levels:

Option 1: Engage verbally. If possible, safely make contact by phone or other means and talk with the subject, offering crisis resources to assist him/her.

Option 2: Provide surveillance and loose containment of the area to keep innocents safe.

Option 3: Contain the area and consult SWAT and/or HNT. Consider evacuation of others near the scene.

This is not an exhaustive list of possible response options.

### 417.4.2 DE-ESCALATION

For the purposes of this section violence de-escalation means tactics, actions, and communication methods used by officers to achieve the following objectives:

1. Manage the pace of an interaction;
2. Increase the distance between the officer and person involved;
3. Create shielding to protect the officer and others from an imminent threat; and
4. Engage in communication to gain cooperation to increase options for resolving the incident and reduce the likelihood of injury to all parties involved.

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Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Utilize active listening skills (e.g., summarize the person's verbal communications to build rapport).
- Provide for sufficient avenues of withdrawal or escape, should the situation become volatile.
- Use cover and distance to create time to start a dialogue.

Responding officers generally should not:

Use stances or tactics that can be interpreted as aggressive.

Allow others to interrupt or engage the person.

Corner a person who is not believed to be armed, violent or suicidal.

Argue, speak with a raised voice or use threats to obtain compliance.

Rush the situation exclusively for the sake of time.

Do not tell the suicidal person or family members that certain actions will be taken or outcomes obtained. In particular do not say that other persons will do particular things when you do not control those other persons.

## 417.5 GUIDELINES FOR SUICIDE CALL RESPONSE

### 417.5.1 NOTIFICATION

Notification of suicidal person and/or threats may occur in several different ways. The suicidal subject could call in themselves, a third party (family/friend/citizen) could call in, or Law Enforcement / Emergency Medical Staff (EMS) could discover the suicidal threat while making contact with the person for other reasons.

### 417.5.2 THREAT ASSESSMENT

Whether the call comes in to dispatch (CRESA) or the Crisis Line, an assessment is made to determine routing of the call. If it is a suicide in progress or a suicide just occurred, the call is routed to law enforcement through 911. If the call is a suicidal threats or suicidal referral, the call is routed to or stays with the Crisis Line. For the latter, Crisis Line staff members are trained and

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have the resources to evaluate the subject over the phone and can either resolve the crisis or let law enforcement know if the threat is imminent.

For example:

1. A call comes in to dispatch from the subject, family member, friend or concerned citizen. The call involves suicidal threats where no criminal activity has occurred, the scene is stable, and the subject does not have a gun or weapon in hand that would cause immediate death or serious injury. The call is transferred to the Crisis Line. The Crisis Line staff will evaluate for an imminent threat or work to resolve the crisis.

2. A suicidal call comes in to the Crisis Line from the subject, family member, friend or concerned citizen. Crisis Line staff will evaluate to determine if the threat is imminent. If the threat is imminent, Crisis Line staff will facilitate contact with dispatch.

3. Law enforcement contacts a suicidal subject in the field while on other business. The officer will attempt to facilitate contact with the Crisis Line for evaluation.

### 417.5.3 CRISIS RESOLVED

For the CRESA call referred to the Crisis Line or for the call coming directly into the Crisis Line, many times Crisis Line staff will be able to resolve the situation over the phone. They will talk the person through the crisis and schedule follow-up care with the subject, putting a plan in place.

### 417.5.4 CRISIS NOT RESOLVED

For the imminent threat coming in to 911, law enforcement will be dispatched or if the call transferred to Crisis is not resolved and threat is imminent, Crisis Line staff will contact CRESA for a law enforcement response.

1. The dispatched law enforcement officer, will obtain from CRESA relevant information gathered by the Crisis Line regarding the incident while en route to the scene. Current laws allow the giving of patient information to law enforcement in crisis situations.

2. EMS should not be dispatched until requested by law enforcement. If for some reason they are, they should be directed to a staging area until requested by law enforcement to come in to the scene. (This is done so that if law enforcement makes a decision to disengage, Fire/EMS personnel will not be faced with the decision to abandon their patient at the direction of law enforcement.)

### 417.5.5 ENGAGE/ENAGEMENT

The determination to engage may be based on the situation (e.g., hostages or innocents in the house or area who need to be protected; contact with the suicidal subject was established and they want help getting through the crisis and it has been determined that contact can be made safely for all parties; suicidal subject is unconscious.

The decision to engage may be transitioned to disengagement if needed. For example, if at first there are innocents in the house and they are removed, and the subject is uncooperative, law enforcement may decide to disengage.

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When appropriate, the suicidal subject will be taken into custody and transported to the hospital for continued mental evaluation and treatment by medical and mental health personnel, in accordance with RCW 71.05.

### 417.5.6 DISENGAGE/DISENGAGEMENT

Disengagement could include removing all units from the scene.

Each call is different, and all facts available to officers and sergeants should be taken into account when addressing the situation. The totality of the circumstances should be considered and decisions based upon what is known. Clear and articulable reasons should be present, acted on and documented in a police report.

In all cases of disengagement, law enforcement should attempt to provide the suicidal subject with resources they can call for help (Crisis Line).

## 417.6 EMERGENT DETENTIONS

In all circumstances where a person is taken into custody or involuntary detention or hold, the officer shall complete a police report. (Refer to **Policy 418 – Emergent Detentions**)

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# Emergent Detentions

## 418.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under an emergent (mental health) detention (RCW 71.05.153).

## 418.2 POLICY

It is the policy of the Vancouver Police Department to protect the public and individuals through legal and appropriate use of the emergent detention process.

## 418.3 DEFINITIONS

**Danger to Others** - Behavior which has caused harm or places others in a reasonable fear of sustaining harm. The behavior can either be written, verbal, or actual assaultive acts.

**Danger to Property** - Behavior which has caused substantial loss or damage to property of others.

**Danger to Self** - A substantial risk of serious harm indicated by threats (written or verbal) or attempts to commit suicide or inflict physical harm to self.

**Gravely Disabled** – Condition in which a person, as a result of a mental disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his/her essential human needs of health and safety; or (b) manifests severe deterioration in routine functions evidenced by repeated and escalating loss of cognitive or volitional control over his/her actions and is not receiving such care as is essential for his/her health and safety. (RCW 71.05.020(17))

## 418.4 AUTHORITY

An officer who has reasonable cause to believe that a person is suffering from a mental disorder and presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, may take the person into emergent detention and immediately transport the person to a triage facility, crisis stabilization unit, evaluation and treatment facility, or the emergency department of a local hospital (RCW 71.05.153).

An officer may also take a person into emergent detention and deliver the person to an evaluation and treatment facility upon the written request of a mental health professional designated by the county or other authority who has determined that the person, as the result of a mental disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled (RCW 71.05.153).

### 418.4.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for an emergent detention, the officer may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the officer should:

(a) Transport the individual, or have the individual transported via an ambulance, to an appropriate facility that is able to conduct the evaluation, and admit the person pursuant to emergent detention.

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(b) If at any point the individual changes his/her mind regarding voluntary evaluation, the officer should proceed with the emergent detention if appropriate.

418.4.2 INVOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for emergent detention and refuses to a voluntary evaluation, at least one of the following articulable grounds are necessary for an officer to take a person into custody for an involuntary evaluation and request a 72-hour hold:

a. Danger to others,

b. Danger to self,

c. Danger to property; or

d. Grave disability.

Officers will complete a case report documenting the incident and the reasonable belief the person met the criteria for emergent commitment.

## 418.5 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for an emergent detention should consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.

(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.

(d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Emergent detentions should be preferred over arrest for individuals with mental disorders, who are suspected of committing minor crimes or creating other non-criminal public safety issues.

## 418.6 TRANSPORTATION

When transporting any individual for an emergent detention, the transporting officer should have Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol vehicle and shall secure them in accordance with **Policy 305 - Handcuffing and Restraints**.

Violent individuals, or those that are medically unstable, may be restrained and transported by ambulance and ambulance personnel.

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## 418.7 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking voluntary treatment, the officer should provide the staff member with the completed 72 Hour Involuntary Mental Evaluation Hold Form for an emergent detention and remain present to provide clarification of the grounds for detention upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, the officer will not apply facility-ordered restraints.

## 418.8 DOCUMENTATION

Law enforcement agencies must have a system in place for officers to document, as part of an incident report, the need for a mental health evaluation of a person who meets the criteria for an emergent detention (RCW 71.05.120).

### 418.8.1 INVOLUNTARY EVALUATIONS

The officer should complete an application for emergency admission (72 Hour Involuntary Mental Evaluation Hold Form), provide it to the facility staff member assigned to the individual, and, if necessary, retain a copy of the emergency application for inclusion in the police report.

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary emergent detention, upon request.

In all circumstances where a person is taken into custody on an emergent detention, the officer shall complete a police report.

### 418.8.2 VOLUNTARY EVALUATIONS

Should an individual, who meets the criteria for an emergent detention, decide to voluntarily submit to a mental health evaluation and is transported to a facility, the reporting officer shall complete a police report.

The report shall clearly outline the circumstances causing the officer to believe the individual met the criteria for an emergent detention, but the individual clearly submitted to a voluntary mental health evaluation. The location of the mental health facility and mode of transportation shall also be documented in the police report.

## 418.9 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on an emergent detention should resolve the criminal matter by issuing a warning or a citation as appropriate.

When an individual who may qualify for an emergent detention, has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

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(a) Arrest the individual when there is probable cause to do so.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the emergent detention.

(c) Facilitate the individual's transfer to the jail facility.

(d) Advise jail staff of the circumstances that indicate the individual may qualify for an emergent detention.

In the supervisor's judgment, the individual may be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this Department to regain custody of the individual, Department resources (e.g., posting a guard) and other relevant factors in making this decision.

## 418.10 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for an emergent detention, the handling officer should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., community caretaking, safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officer should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

## 418.11 TRAINING

This Department will endeavor to provide department-approved training on interaction with mentally disabled persons, emergent detentions and crisis intervention. (Refer to **Policy 463 - Crisis Intervention Incidents**)

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# Citation Releases

## 420.1 PURPOSE AND SCOPE

This policy provides procedures for citation and release in lieu of arrest.

## 420.2 POLICY

The Vancouver Police Department authorizes officers to use citation and notice to appear release procedures in lieu of arrest for misdemeanor and gross misdemeanor offenses with applicable law.

### 420.2.1 DISCRETION TO ARREST

Whenever a person is arrested or could have been arrested for a violation of law which is punishable as a misdemeanor or gross misdemeanor, the arresting officer may release the person in the field and serve upon the person a citation and a Notice to Appear in court. The officer shall call attention to the time and place for appearance and take any other steps deemed necessary to ensure that the defendant understands his/her promise to appear.

## 420.3 RELEASE

A suspected offender may be released on issuance of a citation and notice to appear in court by an officer whenever a person is arrested or could have been arrested pursuant to statute for a violation of law which is punishable as a misdemeanor or gross misdemeanor (Criminal Rules, CrRLJ 2.1(b)(1)).

## 420.4 PROHIBITIONS

The release of a suspected offender on a citation and notice to appear is not permitted when:

(a) A person has been arrested pursuant to RCW 10.31.100(2) (restraining orders).

(b) An officer has probable cause to believe that the person arrested has violated RCW 46.61.502 (DUI) or RCW 46.61.504 (physical control of a vehicle while DUI) or equivalent local ordinance and the officer has knowledge that the person has a prior offense as defined in RCW 46.61.5055 (alcohol and drug violators) within the last 10 years (RCW 10.31.100; Criminal Rules, CrRLJ 3.2(o)(3)).

For release restrictions related to domestic violence investigations, refer to **Policy 319 - Domestic Violence.**

## 420.5 CONSIDERATIONS

In determining whether to cite and release a person, officers shall consider whether (Criminal Rules, CrRLJ 2.1(b)(2)):

(a) The suspected offender has identified him/herself satisfactorily.

(b) Detention appears reasonably necessary to prevent imminent bodily harm to the suspected offender or another, property damage or breach of the peace.

(c) The suspected offender has ties to the community reasonably sufficient to assure his/her appearance or whether there is substantial likelihood that he/she will refuse to respond to the citation and notice.

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(d) The suspected offender previously has failed to appear in response to a citation and notice issued pursuant to the court rule or to other lawful process.

## 420.6 JUVENILE ACTIONS

Completion of criminal citations for juveniles is generally not appropriate except for traffic violations.

Misdemeanor violations for juveniles shall be documented with a police report and referred to juvenile court.

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# Immigration Law

## 428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Vancouver Police Department relating to immigration laws and interacting with federal immigration officials (RCW 43.10.315).

## 428.2 POLICY

It is the policy of the Vancouver Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this Department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their immigration status.

## 428.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Washington constitutions.

## 428.4 ENFORCEMENT

The Immigration and Nationality Act provides that the enforcement of the nation's immigration laws is the primary responsibility of the U.S. Bureau of Immigrations and Customs Enforcement (ICE). State and local law enforcement agencies do not have the authority to enforce civil immigration violations. Therefore, VPD shall not undertake immigration-related investigations and shall not routinely inquire into the immigration status of persons encountered during police operations.

A.Officers are committed to providing service and enforcing laws in a fair and equitable manner. Officers do not use race, ethnicity, national origin or immigration status as the sole basis for probable cause or reasonable suspicion or as a motivating factor in making law enforcement decisions.

B.Officers shall not contact, detain or arrest an individual solely because he/she is suspected of violating immigration laws.

C.Requesting adequate identification as part of a criminal investigation is necessary and appropriate. However, officers shall not:

1.Request specific documents relating to someone's civil immigration status such as a passport, alien registration card or "green card", unless the officers are conducting a criminal investigation where the civil immigration status is relevant to the crime under investigation. Officers may also use immigration documents if the documents are offered by the person upon a general non-specific request such as, "May I see some identification?"

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2.Initiate any inquiry or enforcement action based solely on a person's:

•Civil immigration status, or

•Race, or

•Inability to speak English, or

•Inability to understand the officer.

3.Use stops for minor offenses or requests for voluntary information as an excuse for discovering a person's immigration status.

D.Officers who come into contact with a person who is suspected of being in this country unlawfully as the result of a criminal investigation shall follow the same procedures and afford the person the same rights and privileges as any other criminal suspect.

E.Officers will cooperate with federal immigration officials when requested.

## 428.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, an officer will not need to notify immigration officals when booking arrestees at the county jail. Immigration officials routinely interview suspected undocumented aliens who are booked into the county jail on criminal charges. Notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

## 428.6 ICE REQUEST FOR ASSISTANCE

Requests by ICE, or any other federal agency, for assistance from this Department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts, to ICE or other federal agencies.

## 428.7 INFORMATION SHARING

No member of this Department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; RCW 2.28.310):

(a) Sending information to, or requesting or receiving such information from federal immigration officials

(b) Maintaining such information in Department records

(c) Exchanging such information with any other federal, state, or local government entity

### 428.7.1 IMMIGRATION HOLDS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a judicial warrant. Notification to the federal authority issuing the detainer should be made prior to the release.

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## 428.8 U VISA AND T VISA NON-IMMIGRANT STATUS

1. U and T Visa certification requests received by the Department should be in writing and contain a completed unsigned Form I-918B with all relevant police reports and other documentation attached.
2. U and T Visa certification requests under the Washington Safety and Access for Immigrant Victims Act, RCW 7.98.020, shall be forwarded without delay to the Office of the Chief, or authorized designee.
    (a) The fact of any request for U or T Visa certification and any personal information submitted with such request shall not be disclosed or shared outside of the Vancouver Police Department, City of Vancouver Legal Counsel or Prosecuting Attorney's Office without a court order or judicial warrant, or approval by the Office of the Chief or authorized designee, unless expressly authorized, in writing, by the subject of the request or the subject's guardian, or as otherwise required by law.
    (b) The Office of the Chief or authorized designee shall review any U or T Visa certification request submitted to the Vancouver Police Department in full and verify all information submitted in support of the certification request using existing records, personal knowledge, or other available evidence. The Office of the Chief, or authorized designee may confer with City of Vancouver Legal Counsel and/or the Prosecuting Attorney's Office to determine whether certification is proper.
    (c) The Vancouver Police Department shall not leverage U or T Visa certifications as a means to compel any victim or witness to cooperate with their investigations.
3. The Office of the Chief or authorized designee shall process U and T Visa certification requests within 90 days of receipt, except under circumstances requiring a shorter timeframe.
    (a) Any U or T Visa certification request for a person in federal removal proceedings shall be immediately processed such that the certification, if approved, is executed within 14 days of receiving the request.
    (b) U or T Visa certifications shall be expedited upon request for any person who will, or whose child(ren) will, reach age 21 before the 90-day processing deadline date and thus will otherwise lose their benefits. In any such instance, the Office of the Chief or authorized designee shall execute the certification, if approved, no later than 14 days before the person or child turns 21 years old.
4. The Office of the Chief or authorized designee shall ensure that all forms that are requested by a victim, signed, denied and/or withdrawn are documented and reported to the Office of Crime Victims Advocacy pursuant RCW 7.98.020.

NOTE: A U Visa Law Enforcement Resource Guide and instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website and may be used as a reference.

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## 428.9 TRAINING

The Training Unit shall ensure Department members have received training regarding this policy.

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# Honor Guard

## 439.1 PURPOSE AND SCOPE

The Vancouver Police Department Honor Guard Unit shall consist of selected and/or volunteer officers. The Honor Guard will plan, coordinate, and participate in memorial affairs to honor fallen comrades as well as a variety of ceremonies and special events to represent the Police Department. It shall be the responsibility of the Honor Guard to represent professionalism, integrity, and honor through its image and conduct at all times.

## 439.2 COMMAND AND STRUCTURE

### Honor Guard Administrator

The Honor Guard Administrator shall oversee unit operations (scheduling/training/equipment/budgeting/etc.) and act as a liaison to the Office of the Chief. The Honor Guard Administrator shall be approved by the Office of the Chief and be a volunteer/selected position at the rank of Lieutenant or Commander.

### Honor Guard Supervisor

An Honor Guard Supervisor (Corporal or Sergeant if available) shall be selected by the Honor Guard Administrator. The Honor Guard Supervisor will assign, organize, and prepare unit members for assigned events. The Honor Guard Supervisor may assign specific duties to members as required.

### Honor Guard Team

The Honor Guard Unit shall consist of a minimum of 8 members at the rank of Sergeant or below. Members may be from any Division in the Department. This assignment is a collateral duty with no scheduled rotation.

## 439.3 SELECTION PROCESS

The selection process for Honor Guard members shall be consistent with the selection process guidelines outlined in the Specialty and Detective Assignment Selection Policy.

## 439.4 MEMBER RESPONSIBILTIES

A. It is the responsibility of each member to maintain a properly fitted, clean, and serviceable Honor Guard uniform. The member shall also ensure the proper care and security of any and all additional issued accessories and equipment.

B. Attend all scheduled Honor Guard training as directed. Absences must be authorized by the Honor guard Administrator.

C. Attend or acknowledge availability for at least 75% of honor guard details. Some details may also require attendance of additional practice sessions prior to the event.

D. Demonstrate and maintain proficiency in military style Drill and Ceremony movements.

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E. Be willing to fulfill a minimum 5-year commitment in the Honor Guard. Unforeseen needs of the Department, Unit, or officer may dictate otherwise.

F. Failure of a member to fulfill the required responsibilities, or in any way bring dishonor to the Department or the Unit, may result in the dismissal from the Honor Guard Team.

## 439.5 OPERATIONAL FUNCTIONS

The Honor Guard shall be available to provide official Departmental representative and service at the following Vancouver Police Department related events:

1. VPD memorial /Funeral Services (as directed below)

**A. VPD Retiree Funeral Service**

1-2 honor Guard members will perform casket watch.

A pre-folded flag will be presented to the next of kin or designee.

*Qualifiers:*

- Sworn VPD Police Officer retired under honorable conditions with a minimum 10 years of service.

- Funeral Service is held in Clark County.

- Continued to live in accordance with the values of the Vancouver Police Department in retirement.

**B. VPD Off-duty Death Memorial/Funeral Service**

All available Honor Guard members will attend.

Casket watch will be staffed by 2 members at all times.

Flag folding team will be present.

Taps will be played.

*Qualifiers:*

- Active Sworn VPD Policer Officer in off-duty status at time of death.

- Circumstances of the death would discredit the Vancouver Police Department.

**C. VPD Line of Duty Death Memorial/Funeral Service**

Full Police honors will be provided.

Washington State Memorial Team will be present.

*Qualifiers:*

- Active Sworn VPD Police Officer on-duty at the time of death/cause of death.

- Death is directly related to an on-duty event.

2. VPD Ceremonies involving Presentation/Posting of the Colors.

3. As requested/directed by the Office of the Chief.

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*Honor Guard*

The Honor Guard shall be available to provide official Departmental representation and assistance at the following local and regional events.

1. Public Safety Line of Duty Deaths.

2. National/State/Local Memorial Ceremonies/Parades/Community Events.

3. As requested/directed by the Office of the Chief.

Deployment of the Honor Guard shall always be at the discretion of the Office of the Chief.

## 439.6 TRAINING REQUIREMENTS

The Honor Guard preforms details and movements that require adherence to specific protocol and tradition. In order to represent the Department in the most professional manner, periodic training is required.

A. Honor Guard Unit shall be authorized a minimum of three mandatory 8-hour training sessions annually.

B. Additional mandatory training/practice session may be authorized and directed by the Honor Guard Administrator as needed.

C. All training will be conducted in accordance with established protocols and traditions. U.S. Army FM 22-5, Marine Corps Manual P5060.20, and Air Force Manual 36-2203 are the primary references publications.

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# Mobile Data Computer Use

## 446.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between Department members and Dispatch.

## 446.2 POLICY

Vancouver Police Department members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

## 446.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any Department technology system.

## 446.4 AUTHORIZATION FOR USE OF AN MDC

VPD employees are authorized to use the MDC for official police communications only. When using the MDC:

1. Radio communications will be conducted in a clear, business-like manner using prescribed procedures.
2. Transmissions will be kept to a minimum.
3. Lengthy conversations are to be made by telephone, or on a secondary frequency.
4. Unnecessary radio use will be avoided so that frequencies are available for official and emergency business.

Messages may be reviewed by supervisors at anytime without prior notification.

## 446.5 RESTRICTED ACCESS AND USE

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Shift Sergeants.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDC system is prohibited and may result in discipline.

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It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

### 446.5.1 USE WHILE DRIVING

The use of the MDC while the vehicle is being operated creates a potential risk to the officer because of the change of focus from driving to operating the MDC. Generally, use of the MDC by the operator should be limited to times when the vehicle is stopped. However:

1. Short transmissions, such as entry of a license number for a stolen or registration check are permitted if they can be done safely.

2. Reading messages while in motion by the operator should only be attempted when the message requires the operator's immediate attention.

3. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

## 446.6 DOCUMENTATION OF ACTIVITY

MDCs and voice transmissions are used to record the officer's daily activity. To ensure the most accurate recording of these activities, the following are required:

1. When communicating with dispatch, officers will first give their complete call number.

2. Officers shall promptly answer all calls from dispatchers.

3. Officers shall not argue with a dispatcher. An officer with cause for complaint shall notify their supervisor.

### 446.6.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

### 446.6.2 EMERGENCY SITUATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member.

All units should limit radio traffic during vehicle pursuits and other emergency situations so that the units in pursuit, or in an emergency situation, can maintain continuous communications with dispatch.

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Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

### 446.7 MALFUNCTIONING MDC

Whenever possible, officers will not use a vehicle with a malfunctioning MDC. Whenever officers must drive a unit in which the MDC is not working, they shall notify Dispatch via police radio or phone. It shall be the responsibility of Dispatch to record all information that will then be transmitted verbally over the police radio.

### 446.8 REQUEST FOR DISPATCH RECORDS

Officers must obtain approval from a supervisor prior to making a request for a recording of dispatch transmissions.

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# Bicycle Patrol Unit

## 451.1 PURPOSE AND SCOPE

The Vancouver Police Department has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. Bike officers are responsible for patrol issues, problem solving, protecting life and property through the enforcement of laws and ordinances, responding to patrol calls for service, preventing, detecting and investigating crimes, issuing civil infractions and decreasing crime and increasing livability. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

The Bike Unit will be expected to make an impact on crime and livability related issues and crimes. The Bike Unit will perform expected patrol duties (i.e. basic patrol, respond to 911 calls for service, make field contacts, take enforcement action, and make arrests).Because patrolling by bicycle has proven to be an effective way of increasing officer visibility in congested areas such as public parks, waterfront neighborhoods and business districts, the Bike Unit will be expected to patrol in these areas and will comply with RCW 46.61.035(4).

## 451.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community. Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Patrol Division.

## 451.3 TRAINING

Participants in the program must complete an initial Department approved bicycle-training course before or after acceptance into the program. Bicycle patrol officers will receive ongoing training throughout the year to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

(a) Bicycle patrol strategies.
(b) Bicycle safety and accident prevention.
(c) Bicycle handling
(d) Bicycle maintenance

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### 451.4 UNIFORMS AND EQUIPMENT

Officers shall wear the Department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes Department-approved helmet, riding gloves, protective eyewear and approved footwear.

### 451.5 CARE AND USE OF PATROL BICYCLES

Officers will be assigned a specially marked and equipped patrol bicycle. Bicycles are considered vehicles and therefore are subject to all laws, regulations, and privileges applicable to other vehicles operated upon the highway (RCW 46.04.670).

Every bicycle shall be equipped with front lights and rear reflectors or lights, and brakes satisfying the requirements of RCW 46.61.780. Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bags sufficient to carry all necessary equipment to handle routine patrol calls. Each bicycle gear bag shall include a first aid kit, tire pump, repair tool, tire tube, and security lock. These items are to remain with/on the bicycle at all times.

RCW 46.37.190(3) Vehicles operated by public agencies whose law enforcement duties include the authority to stop and detain motor vehicles on the public highways of the state may be equipped with a siren and lights of a color and type designated by the state patrol for that purpose.

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning). If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the District 1 Lieutenant for review and approval. Repairs shall be conducted by an approved technician. If necessary, the bike will be tagged for repair and removed from service until needed repairs are completed.

Each bicycle will have scheduled maintenance twice yearly; to be performed by a Department certified/approved bike mechanic. Officers shall not modify the patrol bicycle, remove, modify or add components except with the expressed prior approval of the District 1 Lieutenant, or in the event of an emergency. At the end of bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty. Bicycles will not be taken home without the prior approval of the District 1 Lieutenant.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged. Bicycles shall be properly secured when not in the officer's immediate presence.

### 451.6 OFFICER RESPONSIBILITY

Officers must operate the bicycle in compliance with applicable codes under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such

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operation reasonably appears necessary for officer safety and/or tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

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# Foot Pursuits

## 453.1 PURPOSE AND SCOPE

Foot pursuits are inherently dangerous and require sound decision making, trained tactics and heightened officer safety awareness. This policy sets forth guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot by balancing the objective of apprehending the suspect with the risk of potential injury to the officer, the suspect or the public.

### 453.1.1 POLICY

It is the policy of this Department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to Department personnel, the suspect or the public.

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and Department personnel.

## 453.2 DECISION TO PURSUE

Officers may be justified in initiating a foot pursuit of any individual they have probable cause to believe committed a crime. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

- Containment of the area.
- Canine search.
- Saturation of the area with patrol personnel.
- Aerial support.
- Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

## 453.3 GUIDELINES FOR FOOT PURSUIT

Unless the officer reasonably believes that exigent circumstances exist (e.g., a serious threat to the safety of personnel or members of the public), officers should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

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(a) When directed by a supervisor to terminate the foot pursuit. Such an order shall be considered mandatory.

(b) When the officer is acting alone.

(c) When two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The officer is unsure of his or her location and direction of travel.

(e) When pursuing multiple suspects and the pursuing officers do not reasonably believe they would be able to control the suspect should a confrontation occur.

(f) When the physical condition of the officer renders them incapable of controlling the suspect if apprehended.

(g) When the officer loses radio contact with Dispatch or with backup officers.

(h) The suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient officers.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

(j) The officer reasonably believes the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

(k) The officer loses possession of his/her firearm or other essential equipment.

(l) The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

(m) The suspect's location is no longer definitely known.

(n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears there is no immediate threat to Department personnel or the public if the suspect is not immediately apprehended.

(o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.

## 453.4 RESPONSIBILITIES IN FOOT PURSUITS

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*Foot Pursuits*

### 453.4.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

(a) Unit identifier.

(b) Location and direction of travel.

(c) Reason for the foot pursuit.

(d) Description of the suspect.

(e) Whether the suspect is known or believed to be armed.

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify Dispatch of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary to detain the suspect.

Should the pursuing officer gain custody of the suspect, that officer will turn custody over to a backup or responding officer as soon as the scene is rendered safe and it is practical to do so. This will allow the pursuing officer to recover from the physical and emotional exertion resulting from the pursuit before re-engaging with the suspect for processing procedures.

### 453.4.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

Any officers who is in a position to intercept a fleeing suspect, or who can assist the primary officer with the apprehension of the suspect, shall act reasonably and in accordance with Department policy, based upon available information and his/her own observations.

The assisting officers must be ready to accept the temporary custody of the suspect as soon as it is safe and practical post-pursuit, in order that the pursuing officer can compose themselves after the physical and emotional exertion of the pursuit.

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### 453.4.3 SUPERVISOR RESPONSIBILITY

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information necessary to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established Department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public unreasonably appears to outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-pursuit activity.

### 453.4.4 DISPATCH RESPONSIBILITIES

CRESA's policies regarding foot pursuit events offer some response flexibility, depending upon how the situation is initiated. The following aspects are handled by dispatch:

(a) Clear the radio channel of non-emergency traffic.

(b) Repeat the transmissions of the pursuing officer as needed.

(c) Ensure that a field supervisor is notified of the pursuit.

(d) Relay all pertinent information to responding personnel.

(e) Contact additional resources as directed by a supervisor.

(f) Coordinate response of additional resources to assist with the foot pursuit.

## 453.5 REPORTING

The initiating officer shall complete the appropriate crime/arrest reports documenting, at minimum, the following:

(a) The reason for initiating the foot pursuit.

(b) The identity of involved personnel.

(c) The course and approximate distance of the pursuit.

(d) Whether a suspect was apprehended, as well as the means and methods used.

1. Any use of force shall be reported and documented in compliance with the Department Use of Force Policy.

(e) Any injuries or property damage.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

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# Homeless Persons

## 461.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Vancouver Police Department recognizes that members of the homeless community are often in need of special protection and services. The Vancouver Police Department will address these needs in balance with the overall missions of this Department.

### 461.1.1 POLICY

It is the policy of the Vancouver Police Department to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this Department will not use homelessness solely as a basis for detention or law enforcement action.

## 461.2 HOMELESS COMMUNITY LIAISON

The Chief of Police will designate each district Neighborhood Police Officer (NPO) to act as the Homeless Liaison Officer for that district. The responsibilities of the Homeless Liaison Officer include the following:

(a) Maintain and make available to all Department employees a list of assistance programs and other resources that are available to the homeless.

(b) Meet with Social Services and representatives of other organizations that render assistance to the homeless.

(c) Maintain a list of those areas within their district that are used as frequent homeless encampments.

(d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless.

(e) Be present during any clean-up operation conducted by this Department involving the removal of personal property of the homeless to ensure the rights of the homeless are not violated.

## 461.3 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

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*Homeless Persons*

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

Local homeless community resources are listed on SharePoint. Follow this file directory:

**SharePoint~Departments~PoliceDepartment~VPDNET~Forms~Service:Trespass/ Unlawful Camping~Resources**

### 461.3.1 INVESTIGATIVE CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

(a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.

(b) Document places the homeless person may frequent.

(c) Provide homeless victims with victim/witness resources when appropriate.

(d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.

(e) Consider whether the person may be a vulnerable adult.

(f) Arrange for transportation for investigation-related matters.

(g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

(h) Document any facts indicating that the offense was intentionally committed because the victim was homeless or perceived to be homeless.

### 461.3.2 UNLAWFUL CAMPING / TRESPASSING

With limited social resources for the homeless community to secure housing, camping in public and on private property is becoming more common. In order to respect the rights of homeless individuals, the public at large and private property owners, officers must exercise sound judgement and compassion when addressing unlawful camping and trespassing complaints.

The General Orders and Vancouver Municipal Codes outlining the procedures for enforcing both the unlawful camping and trespassing on public and private property are listed on SharePoint. Follow the directory:

**SharePoint~Departments~PoliceDepartment~VPDNET~Forms~Service:Trespass/ Unlawful Camping~GO15-007**

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## 461.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person. (RCW 63.32.010)

When a homeless person is arrested, or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. If practicable, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted to determine the proper course of action.

If the property posses an environmental hazard, the property should be photographed before being disposed. Photographs and method of diposal shall be documented in a police report.

### 461.4.1 UNLAWFUL STORAGE OF PERSONAL PROPERTY

Officers who encounter person/s storing personal property, including camp facilities (other than vehicles) and camp paraphernalia in a public place without an authorized permit should following the enforcement guidelines outlined in Departmental general orders.

Officers who locate these same items stored on private property should identify and contact the property owner to determine if these camping materials are authorized. Working in conjunction with the district NPO and Code Enforcement, the officer should again follow the enforcement guidelines outlined in Departmental general orders and city ordinances.

The General Orders and Vancouver Municipal Codes outlining the procedures for enforcing the unlawful storage of personal property, both on public and private property, are listed on SharePoint. Follow the directory:

**SharePoint~Departments~PoliceDepartment~VPDNET~Forms~Service:Trespass/ Unlawful Camping~GO16-001**

## 461.5 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention.

When a mental illness detention is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide or arrange transportation to a mental health specialist if requested by the person.

## 461.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment

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has or is likely to occur. Significant impacts to the environment may warrant a police report, investigation, supporting photographs and supervisor notification.

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# Crisis Intervention Incidents

## 463.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

### 463.1.1 DEFINITIONS

**Crisis –** A personal experience of intensified psychological, emotional, and/or mental disease that can be precipitated by situational stress, trauma, non-compliance with treatment, failure to appropriately take prescribed medications, loss and/or acute episode of a pre-existing mental illness.

**Crisis Intervention Training (CIT) –** A training program established to enhance the skills of Department members responding to incidents involving persons in crisis.

**CIT Program Coordinator –** A Vancouver Police Command Staff member designated by the Chief of Police to supervise the general oversight of the Crisis Intervention Training (CIT) Program.

## 463.2 POLICY

The Vancouver Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

## 463.3 RECOGNIZING A PERSON IN CRISIS

Dealing with people who are known or suspected to have a mental health issue or be in crisis carries the potential for violence. Officers should exercise special skills and abilities to effectively manage the person in crisis. 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:

- A known history of mental health issues
- Threats of, or attempted suicide
- Depression, pronounced feelings of hopelessness, extreme sadness or guilt
- Social withdrawal

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- Manic or impulsive behavior, extreme agitation, lack of control
- Rapid mood swings
- Lack of fear
- Unreasonable fears
- Neglect personal hygiene
- Anxiety, aggression, rigidity, paranoia
- Incoherent or disorganized speech
- Delusional
- Talking or laughing to one’s self
- Hearing commands from the television or radio
- Rapid speech
- Staring blankly or not moving for long periods of time
- Loss of memory or confusion
- Hearing, smelling or seeing things that are not there

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

Members should be aware that this list is not exhaustive. These behaviors may be changed or intensified by the use of alcohol, illicit drugs, foreign / mind altering substances or the failure to take prescribed medications.

### 463.4 DE-ESCALATION

For the purposes of this section violence de-escalation means tactics, action, and communication methods used by officers to achieve the following objectives:

1. Manage pace of an interaction;
2. Increase the distance between the officer and person involved;
3. Create shielding to protect the officer and others from an imminent threat; and

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4. Engage in communication to gain cooperation to increase options for resolving the incident and reduce the likelihood of injury to all parties involved.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Utilize active listening skills (e.g., summarize the person's verbal communication to build rapport).
- Provide for sufficient avenues of withdrawal or escape should the situation become volatile.
- Use cover and distance to create time to start a dialogue.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.
- Rush the situation exclusively for the sake of time.

## 463.5 RECOGNIZING EXCITED DELIRIUM

While the subject's behavior may be of law enforcement concern and the person must be controlled for the safety of themselves and those around them (a primary law enforcement duty), he/she must also be evaluated by medical professionals as soon as practical. Generally, this requires recognizing Excited Delirium. This is much different than the often slowed, dulled, and inappropriate behavior of simple alcohol intoxication.

Subjects can demonstrate some or all of the indicators below in law enforcement settings:

- Extremely aggressive or violent behavior
- Constant or near constant physical activity
- Does not respond to police presence
- Attracted to glass and reflection

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- Attracted to bright lights and loud sounds
- Naked or inadequately clothed
- Attempted “self-cooling” or hot to the touch
- Rapid breathing
- Profuse sweating
- Making unintelligible animal-like noises
- Impervious to pain
- Excessive strength
- Does not tire despite heavy exertion

When you recognize a subject is suffering from Excited Delirium, call for backup. These subjects are difficult to control and can demonstrate paranoia, violence, and feats of great strength.

Excited Delirium subjects are at a high risk for sudden death, so emergency medical staff should also be dispatched, as soon as practicable, staged in the area and ready to respond once the subject is under police control.

If an officer or emergency medical staff believes the subject is suffering from Excited Delirium, the subject should, when practical, be transported by ambulance to a hospital for treatment. If a subject is not transported to a hospital, the officer or supervisor making that decision must articulate the reason why.

## 463.6 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate a CIT Program Coordinator to collaborate with mental health professionals to develop an education and response protocol. The CIT Program Coordinator will work with CRESA to maintain a current list of resources to be accessed by VPD employees upon request.

## 463.7 FIRST RESPONDER SAFETY MEASURES

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer’s authority to use reasonable force when interacting with a person in crisis.

**Additionally, employees are reminded that persons suffering from or displaying behaviors associated with a mental health crisis may not be involved in criminal acts. Erratic or unusual behavior by itself is not considered a crime. Employees should be aware that persons exhibiting mental health crisis behavior may benefit from treatment as opposed to incarceration: However, nothing in this section should be construed as preventing an**

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**officer from making a good faith arrest in accordance with probable cause, if criminal activity has occurred.**

An officer responding to a call involving a person in crisis should:

(a) Promptly assess the situation along with the reported information and determine whether a mental health crisis may be a factor.

(b) Request available backup officers, and if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

(d) Attempt to determine if weapons are present or available.

(e) Consider any past history of violence and threatening statements made by the subject.

(f) Take into account the person's mental and emotional state, and potential inability to understand commands or to appreciate the consequences of his/her action or inaction as perceived by the officer.

(g) Secure the scene and clear the immediate area as necessary.

(h) Move slowly and provide reassurance that you are there to help and provide care.

(i) Allow them to vent their frustrations safely.

(j) Do not threaten the person with arrest.

(k) Avoid topics that may agitate the person, and guide the conversation toward the subject that help bring them back to calm.

(l) Always attempt to be truthful.

(m) Employ tactics to preserve the safety of all participants by removing any dangerous weapons or items from the immediate area.

(n) Determine the nature of any crime.

(o) Request a supervisor as warranted.

(p) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

(q) If circumstances reasonably permit, consider and employ alternatives to force.

## 463.8 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that dispatch provide critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.

(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.

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(c) Contact information for a treating physician or mental health professional.

Officers should speak directly to the reporting party, if feasible, by phone or in person in order to gather relevant information about the subject in crisis.

Additional resources and a supervisor should be requested as warranted.

## 463.9 SUPERVISOR RESPONSIBILITIES

When a supervisor responds to the scene of any interaction with a person in crisis, the responding supervisor should:

(a) Attempt to secure appropriate and sufficient resources.

(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care.

(c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, may include removing or reducing law enforcement resources or engaging in passive monitoring.

(d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

(e) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

## 463.10 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to Department reporting procedures or other official mental health or medical proceedings. (Refer to **Policy 418 - Emergent Detentions**)

### 463.10.1 DETENTIONS

Individuals who are detained for a mental health evaluation and not being arrested should be processed in accordance with **Policy 418 - Emergent Detentions**.

## 463.11 MEDICAL RESPONSE FOR ARRESTEE

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.

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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 an approved hospital or if s/he can be detained in the Clark 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 an approved hospital or Medical Center for examination by a qualified medical professional prior to being booked and placed in detention.

If the suspect is refused by Clark County Jail due to their mental illness related behavior, the suspect should be taken to an approved hospital.

If a prisoner is taken to a hospital for any reason, the officer should fill out a pre-book and notify the next shift supervisor of the suspect's location and need of transport to jail when released. Officers should indicate that charges will be pressed when stabilized and who to call for transport to jail for booking.

## 463.12 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian members may be required to interact with persons in crisis in an administrative capacity, such as a front counter contact or records request.

(a) Members should treat all individuals equally and with dignity and respect.

(b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

## 463.13 CRISIS INTERVENTION TEAM PROGRAM COORDINATOR

The Vancouver Police Department will maintain a CIT Program Coordinator. The coordinator acts as a liaison to mental health professionals and the community organizations that provide services for people with mental illness or developmental disabilities. The coordinator will also provide oversight to the CIT program.

## 463.14 TRAINING

As required by Washington law and certified by the Criminal Justice Training Commission, the Vancouver Police Department will follow the Crisis Intervention Team Model established by Memphis Police Department. To become certified, an officer must complete a 40-hour training course. Ongoing training of two hours per year is required to maintain certification. Areas that may be covered in training are causes of mental health crisis, symptoms and treatments for persons in a mental health crisis; communication and de-escalation techniques for dealing with these situations, and the available resources and civil processes for persons with mental illness.

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# First Amendment Assemblies

## 464.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

## 464.2 POLICY

The Vancouver Police Department respects the rights of people to peaceably assemble. It is the policy of this Department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

## 464.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront or intimidate participants.

(c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe Department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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464.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating Department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

## 464.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location.
- Number of participants.
- Apparent purpose of the event.
- Leadership (whether it is apparent and/or whether it is effective).
- Any initial indicators of unlawful or disruptive activity.
- Indicators that lawful use of public facilities, streets or walkways will be impacted.
- Ability and/or need to continue monitoring the incident.

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

## 464.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

464.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based on the purpose or content of the assembly or demonstration, or the race, ethnicity, national origin or religion of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

### 464.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for the following:

(a) Command assignments, chain of command structure, roles and responsibilities.

(b) Staffing and resource allocation.

(c) Management of criminal investigations.

(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).

(e) Deployment of specialized resources.

(f) Event communications and interoperability in a multijurisdictional event.

(g) Liaison with demonstration leaders and external agencies.

(h) Liaison with City government and legal staff.

(i) Media relations.

(j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.

(k) Traffic management plans.

(l) First aid and emergency medical service provider availability.

(m) Prisoner transport and detention.

(n) Review of policies regarding public assemblies and use of force in crowd control.

(o) Parameters for declaring an unlawful assembly.

(p) Arrest protocol, including management of mass arrests.

(q) Protocol for recording information flow and decisions.

(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.

(s) Protocol for handling complaints during the event.

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464.5.3 MUTUAL AID AND EXTERNAL RESOURCES
The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (refer to **Policy 350 - Outside Agency Assistance**).

## 464.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

## 464.7 USE OF FORCE

Use of force is governed by current Department policy and applicable law (refer to **Policies 300 - Use of Force, 305 - Handcuffing and Restraints, 307 - Control Devices and Techniques, and 308 - Conducted Energy Device**).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER® devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage.

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

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Any use of force by a member of this Department shall be documented promptly, completely and accurately in an appropriate police report.

### 464.8 ARRESTS

The Vancouver Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of officers and arrestees.

(b) Dedicated arrest, booking and report writing teams.

(c) Timely access to medical care.

(d) Timely access to legal resources.

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence.

(g) Coordination and cooperation with the prosecuting authority, jail and courts (refer to **Policy 420 - Citation Releases**).

### 464.9 MEDIA RELATIONS

The Public Information Coordinator should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (refer to **Policy 345 - Media Relations Policy**).

### 464.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

### 464.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

(a) Operational plan.

(b) Any incident logs.

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(c) Any assignment logs.

(d) Vehicle, fuel, equipment and supply records.

(e) Incident, arrest, use of force, injury and property damage reports.

(f) Photographs, audio/video recordings, Dispatch records/tapes.

(g) Media accounts (print and broadcast media).

#### 464.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

(a) Date, time and description of the event.

(b) Actions taken and outcomes (e.g., injuries, property damage, arrests).

(c) Problems identified.

(d) Significant events.

(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

## 464.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

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# Medical Aid and Response

## 465.1 PURPOSE AND SCOPE

This policy recognizes that officers often encounter persons who appear to be in need of medical aid and establishes a law enforcement response to such situations.

## 465.2 POLICY

In compliance with RCW 36.28A.445 and the WSCJTC First Aid Guidelines, it is the policy of the Vancouver Police Department that all sworn personnel and other designated employees receive approved courses of instruction in cardiopulmonary resuscitation (CPR), first aid, automated external defibrillator (AED) usage, Naloxone administration and Tactical Emergency Casualty Care.

## 465.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, employees should take appropriate steps to provide initial medical aid in accordance with their training and current certification levels. This should be done for those in need of immediate care and when the employee can safely do so.

The employee should contact Dispatch and request response by emergency medical services (EMS) as appropriate.

### 465.3.1 INJURY DOCUMENTATION

When officers are in a situation requiring police documentation and they contact a visibly injured subject related to the situation, the officer should attempt to determine the cause of the injury, ask if the subject requires medical aid, and document all visible injuries and care rendered. If the subject is uncooperative, refuses aide or refuses to answer questions, the officer should document what they observed and the subject's response.

## 465.4 TRANSPORTING ILL AND INJURED PERSONS

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

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

An officer may accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should generally not provide emergency escort for medical transport or civilian vehicles.

Subjects in custody who are deemed an escape risk while receiving care at a medical facility may be restrained pursuant Department policy. The officer(s) maintaining custody are expected to remain reasonably present with the person in custody as long as they are being held in restraints at the facility.

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## 465.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported unless authorized pursuant RCW 10.120.020.

In cases where mental illness may be a factor, the officer should consider proceeding with an emergent detention in accordance with Policy 418 - Emergent Detentions.

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

### 465.5.1 SICK OR INJURED ARRESTEE

Police officers are responsible for the well-being and protection of persons in their custody, and must ensure that a person in custody receives appropriate medical assistance. This can be accomplished by administering first aid and/or by obtaining medical care.

Whenever an officer observes a medical emergency experienced by a person in custody or other injury (i.e., the subject is obviously injured or exhibits signs of physical distress such as a broken bone, bleeding, difficulty breathing, head injury, mental incapacity, excited delirium, severe intoxication, or other visible injury), the officer shall:

(a) Provide first aid to the extent they are trained and certified to do so and can do so safely, OR depending on the severity of the injury

(b) Obtain medical assistance as soon as practical

Additionally, officers should obtain medical assistance in the following instances:

(a) When a subject asks for medical care

(b) When a subject expresses a complaint of injury or continuing pain

(c) When a subject is unconscious

Where there is any doubt about the need for medical attention for a person in custody, members should resolve this doubt in favor of obtaining medical attention.

Any individual exhibiting the above signs should be continuously monitored until he/she can be medically assessed.
Medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail or custody facility.

If any such individual refuses medical attention, such a refusal shall be documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel.

Incidents where a person in custody receives medical care beyond examination and cursory care at the incident scene, officers shall notify a supervisor and any person taking custody of the arrestee that such medical care was performed.

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Known or readily observable injuries and medical care on a subject in custody shall be properly documented on booking sheets and necessary police reports.

### 465.5.2 NALOXONE (NARCAN) ADMINISTRATION

In cases involving medical emergencies as a result of a suspected opioid overdose, members who have been properly trained in accordance with RCW 69.41.095 - may prescribe, dispense, distribute, and deliver an opioidantagonist directly to a person at risk of experiencing a suspected opioid-related overdose. Employees will only administer Naloxone intranasally.

## 465.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in Policy 300 - Use of Force and Restraints.

## 465.7 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A semi-automatic external defibrillator or AED should only be used by members who have completed a course approved by the Washington State Department of Health that includes instruction in CPR and the use of an AED (RCW 70.54.310).

### 465.7.1 AED REPORTING

Any member using an AED during which a shock was advised and delivered will complete a CPR/ AED Use Report and forward to the Training Sergeant or designee for review.

See attachment: 465 CPR-AED Use Report.pdf

### 465.7.2 AED TRAINING AND MAINTENANCE

The Training Sergeant or designee is responsible for ensuring AED devices are inventoried, appropriately maintained and tested consistent with the manufacturer's operational guidelines, and will retain records of all maintenance in accordance with the established records retention schedule (RCW 70.54.310).

Any AED that is not functioning properly will be taken out of service and given to the Training Sergeant or designee who is responsible for ensuring appropriate maintenance.

## 465.8 POLICE MEDICS

Certified Police EMT/Paramedics will follow Clark County Public Health medical protocols to their level of certification.

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# Chapter 5 - Traffic Operations

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# Traffic Function and Responsibility

## 500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through, education programs, coordinating with traffic engineers, and the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on collision data, enforcement activity records, traffic volume and traffic conditions. This Department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in collision situations, but also in terms of traffic-related needs.

## 500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Vancouver Police Department. Information provided by the Electronic Traffic Information Processing (eTRIP and SECTOR) data retrieval system is a valuable resource for traffic collision occurrences and officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of collision causing violations during high collision hours and at locations of occurrence. All officers will take directed enforcement action on request of a supervisor, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high collision locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

## 500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This Department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance. The visibility and quality of an officer’s work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions.

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500.3.1 WARNINGS
Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.3.2 CITATIONS
Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

a. Explanation of the violation or charge.

b. Read directly from the citation the three options on how to address a notice of infraction and the 15 days to respond to the citation.

c. Provide a court date and time for the offender to appear on criminal traffic citations.

500.3.3 ARRESTS FOR TRAFFIC OFFENSES
Officers may issue a traffic citation for any criminal traffic offense or infraction when such violations are committed in an officer's presence or as allowed pursuant to RCW 10.31.100. With limited exceptions, the detention in such cases may not be for a period of time longer than is reasonably necessary to issue and serve a citation for the violator.

A traffic-related detention may expand to a physical arrest under the following circumstances:

(a) When the officer has probable cause to believe that a felony has been committed, whether or not it was in the officer’s presence.

(b) When the offense is one or more criminal traffic violations listed in RCW 10.31.100

(c) When a driver has been detained for a traffic offense listed in RCW 46.63.020 and fails to provide adequate identification or when the officer has reasonable grounds to believe that the person to be cited will not respond to a written citation. It will be the officer's discretion to make a custodial arrest.

## 500.4 SUSPENDED OR REVOKED DRIVERS LICENSES
If an officer contacts a traffic violator who is also driving on a suspended or revoked license, the officer should issue a traffic citation or make an arrest as appropriate.

500.4.1 SUSPENDED, REVOKED OR CANCELED LICENSE PLATES
If an officer contacts a traffic violator who is operating any vehicle that a computer check confirms to be revoked, suspended or canceled, the officer shall confiscate the license plates. The Department may either recycle or destroy the plates (RCW 46.32.100).

## 500.5 HIGH-VISIBILITY VESTS
The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of Department members who may be exposed to hazards

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presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at all times when increased visibility would improve the safety or efficiency of the member and when at a collision scene or directing traffic.

#### 500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, collision investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

#### 500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be issued to every Department member and kept with them in their vehicle while on-duty. Each vest should be stored inside the resealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained in Logistics for replacement or issuance.

### 500.6 HAZARDOUS ROAD CONDITIONS

The Vancouver Police Department will make all reasonable efforts to address all reported hazardous road conditions in a timely manner to dispatch or City Operations as circumstances and resources permit.

### 500.7 SCHOOL BUS SAFETY CAMERAS

Any school district with buses properly equipped with cameras that capture stop-arm violations may report such violations to the Vancouver Police Department whenever they occur within the Department’s jurisdiction.

The Traffic Sergeant should establish a report form and procedure for school districts to report school bus stop-arm violations (RCW 46.63.180).

#### 500.7.1 NOTIFICATION OF INFRACTION

The Traffic Sergeant or the authorized designee should initiate an investigation of the reported violation after receiving a stop-arm violation report from a school district.

Issuance of a citation shall conform to state requirements (RCW 46.63.180). The notice of infraction or warning letter shall be mailed to the registered owner or renter, if applicable, of the vehicle within 14 days of the violation.

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# Traffic Collision Reporting

## 502.1 PURPOSE AND SCOPE

The Vancouver Police Department prepares traffic collision reports and as a public service makes traffic collision reports available to the community with some exceptions.

## 502.2 TRAFFIC COLLISION REPORTS

All traffic collision reports taken by members of this Department shall be forwarded through the Washington State SECTOR Collision Reporting System for approval and data entry into the Records Management System. The Traffic Sergeant will be responsible for reports on traffic collision statistics to be forwarded to the Special Operations Lieutenant, or other personnel as required.

### 502.2.1 STATEWIDE ELECTRONIC COLLISION AND TICKET ONLINE RECORDS (SECTOR)

This Department utilizes SECTOR software to complete traffic citations and traffic collision reports. SECTOR shall only be used by those authorized employees who have completed department-approved training in the use of SECTOR software. All traffic collision reports completed with SECTOR software shall comply with established report approval requirements.

All reports completed using SECTOR software should be downloaded to the designated server by the end of the employee's shift unless approved by a supervisor.

## 502.3 REPORTING SITUATIONS

### 502.3.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic collision reports shall be taken when a City-owned vehicle is involved in a traffic collision upon a roadway or highway within the City of Vancouver wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle.

Photographs of the collision scene and vehicle damage shall be taken by the investigator or supervisor.

If a traffic collision occurs with a police employee driving a police vehicle, whether on or off-duty outside the jurisdiction of the City of Vancouver, it shall be the responsibility of the agency of jurisdiction to investigate and report the collision according to their policies and state law. If the responding agency does not complete a collision report, and it is unreasonable for a VPD supervisor to respond and investigate, the employee shall obtain the necessary information from the scene to complete and submit a Washington State Motor Vehicle Collision Report and a Vancouver Police Property Damage Loss and Vehicle Incident Damage Report to their immediate supervisor upon their return to work.

See attachment: 502 Washington State Motor Vehicle Collision Report.pdf

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Follow this file directory: **SharePoint~Departments~Police Department~VPDNET~Forms~Service Area:Risk Mgmt. Vehicles~Property Damage Loss and Vehicle Incident Damage Report** to obtain a Vancouver Police Property Damage Loss and Vehicle Incident Damage Report.

502.3.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES
When an employee of this Department, either on or off-duty and driving a City owned vehicle, is involved in a traffic collision within the jurisdiction of the Vancouver Police Department resulting in a serious injury or fatality, the Traffic Sergeant or designee shall be notified and a determination be made as to which investigative unit is to respond.

502.3.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS
The Traffic Sergeant or designee should also be notified and a determination be made as to which investigative unit is to respond for any traffic collision involving any City official or employee where a serious injury or fatality has occurred.

502.3.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY
Traffic collision reports shall not be taken for traffic collisions occurring on private property, unless there is a death or injury to any person involved, a hit-and-run violation, or any criminal RCW violation. A police report may be taken at the discretion of any supervisor.

502.3.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS
Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this Department under any of the following circumstances:

(a) When there is a death or injury to any persons involved in the collision.

(b) When there is an identifiable criminal violation of the Revised Code of Washington.

(c) Property damage exceeding the dollar amount currently established by WSP.

(d) When a report is requested by any involved driver, direct them to the WSP website to complete their own report or provide them with the self-reporting form for them to mail in.

In all cases where a traffic collision report is required by policy, the current state authorized form, currently in SECTOR, will be used to document the collision (RCW 46.52.070).

## 502.4 NOTIFICATION OF TRAFFIC UNIT SUPERVISION

In the event of a serious injury or death related traffic collision, the Shift Sergeant shall notify the Traffic Sergeant or designee to relate the circumstances of the traffic collision and seek assistance from the Traffic Unit. In the absence of a Traffic Sergeant, the Shift Sergeant or any supervisor may assign a Traffic Unit collision investigator to investigate the traffic collision.

502.4.1 MAJOR CRIME TEAM NOTIFICATION
Felony assaults against an officer of a complex nature (e.g., multiple victim officers, vehicle used as weapon, large or multiple scenes) or where serious injuries are sustained by the officer or the

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suspect, the Major Crimes Sergeant must be notified. Refer to **Policy 356.5.1 - Major Crimes Notification**

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# Vehicle Towing and Release

## 510.1 POLICY

The Vancouver Police Department authorizes officers to take custody of vehicles for evidence, forfeiture or impound and to conduct searches of the vehicles as allowed under applicable laws.

## 510.2 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Vancouver Police Department.

## 510.3 AUTHORIZATION TO TAKE CUSTODY OF A VEHICLE

A police officer may take custody of a vehicle, at his or her discretion, and provide for its prompt removal to a place of safety under any of the circumstances outlined in RCW 46.55.113 and otherwise by law.

## 510.4 EMPLOYEE RESPONSIBILITIES

The responsibilities of those Vancouver Police Department employees impounding, towing or moving a vehicle are as follows.

### 510.4.1 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, unless the operator of the vehicle arranges for the prompt removal of the vehicle, a company will be selected from the VPD rotational list of towing companies in Dispatch.

### 510.4.2 DRIVING A NON-CITY VEHICLE TO AVOID A TOW

Vehicles may be driven by police personnel when necessary to move the vehicle a short distance to mitigate a hazard or prevent the obstruction of a fire hydrant in the event of a fire emergency.

### 510.4.3 RECORDS NOTIFICATION

Whenever a vehicle is towed under the authority of an officer, VPD Records Division shall be notified as soon as practicable before the end of their current work shift. Officers should notate the name and PSN of the Records employee notified into their related report.

### 510.4.4 RECORDS RESPONSIBILITIES

Whenever a recovered stolen vehicle is impounded by the Vancouver Police Department, VPD Records Division personnel will promptly attempt to notify the legal owner of the recovery. All notification attempts will be documented.

## 510.5 TOWING SERVICES FOR FORFEITURE AND EVIDENCE IMPOUND

The City of Vancouver periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

(a) When a vehicle is seized for forfeiture.

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(b) When a vehicle is being held as evidence in connection with an investigation and service of a search warrant.

#### 510.5.1 ASSET FORFEITURE IMPOUND

If the case officer has reason to seize the vehicle per RCW for an asset/civil forfeiture, the officer will follow established Department procedures regarding asset forfeiture.

The vehicle will be taken to the VPD Evidence Facility and placed in the secured parking lot if there is room available. If there is not room, or the facility is not accessible, a supervisor will determine where the vehicle will be placed. All documents will be forwarded to the Logistics Unit Supervisor.

Every contact, attempted contact and event regarding this process will be documented in a police report. It is vital to include all dates, times, and names for documentation purposes.

#### 510.5.2 EVIDENCE / SEARCH WARRANT IMPOUND

Vehicles having vital evidence inside shall be placed in a secured area (such as the fenced parking lots of the precincts) while applying for a search warrant. The seized vehicle should be marked by the orange markers in evidence, unless marking the vehicle will interfere with the investigation or may destroy or damage evidence. The vehicle should be marked after the warrant has been served if there is no further risk of destruction of evidence or additional need to maintain the vehicle in the same condition it was in when it was seized. The vehicles should have the date and case number placed on the windshield. The vehicle will be processed as soon as reasonable. If the vehicle cannot be processed within the current work week, the case officer will notify their supervisor and advise of the reasons for the delay.

Once the vehicle is processed, the case officer will make a reasonable attempt to notify the owner and/or responsible party to have the vehicle released back to them. If the officer does not contact the owner and/or responsible party, the vehicle will be towed using the next available tow from the tow company rotational list. All interest by VPD will be released.

Every contact, attempted contact and event regarding this process will be documented in the related police reports to include all dates, times, and names.

### 510.6 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this Department to provide reasonable safekeeping for the arrestee's vehicle.

No impound should occur if other reasonable alternatives are available that would ensure the vehicle's protection. Factors that should be considered by officers in determining whether to impound a vehicle pursuant to this policy include:

(a) Whether someone is available at the scene of the arrest to whom the vehicle could be released.

(b) Whether the vehicle can be secured.

(c) Whether the detention of the arrestee will likely be of such duration as to require protection of the vehicle.

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(d) Whether there is some reasonable connection between the crime/arrest and the vehicle, or the vehicle is related to the commission of another crime (i.e., the vehicle itself has evidentiary value).

(e) Whether the owner/operator requests that the vehicle be stored.

(f) Whether the vehicle would be in jeopardy of theft or damage if left at the scene.

## 510.7 VEHICLE SEARCHES

Vehicles may be searched with a search warrant or valid exception.

If the search is of a vehicle under the control of a juvenile, the provisions of youth access to counsel under RCW 13.40.740 must be followed.

## 510.8 VEHICLE INVENTORY SEARCH

Any property located or identified as having an obvious high value may be submitted into the evidence system for safekeeping.

## 510.9 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve items of value or personal need (e.g. cash, jewelry, cell phone, prescriptions) which are not considered evidence or contraband.

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# Impaired Driving

## 514.1 POLICY

The Vancouver Police Department will pursue fair but aggressive enforcement of Washington's impaired driving laws. All officers are expected to enforce impaired driving laws with due diligence.

The Department recognizes that Impaired Driving procedures change over time due to many factors and places responsibility on the Traffic Unit to maintain a current DUI Procedures Manual for use by Department personnel. The procedures in the DUI Procedures Manual should be followed by officers with any exceptions based on articulable reasons and supervisory approval, if feasible.

All sworn employees at the rank of Sergeant and below assigned to patrol and traffic enforcement must ensure their breath test and Standardized Field Sobriety Tests (SFST) training is current.

## 514.2 FIELD SOBRIETY TESTS

Officers conduct Standardized Field Sobriety Tests (SFSTs) according to Department approved training.

## 514.3 IMPLIED CONSENT

A. Implied Consent only applies to breath tests.

B. Officers utilize the WSP DUI Arrest Report form for the implied consent process.

## 514.4 BREATH TESTS

Officers utilize BAC instruments consistent with Washington State Patrol (WSP) training. The State of Washington uses breath tests as the primary testing procedure for impaired drivers.

### 514.4.1 BREATH TESTING INSTRUMENTS

WSP is responsible for servicing all BAC instruments used for the collection and analysis of breath samples. If a BAC instrument is malfunctioning, officers should notify their supervisor and WSP by calling CRESA dispatch.

The Department issues and maintains instruments known as Preliminary Breath Tests (PBTs). The PBTs are to be calibrated every 6 months and are to be used according to WAC 448-15.

## 514.5 BLOOD TESTS

An officer may obtain a blood sample for testing purposes when the officer has reasonable grounds to believe the individual was driving or was in physical control of a vehicle under the influence. An individual's refusal to provide a breath sample does not prevent an officer from obtaining a blood sample pursuant to a warrant or valid exception to the warrant requirement.

Only persons authorized by law to withdraw blood shall collect blood samples (RCW 46.61.506).

The withdrawal of the blood sample should be witnessed by the processing officer.

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### 514.6 RECORDS DIVISION RESPONSIBILITIES

The Vancouver Police Department Record's Division will ensure that all case related records are transmitted according to current procedures and as required by the Clark County Prosecuting Attorney's Office and/or Vancouver City Attorney's Office.

### 514.7 TRAINING

The Training Unit shall ensure that all sworn officers receive training on impaired driver investigations and procedures.

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# Chapter 6 - Investigation Operations

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# Criminal Street Gangs

## 601.1 PURPOSE AND SCOPE

This policy establishes a procedure for identifying criminal street gangs, participants of criminal street gangs, and patterns of criminal activity.

The Department recognizes that criminal gangs, by their very nature, pose a grave threat to the safety of police and citizens who encounter them. The Department may gather and organize information about participants in criminal gang activity in order to effectively address the law enforcement problem which criminal gangs present.

The Department also recognizes that it is not a crime to be associated with a gang. Therefore, the designation of a person as a criminal gang associate or member does not give any police officer the authority to take action against that individual which could not be lawfully taken against a person not designated as a gang associate or member.

## 601.2 DEFINITIONS

**Criminal Street Gang:** Shall mean any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage or have engaged in a pattern of criminal activity.

**Criminal Street Gang Associate or Member:** Shall mean any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

**Criminal Street Gang Affiliate:** An individual who does not meet the criteria for a street gang member but is known to have a close connection with active gang members, and law enforcement personnel have established a reasonable suspicion that the individual is involved in criminal activity or enterprise, or promotes the criminal activity of a gang.

**Gang Related Crime:** Shall mean any crime, which is committed for the benefit of, at the direction of, or in association with, a criminal street gang with the intent to promote, further or assist any criminal street gang

## 601.3 IDENTIFICATION OF CRIMINAL STREET GANGS/PARTICIPANTS

Vancouver Police personnel shall be authorized to collect information on individuals who are suspected of participating in a criminal street gang and groups that are suspected of being criminal street gangs.

a. A group of three or more individuals shall be designated a criminal street gang when:

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1. Any formal or informal ongoing organization, association, or grouping exists.
2. They have a common name or common identifying sign or symbol.
3. There is evidence, substantiated by crime and informational reports, that a primary activity of the group is the commission of one or more criminal acts.
4. One or more members individually or collectively have engaged in a pattern of criminal gang activity.

b. An individual can be designated as an associate or member of a criminal street gang and included in a gang file when there is sufficient evidence of gang affiliation. To establish sufficient evidence, one indicator from list “A” or two indicators from list “B” must be present:

List A:

1. The person admits or asserts membership in a criminal street gang to law enforcement.
2. The person participates in a criminal gang initiation ritual or ceremony.
3. The person conspires to commit, or commits a crime:

(a) Which is part of a pattern of street crimes facilitated by the efforts of other gang members or associates which advance the interests of the person; OR

(b) To attract the attention of the criminal gang or enhance the standing of the person with the criminal gang; OR.

(c) For the benefit of the gang; OR

(d) To announce the existence of the gang, its membership or its territorial claims; OR

(e) In response to the race, color religion, sexual preference, national origin, or gang association of the victim.

List B:

1. The person displays knowledge of the gang’s history, leadership, activities or rituals in a context which clearly indicates affiliation with the gang.
2. The person announces to the police that the person is willing to commit assaults, other crimes, or make other sacrifices for the gang.
3. The person wears clothes or jewelry unique to a gang in a context which clearly indicates membership in the gang.
4. The person uses a hand sign or language which, due to content or context, clearly indicates affiliation with the gang.
5. The person’s name appears on a criminal street gang document.

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6. The person is in a photograph with other people who collectively display criminal gang signs or apparel to exhibit solidarity.
7. A Confidential Reliable Informant ("CRI") identifies the person as a member of a gang.
8. The person possesses a gang tattoo.

## 601.4 CRIMINAL STREET GANG DATABASE

VPD will use WSIN, or other state approved gang database, to maintain Department gang information. Members of the Department shall not use the current report writing program as a gang database and shall not use the information contained in the police writing program as such.

The Department will use the following guidelines for entering gang information into WSIN or another state approved gang database:

1. Suspicious incidents, information reports and criminal incidents that appear to be criminal street gang related will be documented in a police report.

(a) The reporting officer shall describe why the incident may be criminal street gang related and document statements and information supporting the belief that involvement of a criminal street gang has occurred.

(b) The officer shall specifically indicate that a copy of the report be routed to the gang unit supervisor or other person designated by the Office of the Chief for review.

2. The gang unit supervisor or other person designated by the Office of the Chief, will review all submitted reports and determine whether the facts of the report meet the criteria set forth in this policy for designation as a street gang or street gang associate/member.

If the necessary criteria are met, the gang unit supervisor or other person designated by the Office, of the Chief should forward the information for entry into WSIN, or another state approved gang database, on a case by case basis.

The gang database may include:

(a) Names, aliases, monikers, addresses, and other relevant identifying information.
(b) Gang name.
(c) Justification used to identify an individual as a criminal street gang participant.
(d) Vehicle(s) known to be used.
(e) Cross references to other identified gangs, gang members, or gang associates.

## 601.5 FIELD CONTACTS

1. Field Interviews: Officers who contact individuals who are, or may be participants in criminal street gang activity should complete a police report and document the reasonable suspicion

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underlying the contact and the exact circumstances leading to the suspicion that the individual is a criminal street gang participant.

2. Photographing known or suspected criminal street gang participants shall be done in accordance with the provisions of Policy Manual § 440 (Photographing of Field Detainees).

### 601.6 DISSEMINATION OF GANG DATABASE INFORMATION

Information from WSIN, or another state approved gang database, may be furnished to Department personnel and other public law enforcement agencies on a need-to-know basis only and dependent on the individual databases rules of release.

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# Arson/Explosives Unit

## 604.1 PURPOSE AND SCOPE

This policy provides guidelines for arson/explosives investigations and utilizing the Arson/ Explosives Unit.

## 604.2 POLICY

VPD authorizes an Arson/Explosives Unit to enhance law enforcement efforts and increase the rate of apprehension and prosecution in crimes of arson and explosives.

**The Arson/Explosives Unit:**

1. Works as a team with the Vancouver Fire Department, the Prosecutors Office and the Bureau of Alcohol Tobacco and Firearms to investigate and prosecute arsons and misuse of explosive devices in the city of Vancouver.
2. Works to deter arson and explosives related crimes by aggressively investigating and seeking prosecution for arson and crimes in which explosive devices have been used.
3. Attempts to increase the Department's rate of apprehensions and prosecution in crimes of arson and the use of, or manufacturing of explosives through the use of proper evidence collection and preservation, using established and recognized scientific methods of fire and law enforcement procedures in accordance with applicable local, state, and federal law.
4. Assists the VPD Major Crimes Unit in homicide and suspicious death investigations in which arson or incendiary devises play a part.
5. Attends additional training to adequately investigate arson and explosives in general.
6. Maintains and operates vehicles specifically containing arson and explosive personal protective equipment and evidence collecting material.
7. The Arson/Explosives Unit includes officer(s) collaterally assigned to conduct arson related crimes as well as the VPD officer(s) assigned to the Portland Metro Explosives Disposal Unit (MEDU). These officers attend additional training to adequately investigate arson and/or explosives in general.

## 604.3 ARSON UNIT DEPLOYMENT

A. **Procedures for utilizing the Arson Investigator**

1. The on-call Fire Marshall is responsible for the initial fire response. If the Fire Marshall determines that a VPD arson investigator is required to assist, they will contact CRESA in order to notify an Arson Investigator. An Arson Investigator who is on-duty will be contacted before contacting an investigator who is off-duty.
2. The Arson Investigator will assess the information provided by the Fire Marshall. If the investigator is currently on duty, they will immediately notify their on-duty patrol sergeant that they have been called to an arson or explosives incident.
3. The on-duty Patrol Supervisor should make every effort to allow the investigator to respond to the incident and assist the Fire Marshal. When applicable, the on duty-

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Patrol Supervisor will ensure that the Arson Supervisor is notified and make command notifications as well.

4. The investigator will respond to the scene and will work with the Fire Department or other investigative agency in determining the origin and cause of the fire, and the collection and preservation of evidence relating to the cause of the fire. Under most circumstances, the investigator will maintain control of all evidence for court purposes.
5. Evidence shall be processed in accordance with Vancouver Police Department guidelines.

**B. Explosives Investigator**

1. The Arson/Explosives Unit includes officers who are collaterally assigned to conduct arson related crimes as well as the VPD officer(s) assigned to the Portland Metro Explosives Disposal Unit (MEDU). MEDU officer(s) attend additional training to adequately investigate explosives.
2. The MEDU officer falls under the Property Crimes Unit chain of command only while serving as an investigator and conducting follow-up investigations on incidents involving explosive devices. During all other times, including during MEDU related emergency call-outs, the MEDU officer remains under the Special Operations Division chain of command.

**C. On Duty Investigators**

1. If an on-duty arson/explosives investigator is called to assist with an investigation, the on-duty patrol supervisor will attempt to determine the length of the investigation and ensure that the patrol staffing levels are maintained during the investigation.
2. If a staffing shortage is created on the investigator's original patrol shift(s), the supervisor should make arrangements to call in or hold over personnel for the remainder of the shift.
3. The on-duty patrol supervisor should make every effort to ensure that the investigator(s) are free to investigate the incident without having to perform patrol duties when possible. This in no way prohibits a supervisor from requesting that an investigator leave the scene of an investigation for emergency circumstances as they deem appropriate.

### 604.3.1 ARSON UNIT SUPERVISOR RESPONSIBILITIES

1. Overall coordination of the unit and for supervising the assigned investigators.
2. Case management of the unit and keeping statistical records detailing the unit activities.
3. The Arson Unit will be supervised by the property crimes sergeant.

## 604.4 ARSON INVESTIGATOR MINIMUM QUALIFICATIONS

1. Investigators must be able to wear all assigned duty gear and work in a hazardous environment for long periods of time.

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2. Investigators who are assigned special law enforcement commissions in the State of Oregon must notify the unit supervisor before conducting any operations in that state.

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# Asset Forfeiture

## 606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

### 606.1.1 DEFINITIONS

Definitions related to this policy include:

**Administrative Agent** - The person designated by the Chief of Police to be responsible for distributing any proceeds realized from any forfeiture proceedings. This includes anytime the Vancouver Police Department seizes property for forfeiture or when the Vancouver Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

**Administrative Manager-** The person designated by the Chief of Police responsible for administrative oversight and acting as a liaison between the Department and the assigned City Attorney.

**Forfeiture** - The process by which legal ownership of an asset is transferred to a government or other authority.

**Forfeiture Counsel** - The City of Vancouver Law Department.

**Hearing Examiner** - The Department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and conducting asset forfeiture hearings.

**Property subject to forfeiture** - Generally includes, but is not limited to:

(a) Firearms that were carried, possessed or sold illegally (RCW 9.41.098).

(b) Devices, profits, proceeds, associated equipment and conveyances related to illegal gambling (RCW 9.46.231).

(c) Interests, proceeds, etc. related to organized crime (RCW 9A.82.060), criminal profiteering (RCW 9A.82.080), human trafficking (RCW 9A.40.100), commercial sexual abuse of a minor (RCW 9.68A.100) or promoting prostitution (RCW 9A.88.070) (RCW 9A.82.100).

(d) Proceeds traceable to or derived from money laundering (RCW 9A.83.020; RCW 9A.83.030).

(e) Property acquired or maintained in relation to commercial sexual abuse of a minor (RCW 9.68A.100), promoting commercial sexual abuse of a minor (RCW 9.68A.101) or promoting prostitution in the first degree (RCW 9A.88.070), and conveyances used to facilitate these offenses (RCW 9A.88.150).

(f) Personal property, money, a vehicle, etc. that was used to commit a felony or was acquired through the commission of a felony not covered under another forfeiture statute (RCW 10.105.010).

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(g) Personal property, money, a vehicle, etc. that was acquired through the commission of a crime involving theft, trafficking or unlawful possession of commercial metal property, or facilitating such crimes (RCW 19.290.230).

(h) Conveyances, including aircraft, vehicles or vessels, used for the violation of the Uniform Controlled Substances Act and proceeds from these violations (money, real property, etc.) (RCW 69.50.505).

(i) Boats, vehicles, gear, etc. used for poaching/wildlife crimes (RCW 77.15.070).

**Seizure** – The act of law enforcement officials taking property, cash, or assets that have been used in connection with or acquired by specified illegal activities. Those items seized will be stored securely in an authorized evidence facility unless the size of the item dictates storage at another secure location.

## 606.2 POLICY

The Vancouver Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Vancouver Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

## 606.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in policy and state law (RCW 10.105.010; 19.290.230; RCW 69.50.505).

### 606.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor:

1. Real or personal property subject to forfeiture identified in a court order authorizing seizure.
2. Property subject to forfeiture without a court order when the property is lawfully seized incident to an arrest, the service of a search warrant or the service of an administrative inspection warrant.
3. Property subject to forfeiture can also be seized without a court order when:
   (a) There is probable cause to believe that the property was used or is intended to be used for illegal gambling (RCW 9.46.231).
   (b) There is probable cause to believe that the property was used or is intended to be used for the commercial sexual abuse of a minor (RCW 9.68A.100; RCW 9.68A.101) or promoting prostitution in the first degree (RCW 9A.88.070) (RCW 9A.88.150).
   (c) There is probable cause to believe that the property was used or is intended to be used in the commission of any felony (RCW 10.105.010). See also

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separate statutes regarding seizures for felonies involving commercial metal, “bootlegging,” criminal profiteering or money laundering (RCW 19.290.00095; RCW 66.32.020; RCW 9A.82.100; RCW 9A.8030).

(d) There is probable cause to believe that the property was used or is intended to be used in violation of the Uniform Controlled Substances Act (RCW 69.50.505).

(e) There is probable cause to believe that the property was used or is intended to be used for poaching/wildlife crimes (RCW 77.1070).

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

### 606.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

1. Cash and property that does not meet the supervisors approval based on the circumstances.
2. Property from an “innocent owner,” or a person who had no knowledge of the offense or who did not consent to the property’s use.
3. No vehicle or other conveyance based on a misdemeanor involving marijuana (RCW 69.50.505).
4. Vehicles/conveyances that would be subject to forfeiture if more than 10 days have elapsed since the owner’s arrest and no court order has been issued (RCW 9.46.231; RCW 9A.88.150; RCW 69.50.505).
5. Any item intended to be used solely as evidence or taken so it could be returned to a victim.

## 606.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure shall ensure compliance with the following:

1. All property seized for forfeiture is checked to determine if the property has been stolen.
2. Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized or any person with a reasonable claim of ownership. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found if it is reasonable to do so.
3. In cases where the legal owner of the property is determined to be a business, Notice of Seizure shall also be served on the Registered Agent if one exists.
4. Complete and submit a report and original seizure forms within 24 hours of the seizure. If this cannot be accomplished, notification will be made to the supervisor.
5. Forward the original seizure forms and related reports to the administrative agent within two days of seizure.

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The officer will book seized property into the evidence system using the appropriate property type code to designate the item as seized for forfeiture. Each distinct piece of property seized should be entered as a separate item.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

The Notice of Seizure and Intended Forfeiture Form, in triplicate, can be located in each precinct. A copy for review has been attached to this policy.

**See attachment: Notice of seizure and intended forfeiture.pdf**

606.4.1 EVIDENCE PROCEDURES FOR SEIZED PROPERTY

The Evidence Coordinator is responsible for ensuring compliance with the following:

1. All property received for forfeiture is secured and property stored to prevent waste and preserve its condition.
2. All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
3. Property received for forfeiture is not used unless the forfeiture action and a conversion authorization have been completed.

## 606.5 PROCESSING SEIZED VEHICLE FOR FORFEITURE PROCEEDINGS

When an officer develops probable cause to seize a vehicle for forfeiture, the officer will observe the following procedures to impound the vehicle:

1. Contents of the vehicle with any apparent value should be removed and left with the owner if possible.
2. All vehicles seized for forfeiture will be towed to the VPD Evidence lot unless covered storage is required.
3. An officer will accompany the tow truck with the impounded vehicle to the Evidence building. Upon arrival at the Evidence building, the officer will ensure the vehicle is parked in the fenced lot and submit documentation including the following:
4. Originally signed Notice of Seizure and Intended Forfeiture Form and a copy of the WACIC vehicle registration information are forwarded to the administrative agent.
5. Special instructions for the vehicle (ex. X-ray the vehicle, check with drug dog) will be included in the RMS police report. Evidence will not perform any special operations which require a search warrant or officer to perform.
6. Contents remaining with the vehicle that have no evidentiary or minimal monetary value may be left in the vehicle. All other property must be removed and submitted into evidence for safekeeping.

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7. Lock the vehicle doors and roll up the windows or wrap in plastic to secure the vehicle if it cannot be secured otherwise.
8. Keys to the vehicle and a copy of the Notice of Seizure and Intended Forfeiture form will be placed in an envelope and submitted to evidence personnel for storage. These items are not to be booked into the evidence system.
9. Evidence personnel should be notified via e-mail that a vehicle has been submitted to the Evidence lot.
10. A RMS police report will be completed including vehicle information, condition (e.g., interior/ exterior damage, unsecured doors, and broken windows), legal and registered owners, and reason for seizure. Photographs of all four sides and interior will be submitted with the RMS police report.

### 606.5.1 EVIDENCE PROCEDURES FOR SEIZED VEHICLES

When a vehicle has been seized for forfeiture, Evidence personnel will perform the following procedures:

1. Evidence will collect all keys and forms left by the seizing officer. Keys to seized vehicles will be securely maintained in the Evidence facility.
2. Prior to the forfeiture hearing, calls made to Evidence from owners requesting release of their vehicle will be referred to the Administrative Agent. Calls made to Evidence from owners requesting release of property from within the vehicle will be referred to the officer.
3. If the vehicle is forfeited to the Department, the Administrative Agent will notify the Material Control Administrator and Evidence personnel. The Material Control Administrator will coordinate with Evidence personnel to dispose of the vehicle.
4. If the vehicle is not forfeited, the vehicle will be released according to the instructions of the Hearing Examiner.
5. Evidence personnel will arrange for the release of non-forfeited vehicle and obtain a signed receipt at the time of release. A copy of this receipt will be forwarded to the Administrative Agent.

Unclaimed vehicles will be treated as unclaimed property and be disposed according to Department policy.

The Materials Control Administrator will ensure that forfeited vehicles are prepared for auction or Departmental use.

## 606.6 HEARINGS EXAMINER

The Chief of Police will appoint a forfeiture hearings examiner. Prior to assuming duties, or as soon as practicable thereafter, the Hearings Examiner should attend a course approved by the Department on asset forfeiture.

The responsibilities of the Hearings Examiner include, but may be delegated to another Department member or the Forfeiture Counsel, are:

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(a) Remaining familiar with forfeiture laws, particularly those cited in this policy and the forfeiture policies of the Forfeiture Counsel.

(b) Serving as the liaison between the Department and the Forfeiture Counsel and ensuring prompt legal review of all seizures.

(c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.

(d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The Hearings Examiner, or designee, should contact federal authorities when appropriate.

(e) Ensuring that responsibilities, including the designation of an Administrative Agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(f) Ensuring that seizure forms are available and appropriate for Department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:

1. Names and contact information for all relevant persons and law enforcement officers involved.
2. A space for the signature of the person from whom cash or property is being seized.
3. A copy should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.

(g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or General Orders. The training should cover this policy and address any relevant statutory changes and court decisions.

(h) Reviewing each asset forfeiture case to ensure that:

1. Written documentation of the seizure and the items seized is in the case file.
2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property.
    (a) Generally, 15 days' notice. (Gambling RCW 9.46.231; Money laundering RCW 9A.83.030; Child prostitution RCW 9A.88.150; Felonies RCW 10.105.010; Commercial metal RCW 19.290.230; Controlled substances RCW 69.50.505; Fish and wildlife enforcement RCW 77.15.070).

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(b) Generally, 15 days' notice for conveyances. (Gambling RCW 9.46.231; Child prostitution RCW 9A.88.150; Controlled substances RCW 69.50.505).

4. Property is promptly released to those entitled to its return.

5. Any cash received is deposited with the City of Vancouver.

6. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.

7. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

(i) Ensuring that the process of selling or adding forfeited property to the Department's regular inventory is in accordance with all applicable laws and consistent with the Department's use and disposition of similar property.

(j) Upon completion of any forfeiture process, ensuring that no property is retained by the Vancouver Police Department unless the Chief of Police authorizes in writing the retention of the property for official use.

(k) Addressing any landlord claims for reimbursement through forfeited assets or damage to property (RCW 9.46.231; RCW 69.50.505).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives.

## 606.7 DISPOSITION OF PROPERTY

No member of this Department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Chief of Police has given written authorization to retain the property for official use. No Department member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

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# Investigative Funds

## 607.1 PURPOSE AND SCOPE

This policy provides control and accounting procedures for investigative funds used by members of the Vancouver Police Department. This policy applies when investigative funds fall under the oversight of this Department. Vancouver Police personnel assigned to a task force which has its own investigative funds policy approved by its Executive Board shall follow the policy and procedures adopted for that task force when using investigative funds overseen by that entity.

## 607.2 POLICY

The Vancouver Police Department and Vancouver Treasury, Department of Financial and Management Services maintains stringent control over all investigative fund monies to ensure that the funds are used only for authorized purposes.

## 607.3 DEFINITIONS

**Confidential Informant (CI)** – A person who provides criminal intelligence or investigative information whether the person indicates a desire to have their identity kept confidential and is under agreement with law enforcement to cooperate in return for some type of compensation (e.g., the deferment of charges or payment of monies). Agreements must be in writing. The term informant shall be given the same meaning.

**Custodian (Primary)** – A sworn VPD officer at the rank of Lieutenant or higher supervisory rank who is authorized by VPD and the City through the procedures outlined in this policy as having the responsibility to maintain an investigative fund by the Treasury, Department of Financial and Management Services for the City of Vancouver.

**Custodian (Alternate)** – A sworn VPD officer at the rank of Lieutenant or higher supervisory rank who is authorized by VPD and the City through the procedures outlined in this policy to accept a temporary full transfer of an investigative fund from the primary custodian for purposes such as extended leave, sick leave, or vacation. Alternate custodians have the same responsibilities as the primary custodian during the primary custodian's absence.

**Custodian (Subordinate)** – A sworn VPD officer at the rank of Sergeant or higher supervisory rank who is temporarily assigned an allotted disbursement of an investigative fund, from the primary or alternate custodian, for retention beyond a one-time incident or action. Subordinate custodians shall be a full-time employee of the City of Vancouver and cannot be an employee of another entity or agency assigned to a unit managed by the Department.

**Disbursement** – The expenditure of funds for law enforcement investigations or the temporary reassignment of the funds from the custodian to another Department employee as a subordinate custodian.

**Investigative Funds** – Cash funds established for the purpose of conducting criminal investigations wherein expenditures are used to support criminal charges such as the sale of controlled substances or stolen property, in investigations where the transfer of cash represents

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a significant step in the furtherance of the crime or where payment(s) cannot come from a publicly traceable source such as to a reliable informant. Investigative funds are not to be used for supplies and/or maintenance needs.

**Drug Funds** – Residual net proceeds not required to be paid to the State Treasurer as ordered by the court pursuant to a civil hearing or a drug related prosecution; or from property forfeited or deemed to have been lawfully seized after a hearing conducted under RCW Title 34, as proceed of the manufacture, distribution, or sales of controlled substances. Drug Fund expenditures are for the exclusive use of enforcing RCW Title 69.50, the Uniform Controlled Substances Act (UCSA) and may not be used to supplant preexisting funding sources.

**General Investigations Funds** – Cash funds maintained by an individual custodian for non-UCSA related expenditures.

**Reconciliation** – A process of comparing investigative funds available at any given time, plus the total from disbursement receipts to account for the full amount equal to the authorized investigative funds assigned to the custodian and all subordinate custodians.

**Soft Reconciliation** – Submission of all receipts and a physical presentation of all residual investigative funds for accounting purposes from the subordinate custodian to the primary custodian.

**Replenishment** – A process of submitting reconciliation documents to the Vancouver Treasury, Department of Financial and Management Services and obtaining replacement investigative funds equal to the full authorized amount.

## 607.4 PROCEDURE FOR ESTABLISHING AN INVESTIGATIVE PETTY CASH FUND

To obtain authorization to be a Primary Custodian and to establish an Investigative Fund, a Commander shall submit a memorandum to their Bureau Assistant Chief requesting authorization and explaining the need and projected use of the funds. The Commander shall complete and submit a City of Vancouver Request to Establish Petty Cash Fund form with the memorandum. The Commander authorizing the Investigative Fund will sign the form for departmental authorization. The memorandum and signed form shall be forwarded to the VPD Finance and Logistics Supervisor.

See attachment: 607 COV Request To Establish Petty Cash Fund.pdf

If the Primary Custodian and Investigative Fund are authorized, the VPD Finance and Logistics Supervisor will submit the request to the Vancouver Treasury, Department of Financial and Management Services, as mandated by the City of Vancouver.

## 607.5 OBTAINING FUNDS

If fully authorized by the Vancouver Treasury, Department of Financial and Management Services, the Primary Custodian of an investigative cash fund will be issued a check from the Treasury. Upon receipt of funds, the Petty Cash Acknowledgment form is signed as an acknowledgement

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of funds received. No funds other than those issued by the Treasury shall be used to establish an Investigative Fund.

See attachment: Acknowledgement of Petty Cash Custodian Form.pdf

### 607.6 SECURITY OF FUNDS

All Investigative Funds not disbursed for immediate use shall be kept in a strongbox/safe. Physical possession of the key(s) or combination to the strongbox/safe shall be maintained by individual custodians, and not available to other individuals. Physical security of all funds is the responsibility of all individual custodians.

### 607.7 USE OF INVESTIGATIVE FUNDS

All use of Investigative Funds shall be for business related disbursement only. At no time shall Investigative Funds be borrowed, loaned, or used by any employee for personal reasons.

Investigative Funds in the possession of individual custodians shall not be used for supplies or maintenance needs.

### 607.8 REPLENISHMENT

A request for replenishment of funds can be completed at least once per month, or at any time the fund balance reaches 50% expenditure. General requests for fund replenishment shall be submitted to the VPD Finance and Logistics Supervisor after the VPD supervisor has approved the itemized expenditures.Reconciliation documentation shall be submitted with all requests for fund replenishment.

### 607.9 TRANSFER OF INVESTIGATIVE FUNDS

The permanent transfer of an Investigative Fund from one custodian to another must be authorized in writing by the Division Commander and sent to the VPD Finance and Logistics Supervisor. When the transfer is between two individuals with the rank of Commander, it shall be authorized by the Bureau Assistant Chief. The VPD Finance and Logistics Supervisor shall notify the Vancouver Treasury Department of Financial and Management Services of any permanent transfer.

At the time of permanent or temporary full transfer of an Investigative Fund from the Primary Custodian, a full reconciliation of all monies and receipts, including those temporarily reassigned to a Subordinate Custodian shall occur. The new custodian must physically count all monies associated with the account in the presence of the outgoing custodian. Reconciliation documents must be complete with signatures.

### 607.10 DISBURSEMENT

**Primary Custodians** shall disburse funds as follows:

1. The funds shall be identified on a VPD Custodial Level Funds Disbursement Record form. The form shall be signed by the recipient custodian and Primary Custodian.
2. The temporary reassignment of funds from the Primary Custodian to a Subordinate Custodian shall be made at the discretion of the Primary Custodian responsible for the Investigative Fund.

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3. VPD Custodial Level Funds Disbursement Record forms shall be maintained by the Primary Custodian until reconciliation with all required signatures, dates, explanations for fund use, suspect information, and case numbers.

There should always be a continuity of Investigative Funds availability. If the Primary Custodian is gone for an extended period (e.g., vacation/illness/training) an Alternate Custodian needs to be temporarily assigned until the Primary Custodian returns.

See attachment: 607 VPD Custodian Level Funds Disbursement Record.pdf

**Subordinate Custodians** shall disburse funds as follows:

1. The use of funds shall be documented on a VPD Funds Use/Receipt form.
2. The Subordinate Custodian shall ensure the identification of the funds disbursed.
3. When physical items such as gas, food, or payment of cell phones are being paid, collecting and attaching a receipt to the Funds Use/Receipt Form is necessary. A photo copy is acceptable.
4. If a Subordinate Custodian is a supervisor who is going to disburse funds to another individual, the Funds Use/Receipt form shall be completed and signed by the recipient and Subordinate Custodian. The Subordinate Custodian shall not be the same person to disburse and accept the funds.
5. The recipient employee using the funds shall fully complete the explanation block of the Funds Use/Receipt form.
6. Funds Use/Receipt forms shall be maintained by the employee accepting the investigative funds until the intended action is completed. Funds Use/Receipt forms are returned to the custodians.
7. Funds Use/Receipt forms shall be completed in full, contain all required signatures and copies distributed as noted on the form. Blocks not used shall be marked N/A.
8. Subordinate Custodians directly using funds, without subsequent disbursement, shall complete a Funds Use/Receipts form for all expenditures.
9. A copy of the Funds Use/Receipt form documenting transactions with all required signatures shall be kept by the subordinate custodian until the form is returned to the primary custodian.

See attachment: 607 Funds Use Receipt Form.pdf

The disbursement of Investigative Funds and payments to confidential informants shall comply with all procedures outlined in this policy and **Policy 608 – Confidential Informant**.

Investigative Funds may be disbursed to members or other agencies attached to VPD managed units and teams on an individual action basis and related to incidents or individuals associated to VPD jurisdiction. No member of a unit or team, other than a full-time employee of the City of Vancouver, shall be temporarily reassigned Investigative Funds as a Subordinate Custodian. It shall be the responsibility of the Primary Custodian or Subordinate Custodian providing the funds

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for an individual action disbursement to ensure the use of Investigative Funds has been properly documented on a Funds Use/Receipts form, by the member of any agency.

## 607.11 RECONCILIATION

All members of the agency who control an investigative fund or possess a temporary reassignment of money from an investigative fund shall be able to account for those funds at any point.

### 607.11.1 RECONCILIATION TIMELINES

Reconciliation shall occur as follows or as otherwise directed by the VPD Finance and Logistics Supervisor or Vancouver Treasury, Department of Financial and Management Services.

1. Full City of Vancouver Treasury reconciliations shall occur monthly regardless of the fund total. The Petty Cash Reconciliation sheet shall be forwarded with signatures verifying fund counts to the VPD Finance and Logistics Supervisor, VPD Audit Sergeant and to Vancouver Treasury, Department of Financial and Management Services by the 1st of each month for the month prior.

See attachment: 607 COV Petty Cash Reconciliation Sheet.pdf

2. Full December/Year-end reconciliation needs to be accompanied with the Year-end Acknowledgement of Petty Cash Custodian Form. The Year-end form shall be forwarded to the VPD Finance and Logistics Supervisor, VPD Audit Sergeant and Vancouver Treasury, Department of Financial and Management Services. The Year-end reconciliation is in addition to the monthly reconciliation.

See attachment: 607 Acknowledgement of Petty Cash Custodian Year End.pdf

3. Investigative Funds shall be reconciled monthly to check for discrepancies and verified; however, the level of activity may warrant a bi- monthly or weekly reconciliation. Investigative Funds and reconciliation documents will be retained by the individual custodians and are subject to audit. Monthly reconciliation does not necessitate the recall of disbursements from Subordinate Custodians. Amounts disbursed on a VPD Custodian Level Funds Disbursement Record form should be added and included in a monthly reconciliation with VPD Funds Use/Receipt form totals.
4. The Primary Custodian shall be responsible for reconciliation of all funds assigned to them when required pursuant to Department policies (607/608).
5. A Subordinate Custodian shall be responsible for monthly soft reconciliation of temporarily reassigned cash or when otherwise directed by the Primary Custodian. Subordinate Custodians must submit all receipts and make a physical presentation of all residual Investigative Funds to the primary custodian for accounting purposes.
6. The Primary Custodian shall keep a copy of all reconciliation sheets and related disbursement receipts.
7. The Primary Custodian compares Investigative Funds available at any given time, plus the total from disbursement receipts to account for the full amount equal to the authorized Investigative Funds assigned to the Primary Custodian and all Subordinate Custodians.

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8. The Primary Custodian submits reconciliation documents by the 1st of each month for the month prior.

### 607.11.2 CUSTODIAL DEPARTMENTAL TRANSACTION RECONCILIATION

The custodians shall ensure that the appropriate sections of each disbursement, disbursement receipt, and reconciliation form is completed to reconcile the expenditure(s) relating to Investigative Funds. Copies of all supporting receipts (Funds Use/Receipts) for expenditures shall be attached to the VPD Custodian Level Funds Disbursement Record form. Transactions, incidents or uses, the expended Investigative Funds total, and any returned total shall equal the initial transfer amount. If the Subordinate Custodian returns Investigative Funds or a residual amount of an initial disbursement to the Primary Custodian, that information shall be noted on the VPD Custodian Level Funds Disbursement Record form.

For Investigative Funds temporarily reassigned to a Subordinate Custodian, the Funds Use/ Receipts form shall be collected from that individual with all expenditures noted in an on-going method on the form. Soft-reconciliation and monthly confirmation of Investigative Funds shall be documented on the VPD Custodian Level Funds Disbursement Record form if the subordinate custodian retains unused funds.

At any given time, the total investigative cash funds available, plus the total checks requested, plus the total paid out/receipts must add up to the authorized investigative cash. The Petty Cash Reconciliation Sheet is due to the VPD Finance and Logistics Supervisor, VPD Audit Sergeant, and Vancouver Treasury, Department of Financial and Management Services by the 1st of each month for the month prior.

### 607.11.3 CUSTODIAN CITY OF VANCOUVER TREASURY RECONCILIATION

A City of Vancouver Treasury approved Petty Cash Reconciliation Sheet will be used. There will be a secondary person verifying the count of any cash. The secondary person will not be a subordinate and the secondary person will verify their identity by affixing their name and signature to the form.

Original documents for closed or completed VPD Custodian Level Funds Disbursement Records forms with receipts shall be attached to the City of Vancouver Petty Cash Reconciliation Sheet. A copy of active VPD Custodian Level Funds Disbursement Records form for Subordinate Custodians retaining unused funds shall be attached.

See attachment: 607 COV Petty Cash Reconciliation Sheet.pdf

The City of Vancouver Petty Cash Reconciliation Sheet and related disbursement receipts shall be sent to the to the VPD Finance and Logistics Supervisor for oversight and specific account type determination. Once processed, the VPD Finance and Logistics Supervisor or their designee shall forward the City of Vancouver Petty Cash Reconciliation Sheet and associated expenditure documentation, as necessary, to the Treasury.

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607.11.4 AUDIT
All Investigative Funds shall be subject to a quarterly audit by the VPD Finance and Logistics Supervisor.

Investigative Funds are subject to audit by City of Vancouver Internal Auditor, or the Washington State Auditor's Office independent from internal VPD audits, at any time. For an audit conducted by any person who is not an employee of this Department, identification shall be obtained prior to allowing access to records or funds, and they must be accompanied by a full-time employee of the City of Vancouver.

## 607.12 INFORMANT PAYMENT PROCEDURES
Officers must follow the procedures outlined in this policy and **Policy 608 – Confidential Informant** for cash disbursements to confidential informants.

607.12.1 DETERMINING THE AMOUNT OF PAYMENT
No informant will be told in advance or given an exact amount or percentage for services rendered or property seized. The amount of funds to be paid to any informant will be evaluated against the following criteria:

1. Nature and complexity of the investigation.
2. Impact of the investigation to the community.
3. Past reliability and work record of the informant.
4. Willingness to testify in court.
5. Usefulness of the information provided.

Officers must obtain approval from their supervisor prior to paying an informant. Payments to informants less than $250.00 must be approved by a supervisor. Payments over $250.00 must be approved by a lieutenant.

607.12.2 PROCEDURES FOR PAYMENT
The following procedures must be followed anytime a payment is made to an informant:

1. The controlling officer must obtain authorization from a supervisor prior to making payment.
2. The controlling officer must complete a Funds Use/Receipt form with all information required for completion prior to making payment.
3. Controlling officers shall not meet with an informant alone. Informants will always be met by no less than two commissioned police personnel, both for corroboration and for backup.
4. Payment of any monies to an informant shall be witnessed by the controlling officer and at least one other officer.
5. Immediately after receiving a payment, the informant shall be required to sign and date the Funds Use/Receipt form. The informant will sign using their true name. Informant numbers and nicknames are not acceptable.

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6. At the time of the payment, the controlling officer shall advise the informant that the monies may be taxable income and must be reported to appropriate tax authorities.
7. The controlling officer and the witness officer, who sees payment being made, shall sign and date the written Funds Use/Receipt form.
8. The controlling officer shall record the amount of payment on the Funds use/ Receipt Informant Activity Contact Log, including the date of payment, reason for payment, receipt number, case number, confidential informant number, nature of the investigation, and if any arrest was made because of the informant's assistance.
9. The controlling officer will record the payment in the Informant Activity Contact Log form.
10. Upon completion, the Funds Use/Receipt will be forwarded to the officer's supervisor or subordinate custodian to review for policy compliance.
11. Following review, the original Funds Use/Receipt copy with all required signatures including the informant signature will be hand delivered to the Investigations Lieutenant for inclusion in the Master Informant File. This shall occur as soon as practical but no later than fifteen (15) calendar days following completion of payment.
12. The remaining copies of the Funds Use/Receipt form will be distributed as noted on the form.

### 607.12.3 USE OF BUY MONEY INVOLVING CONFIDENTIAL INFORMANTS

The following procedures must be followed for money used in conjunction with the involvement of confidential informants:

1. Officers search an informant before and after the buy. The search will be conducted by an officer of the same gender identity as the informant who is being searched. This search will be documented in a police report. This record will include who conducted the search, where it was conducted, the privacy of the search, and who witnessed the search. The informant must consent to the search.
2. If the informant's vehicle or residence is used in the investigation, officers search those areas to which the informant had access. This search will be documented in a police report. The informant must consent to the search.
3. Officers provide the informant with Investigative Funds that have been recorded by each serial number through photos or photocopies. Officers document the amount of Investigative Funds assigned to the informant and the amount of Investigative Funds returned.
4. VPD prohibits informants from using personal funds to buy contraband. Officers take all personal funds from the informant prior to contact with the suspect to avoid error. A receipt will be given to the informant. The personal funds shall be returned to the informant upon completion of the buy. The informant will sign the receipt indicating the personal funds have been returned. The removal and return of the informant's personal funds shall be witnessed by another officer.
5. Continuous surveillance will be conducted on the informant after the search and until he/she meets with the officers to be debriefed.

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6. The informant shall then be thoroughly searched again. All evidence and buy funds will be retrieved from the informant.
7. Following the buy, officers retrieve all evidence and Investigative Funds from the informant.
8. Officers debrief the informant, write a police report, and submit it for supervisor approval, and process all evidence pursuant to Department policy.

### 607.13 MONEY USED IN CONJUNCTION WITH LAW ENFORCEMENT ONLY INVESTIGATIVE ACTIVITIES

The following procedures must be followed for money used by members of law enforcement when cooperating individuals are not present:

1. All investigative funds shall be recorded by each serial number through photos or photocopies if used for any investigative purpose, or to purchase any item that may or may not have evidentiary value, even if the member has no intent to pursue criminal charges.
2. No officer shall make any transaction involving Investigative Funds alone. No less than two commissioned police personnel shall be present.
3. Following the law enforcement action, any residual funds shall be counted, reconciled with the initial disbursement for that action, and returned to the custodian.
4. Items obtained shall be placed into evidence and reports completed to detail the incident, actions of the officer, and full evidentiary tracking of funds used.

### 607.14 MONEY USED OTHER THAN FOR AN ACTIVE INVESTIGATION

Investigative funds, with supervisory approval, may be used as a method of continuing cooperation with an individual, while not directly paying them for an active investigation. This shall only happen when the cooperating individual meets active informant status under informant establishment procedures in the Confidential Informant Policy (608), and the expenditure can be justified as a benefit to the Department. An example is purchasing a pre-paid cellular telephone or making a payment to a service provider, to be able to maintain communication with the person. In this incident, the expenditure shall be noted on a Funds Use/Receipt form with use documentation noted under “CI Expense” to include an explanation. Other authorized expenditures, not related to a cooperating individual shall be noted under the “Other” box, with an explanation. Money expenditures will occur using the same guidelines in 607.12 Informant Payment Procedures.

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# Confidential Informants

## 608.1 POLICY

Confidential informants may be used subject to this policy to gather criminal intelligence and to further criminal investigations. Only members who have completed Department approved training may utilize confidential informants or maintain informant files. Other employees may refer persons interested in working as a confidential informant to appropriate specialized unit personnel.

## 608.2 PURPOSE

This policy addresses the selection, development, recruitment, and utilization of confidential informants and will help protect the integrity of the Vancouver Police Department and its members as well as the safety of confidential informants, law enforcement members, criminal suspects and the public.

## 608.3 DEFINITIONS

**Confidential Informant (CI)** – A person who provides criminal intelligence or investigative information on more than one occasion, whether or not the person indicates a desire to have their identity kept confidential and is under agreement with law enforcement to cooperate in return for some type of compensation (e.g., the deferment of charges or payment of monies). Agreements must be in writing.The term informant shall be given the same meaning.

**Controlling Officer -** The officer/detective responsible for the development and use of a Cooperating Individual.

## 608.4 TRAINING

Officers and Supervisors must pass a Department approved course of instruction regarding informant utilization before working with informants as a Controlling Officer or approving the use and overseeing the Controlling Officer's management of informants. Such training is mandatory for all sworn members. Confidential informant guidelines and training material shall be kept updated by the Special Investigations Unit (SIU) and made available to personnel.

## 608.5 USE OF INFORMANTS

The only units authorized to use Confidential Informants are Investigative Units to include Neighborhood Response Team Detectives. The Assistant Chief of the Investigations Bureau may approve exceptions outside of investigative units.

Before using an individual as a confidential informant, the following conditions must be adhered to:

(a) Informants must be formally established and approved by the officer's on-duty sergeant before their utilization. The informant packet will then be reviewed and approved by the respective lieutenant as soon as practical within the same work week. The sergeant's approval includes an in-person meeting between the CI and sergeant prior to approval. The meeting must be documented in writing. Supervisors and lieutenants must pass a Department approved course of instruction regarding

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informant utilization before approving the use of informants. Approval documentation must be placed in the CI's file.

(b) CI's under DOC supervision or any other court restricted status require approval from the overseeing agency. Approval documentation must be placed in the CI's file.

(c) The Controlling Officer's Sergeant will maintain an active role in the management and handling of all CI's under their command. They will be part of the establishment process, i.e. the approval and continued inclusion in debriefings and participation in active investigations.

(d) The re-establishment of an informant previously declared unreliable requires prior approval from the lieutenant.

(e) Informants are assets of the Vancouver Police Department, not specific officers. At their discretion, a lieutenant may transfer an informant to the control of another officer or unit. The lieutenant transferring control shall document the transfer in a memorandum and place it into the master informant file.

(f) Officers utilizing informants shall minimize their access to police facilities.

(g) Actionable information from informants shall be documented in reports, i.e. police reports, working informant files, contact logs or search warrant, unless an exception is granted specifically by an informed supervisor. An example of inconsequential information is the informant calling the handler to check in or pass along information that would not result in a warrant, controlled buy, etc.

(h) No informant will be used until their true identity has been established. Identity can be verified by the following resources: criminal history, Department of Licensing, police reports, and AFIS.

(i) No information shall be provided with a VPD member's personal home address or home or cell phone number. Informants should make contact through business text or business calls only, except as might occur in unscheduled field meeting.

(j) Informants shall be advised at the outset that their confidentiality cannot be guaranteed but that is protected under RCW 5.60.060(5) and RCW 42.56.240.

(k) The disclosure of an informant's identity shall be avoided whenever possible.

### 608.5.1 JUVENILE INFORMANTS

The Vancouver Police Department will not use persons under the age of 18 as an undercover or confidential informant for the purpose of collecting evidence of criminal activity. This does not restrict or prohibit personnel from accepting and utilizing intelligence type information voluntarily offered by juveniles or obtained from them during the course of an investigation. VPD personnel may actively solicit information and assistance from juveniles in the solving of a crime. Juveniles will not be placed in situations that foreseeably jeopardize their physical safety or mental health. An exception to this subsection may be granted only by Assistant Chief of the Investigations Bureau.

### 608.5.2 DEACTIVATE INFORMANT

Informants shall be deactivated when they:

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(a) Knowingly provides false information.

(b) Knowingly violates any provision of the informant agreement.

(c) Any informant who has not provided information within the last six-month period shall be classified as inactive.

(d) No longer have the potential to furnish information or services which could lead to a significant prosecution of criminal activity and will not be able to within a reasonable period of time.

(e) Are no longer willing to cooperate with the Vancouver Police Department and its members.

(f) Have been determined to be unsatisfactory or unreliable.

(g) Act in any way that would be endanger life or impede or jeopardize an investigation.

(h) Attempt to use the Department to further their own criminal objectives.

(i) Documentation shall be included in the informant file indicating the reason(s) for deactivation. If it involves the informant being unreliable due to an officer safety issue or jeopardizing an investigation those matters shall be brought to a lieutenant. Department members shall use the Informant Closure Form for the deactivation of an informant.

(j) If an informant deactivation was the result of their becoming unreliable, documentation shall be completed and submitted to Western States Information Network (WSIN) identifying the informant and the associated problem(s).

## 608.6 INFORMANT ESTABLISHMENT

1. All informants shall be advised of the content of, and required to sign, the following forms:
   (a) Special Consent Form; and
   (b) Personal History Report.
2. Additional relevant information in establishing their credibility as an informant shall include:
   (a) Photograph
   (b) Criminal History Check (NCIC-III). The criminal history documents will not be maintained in any Confidential Informant files. The criminal history will be reviewed upon activation of the informant by the controlling officer, their supervisor and the approving lieutenant or commander and then destroyed pursuant to VPD Policy 812 by utilizing secured shredding bins. The controlling officer will note the review of the criminal history on the Confidential Informant Criminal History Verification Log.See attachment: 608 VPD CI Criminal History Verification Log.pdf
   (c) Local History Check
3. All Master Informant Files shall have the following documentation:

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(a) Deconfliction Form

(b) Informant Background Report

(c) Informant Closure Form

(d) Informant Personal History Form

(e) Informant Special Consent Agreement Form

(f) Confidential Informant Criminal History Verification

(g) Informant Activity/Contact Log See attachment: Informant Activity and Contact Log.pdf

4. The controlling officer will run a WSIN database check on all informants prior to utilization.

5. Active informants need to have a criminal history ran every six months to verify they are meeting Department active informant status. The new criminal history will be reviewed by the controlling officer and the controlling officer's supervisor land then destroyed pursuant to VPD Policy 812 by utilizing secured shredding bins. The supervisor will document the review of the six-month update on the Confidential Informant Criminal History Verification Log that is maintained in the Master Informant File.

### 608.6.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No member of the Vancouver Police Department shall knowingly maintain a social relationship with a confidential informant while off duty, or otherwise become intimately involved with a confidential informant. Members of the Vancouver Police Department shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain officer/informant integrity, the following must be adhered to:

(a) Personal social contact with an informant is prohibited.

(b) Personal social contact with a known felon is prohibited, except as permitted by Department policy.

(c) Officers shall not withhold the identity of an informant from their superiors.

(d) Identities of informants shall otherwise be kept confidential.

(e) Criminal activity by informants shall not be condoned.

(f) Informants shall be told they are not acting as police officers, employees or agents of the Vancouver Police Department, and that they shall not represent themselves as such.

(g) The relationship between officers and informants shall always be ethical and professional.

(h) Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of their supervisor.

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(i) Controlling officers shall not meet with an informant alone. Informants will always be met by no less than two commissioned police personnel, both for corroboration and for backup.

(j) The disbursement of Investigative Funds and payments to confidential informants shall comply with all procedures outlined in this policy and **Policy 607 – Investigative Funds**.

(k) Payment of any monies to an informant shall be witnessed by the controlling officer and at least one other officer.

## 608.7 MAINTAINING INFORMANT FILE SYSTEM

All informant files, when actively being used, shall be maintained in a locked container, cabinet or drawer as follows:

1. Maintenance and Security of Informant Files:
   (a) The Chief of Police shall designate a commissioned employee to serve as the Informant Files Custodian.
   (b) Unless otherwise designated, the Investigations Lieutenant will serve as the Informant Files Custodian.
   (c) The Informant Files Custodian shall be responsible for the maintenance and security of all Master Informant files.
   (d) Separate files shall be maintained on each informant and shall be maintained in a secure area segregated from other files.
   (e) Access to the Master Informant files for update and review purposes will occur only under the authority of the Informant Files Custodian who will document, name, rank/job title, employer, date of access and reason for the file review.
   (f) Master and Working Informant files are confidential and shall not be disclosed. Exceptions are:
      i. Court order
      ii. Prior approval by Chief of Police, Assistant Chief, Commander or Lieutenant
      iii. To a Prosecuting Attorney or designee, if a file is related to prosecution or consideration for prosecution.
2. Working Informant Files:
   (a) A separate working file shall be established for each informant.
   (b) These files shall be stored in a location, segregated from any other files and shall include all Informant Activity Logs and copies of any Funds Use/Receipts used in conjunction with the informant. This log and shall be updated as officers and supervisors work with the informant.

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Follow this file directory: **SharePoint~Departments~PoliceDeptartment~VPDNET~Forms~Service Area: Confidential Informant** to obtain these forms.

3. Informant Number

   (a) Each informant shall be designated an informant number by the Master Informant File Custodian.

4. Informant papers files will be retained by the custodian for one year after the date of closure.

   (a) Files will then be purged and documented in the CI File Destruction Record.

## 608.8 INFORMANT BUYS

Each buy will be controlled in the following manner:

1. The informant will have a non-invasive strip search conducted before and after each controlled buy. The search will be conducted by an officer of the same gender identity as the CI who is being searched. This search will be documented in a police report. This record will include who conducted the search, where it was conducted, the privacy of the search, and who witnessed the search. The CI must consent to the search.
2. If the informant's vehicle or residence is used in the investigation, officers search those areas to which the informant had access. The CI must consent to the search. This search will be documented in a police report. The informant must consent to the search.
3. VPD prohibits informants from using personal funds to buy contraband. Officers take all personal funds from the informant prior to contact with the suspect to avoid error. A receipt will be given to the informant. The personal funds shall be returned to the informant upon completion of the buy. The informant will sign the receipt indicating the personal funds have been returned. The removal and return of the informant's personal funds shall be witnessed by another officer.
4. Continuous surveillance will be conducted on the informant after the search and until he/she meet officers to be debriefed.
5. The informant shall then be thoroughly searched again. All evidence and buy funds will be retrieved from the informant.
6. Following the buy, officers retrieve all evidence and Investigative Funds from the informant. Officers debrief the informant, write a police report, and submit it for supervisor approval, and process all evidence pursuant to Department policy.

### 608.8.1 INFORMANT PAYMENT PROCEDURE

Each payment made must follow this procedure;

1. Officers must follow the procedures outlined in this policy and **Policy 607 – Investigative Funds**.

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2. Officers must obtain approval from their supervisor prior to paying an informant. Payments to informants less than $250.00 must be approves by a supervisor. Payments over $250.00 must be approved by a lieutenant.
3. The control officer shall only hold meetings for payment to an informant when another officer can be present to witness, both for corroboration and for backup.
4. Payment of any monies to an informant shall be witnessed by the controlling officer and at least one other officer.
5. No informant will be told in advance or given an exact amount or percentage for services rendered or property seized. The amount of funds to be paid to any informant will be evaluated against the following criteria:
    (a) Nature and complexity of the investigation.
    (b) Impact of the investigation to the community.
    (c) Past reliability and work record.
    (d) Willingness to testify in court.
    (e) Usefulness of the information provided.
6. Informants will generally not be paid until completion of their services, unless approved by the unit supervisor.
7. Officers will not promise an informant a fixed sum of money without supervisory approval. Payment will not be based on a contingency agreement or on a percentage or property seized.
8. All expenses going out to informants will be accounted for in the following manner:
    (a) Receipt number
    (b) Date of payment
    (c) The amount of payment
    (d) The Confidential Informant number
    (e) The case number and type of case if applicable
    (f) The reason for payment
9. All Funds/Use Receipt forms will be signed by the informant, paying officer and witnessing officer, who sees payment being made. The CI's full name shall be used, as initials - CI's numbers or nicknames are not acceptable. The Funds/Use Receipt form will be used for all payments with informants.

See attachment: 608 Funds Use Receipt Form.pdf

10. The yellow copy of the Funds/Use Receipt form will be provided to the unit supervisor.

See attachment: 608 VPD Custodian Level Funds Disbursement Record.pdf

11. The unit supervisor will attach the Fund/Use Receipt forms to the VPD Custodian Level Funds Disbursement Record form upon reconciliation of funds with unit lieutenant.
12. The Controlling Officer shall record the amount of payment on the CI Activity Log,

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13. The controlling officer will record the payment in the Informant Activity Record (form VPD –Informant IAR).
14. Funds Use/Receipt copy with all required signatures including the informant signature will be hand delivered to the Investigations Lieutenant for inclusion in the Master Informant File. This shall occur as soon as practical but no later than fifteen (15) calendar days following completion of payment.
15. The remaining copies of the Funds Use/Receipt form will be distributed as noted on the form.

### 608.8.2 REPORTING OF PAYMENTS

Each confidential informant receiving a cash payment shall be informed of their responsibility to report the cash to the IRS as income. If funds distributed exceed $600 in any reporting year, the confidential informant should be provided IRS Form 1099 (26 CFR § 1.6041-1). If such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant (26 CFR § 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the confidential informant shall be advised the amount they must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of this notification. The acknowledgement shall be documented on the Informant Special Consent Agreement form and retained in the confidential informant's file.

## 608.9 AUDIT

The Investigations Division shall conduct an annual audit of confidential informant files, both those kept at the District/Unit and the confidential informant central file.

Such audit shall ensure that:

A. Confidential informant files are properly maintained and include all necessary documentation, i.e., payment receipts, debriefing reports, confidential informant cards, photographs, informant working agreements, criminal history checks (BOP), etc.

B. Documents required to be forwarded to the confidential informant central file and/or to the Chief, Bureau of Investigative Services, or his/her designee, are being delivered in a timely and prescribed manner.

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# Eyewitness Identification

## 610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this Department employ eyewitness identification techniques.

### 610.1.1 DEFINITIONS

Definitions related to the policy include:

**Eyewitness Identification Process** - Any field identification, live lineup or photographic identification (photo laydowns).

**Field Identification** - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

**Live Lineup** - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

**Photographic Lineup (Photo Laydown)** - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

## 610.2 POLICY

This Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

## 610.3 INTERPRETIVE SERVICES

Officers should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating officer should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

## 610.4 EYEWITNESS IDENTIFICATION FORM

The Investigations Division Commander or designee shall be responsible for the development and maintenance of an eyewitness identification process for use by Department members when they are conducting eyewitness identifications.

The process and any related forms or reports should provide:

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

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(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An admonishment that the suspect may or may not be among those presented and the witness is not obligated to make an identification.

(f) An admonishment to the witness the investigation will continue regardless of whether an identification is made by the witness.

(g) A signature line where the witness acknowledges he/she understands the identification procedures and instructions.

## 610.5 EYEWITNESS IDENTIFICATION

Officers are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Officers should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

### 610.5.1 PHOTOGRAPHIC (PHOTO LAYDOWN) AND LIVE LINEUP CONSIDERATIONS

When practicable, the person composing the lineup and the person presenting the lineup should not be directly involved in the investigation of the case. When this is not possible, the member presenting the lineup must take the utmost care not to communicate the identity of the suspect in any way.

When practicable, the employee presenting a lineup to a witness should not know which photograph or person is the suspect.

Other persons or photos used in any lineup should bear similar characteristics to the suspect to avoid causing him/her to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The officer presenting the lineup to a witness should do so sequentially and not simultaneously (i.e., show the witness one person at a time). The witness should view all persons in the lineup.

The order of the suspect or the photos and the fillers should be randomized before being presented to each witness.

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A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating officer should contact the appropriate Prosecuting Attorney before proceeding.

### 610.5.2 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo laydown or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases, a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the officer should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect's face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness's opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, officers should bring the witness to the location of the suspect, rather than bring the suspect to the witness.

(e) A person should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the suspects one at a time.

(g) A person in a field identification should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies an individual as the perpetrator, officers may not need to conduct any further field identifications with other witnesses for that suspect.

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### 610.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report. Witness comments of how certain he/she is of the identification or non-identification should be quoted in the report.

If a photographic lineup (photo laydown) is utilized, a photo copy of the witness signed laydown is made and attached as an orphan document in the case file. The original photo laydown will be submitted into evidence. If more than one photo laydown is presented, the order of the montages presented will be documented in the report.

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# Brady Material Disclosure

## 612.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information ("PID Material," sometimes referred to elsewhere as "Brady material") to the Vancouver City Prosecutor and the Clark County Prosecuting Attorney ("Prosecutor").

### 612.1.1 DEFINITIONS

Definitions related to this policy include:

**Brady material** – from *Brady v. Maryland*, 373 U.S. 83 (1963), in which the Supreme Court ruled that suppression by the prosecution of evidence favorable to a defendant who has requested it violates due process. Evidence known to the prosecution that is favorable to a defendant's case and material to the issue of guilt or to punishment and that the prosecution is obligated to disclose to the defense.

**Potential Impeachment Disclosure (PID) Material** - Information known or possessed by the Vancouver Police Department that is both favorable and material to the accused, either because it is exculpatory, or it is impeaching.

**Exculpatory** - Information that clears or tends to clear someone from alleged fault or guilt.

**Impeaching** - To raise doubts about; discredit or disparage: impeach a witness's credibility; impeach someone's character.

## 612.2 POLICY

The Vancouver Police Department (VPD) will conduct fair and impartial investigations and will provide the prosecution with both incriminating and exculpatory evidence, to include information that may adversely affect the credibility of a witness for the State. In addition to reporting all evidence of guilt, VPD will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the accused. The Department will identify and disclose PID Material to the prosecution as provided in this policy.

## 612.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

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If information is believed to be privileged or confidential (e.g., informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

## 612.4 INVESTIGATING BRADY AND PID ISSUES

If the Department receives information from any source that a member may have engaged in any conduct listed in section 612.6, the information shall be investigated and processed in accordance with the Department Policy 1004.

## 612.5 BRADY AND PID PROCESS

The Chief of Police shall select a member of the Department to coordinate requests for Brady or PID information. This person shall be directly responsible to the Administration Division Commander or the authorized designee. RCW 10.93.180, the protocol for potential impeachment disclosures, requires the local county prosecuting attorney to develop guidance for:

(a) The types of conduct that should be recognized as potentially exculpatory or as creating potential impeachment material.

(b) How information about an officer or officer conduct should be shared and maintained.

(c) What circumstances an officer's information or name may be removed from any list of potential impeachment disclosures.

### 612.5.1 BRADY/PID COORDINATOR RESPONSIBILITIES

The Department designated coordinator of Brady/PID information disclosures shall:

(a) Comply with RCW 10.93.180 (Protocol for potential impeachment disclosures).

(b) Within 10 days of discovery of the following information, notify the prosecuting authority of any jurisdiction in which the officer may testify as a witness:

1. Any sustained findings regarding an act by the officer that may be potentially exculpatory to a criminal defendant.
2. Any sustained finding of misconduct that the officer has engaged in that affects his or her credibility.
3. Newly hired officers with prior PID material from a previous law enforcement agency.

(c) Implement the protocols adopted by the county prosecutor under RCW 10.93.180.

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(d) Maintain a current list of members who have Brady/PID information in their files or backgrounds:

1. Updating this list whenever potential Brady/PID information concerning any department member becomes known to the Department or is placed into a personnel or internal affairs file.
2. If a Department member is cleared of allegations involving potential Brady information, removing the officer's name from the Department list, consistent with the County prosecutor's protocols.
3. Notify and keep subject members apprised of any Brady/PID designation, inquiry or release of materials. If Brady/PID material is sent to the prosecutor's office, the employee shall be notified within 7 days of the information being disseminated.
4. If information about a pending IA or criminal investigation is communicated to the prosecutors' officer under this Policy and/or the County protocols adopted pursuant to RCW 10.93.180, notify the prosecutors' offices of the finding for the investigation once complete.

### 612.5.2 PROSECUTING ATTORNEY'S LIST OF PID MATERIAL

The Clark County Prosecuting Attorney's Office has published local protocols for Brady/PID material which requires local law enforcement to report. This material must be reported to the local prosecutor within 10 days:

(a) Sustained findings for:

1. Truthfulness (as described in policy 339)
2. Demonstrating bias (as described in policy 402)
3. Racial profiling (as described in policy 402)
4. Malicious harassment (RCW 9A.36.080: Hate crime offense—Definition)
5. Excessive force (as defined by policy 300)

(b) Criminal convictions pursuant to CrR 4.7 (Washington State Courts - Court Rules)

(c) Summary of any pending Investigations for allegations of:

1. Truthfulness (as described in policy 339)
2. Bias (as described in policy 402)
3. Criminal conduct
4. Excessive force (as defined by policy 300)
5. For those employees who provide expert witness testimony such as Drug Recognition Experts (DRE), Crash Analysis Reconstruction Experts, Forensic Scientists, specifically related to their area of expertise, any Competent Performance or Neglect of Duty issues that compromise an expert's conclusions (as described in policy 339).

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### 612.6 SUBPOENA PROCESSING

The individual processing subpoenas (or the supervisor of the subpoenaed member) shall check the subpoenaed member's name against the current list of those who are known to have Brady information in their files or background and shall alert the coordinator if a person on the list is subpoenaed.

### 612.7 LAW ENFORCEMENT DISCIPLINARY ACTIONS – POTENTIAL IMPEACHMENT LIST

Any disciplinary actions taken as a result of an employee being placed on a Brady impeachment list will be consistent with current Guilds contractually binding agreements (CBAs) and VPD Policy 1004.

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# Uncrewed Aircraft System (UAS)

## 613.1 PREFACE AND PURPOSE

The following policy and procedure manual is intended to provide personnel who are assigned responsibilities associated with the deployment and use of Uncrewed Aircraft System (UAS) with instructions on when and how this technology and the information it provides may be used for law enforcement and public safety purposes in accordance with law. This policy is established to provide for the safe, efficient, and lawful use of a UAS and to provide the following guidelines:

1. Protection of rights and privacy
2. Policy on limitations and purpose of use
3. Data retention
4. Documentation of operations
5. Adherence to FAA regulations and training
6. Policy management

## 613.2 POLICY

The Uncrewed Aircraft System (UAS) Unit is established to provide a safe and efficient aerial observation perspective during incidents which will further public safety and the law enforcement capabilities. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

## 613.3 DEFINITIONS

**14 CFR Part 107 (Part 107**): Federal Aviation Administration (FAA) regulations regarding Small Uncrewed Aircraft Systems. The certificate for 14 CFR Part 107 is also called a "remote pilot certificate".

**Aircrew Member**: Department personnel designated and selected as either Pilot in Command "PIC;" a "Student Operator;" "Visual Operator" "Tactical Flight Officer" or any personnel operating, observing as a crewmember or maintaining an UAS.

**Certificate of Waiver or Authorization (COA)**: - A Certificate of Waiver or Authorization is issued by the FAA to grant permission to law enforcement agencies to fly within specific boundaries and parameters. The Vancouver Police Department will maintain all COA's consistent with FAA regulations.

**FAR**: Federal Aviation Regulations are rules published by the FAA that govern the use of any airspace above the ground within the United States of America.

**Hazard**: Something that has the potential to cause harm.

**Mission**: A mission is defined as a flight that is not a training flight and has an official public safety or law enforcement purpose.

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**Occurrence**: An unplanned safety-related incident, including accidents or damage to aircraft or property.

**Pilot in Command (PIC)**: The PIC is a Vancouver Police Employee who has obtained and maintains a valid remote pilot certificate in compliance with all Federal Aviation Regulations. The PIC is responsible for the complete and overall operation of any UAS flight they command.

**Student Operator**: An individual who has not yet earned a remote pilot certificate but is authorized to operate an UAS by the UAS Sergeant under the direct supervision of a PIC.

**Tactical Flight Officer (TFO)**: Is an aircrew member who takes on the responsibility of operating the payload (camera) of the UAS, as well as coordinating and communicating with dispatch and resources on the ground during an incident.

**Visual Observer (VO)**: The Visual Observer is an employee who is trained to assist with the visual observation of a UAS during deployment.

**Uncrewed Aircraft System (UAS)**:Any aerial system that does not carry an on-board operator and uses aerodynamic forces to provide system lift. A UAS can fly autonomously or be piloted remotely. UAS's can be expandable and/or recoverable. UAS's have the capability to digitally photograph or record incidents. All UAS's will be registered with the FAA, as required by federal law, and each UAS will be assigned a Unique ID number.

## 613.4 UAS LEADERSHIP STRUCTURE

1. **UAS Lieutenant**: The Special Operations Lieutenant will be tasked with the overall direction and performance of the UAS Unit.The UAS Lieutenant will supervise sergeants appointed to manage the responsibilities of the UAS Unit.
2. **UAS Sergeants**: The UAS Sergeant is responsible for the day-to-day personnel, administrative and operational management, and supervision of the UAS Unit.The Special Operations Lieutenant may assign additional sergeants within VPD to assist the UAS sergeant in these duties.
3. **Pilots in Command (PIC)**: The PIC is a Vancouver Police Employee who has obtained and maintains a valid remote pilot certificate in compliance with all Federal Aviation Regulations. The PIC is responsible for the complete and overall operation of any UAS flight they command.
4. **Tactical Flight Officer (TFO)**: Is an aircrew member who takes on the responsibility of operating the payload (camera) of the UAS, as well as coordinating and communicating with dispatch and resources on the ground during an incident.

## 613.5 PROTECTION OF RIGHTS AND PRIVACY

UAS commanders, operators and observers will consider the protection of individual civil rights and the reasonable expectation of privacy as a key component of any decision made to deploy the UAS. Each UAS personnel will ensure that operations of the UAS are consistent with local, state, and federal law, and that the UAS be used only for the amount of time that is reasonably necessary to complete the mission.

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### 613.6 ADMINISTRATION

The policies and procedures outlined here are issued by the Vancouver Police Department. This policy is not intended to be all-inclusive. In addition to this policy, UAS Operators shall know and understand FAA Regulations, Certificate of Authorization (COA), and the UAS manufacturer's flight manual.

A copy of this policy shall be issued to each UAS member. This policy shall be reviewed, at a minimum, annually to ensure it is up to date. Any changes to the policy will be updated and communicated to all Department members.

The UAS Unit leadership will be responsible for maintaining a standard operating procedures manual as a guide for the UAS Unit. Any changes to FAA regulations, local, state, or federal laws, and/or any changes to the Vancouver Police Department's procedures governing UAS operation will be updated in this manual and approved by the UAS chain of command.

### 613.7 PROCEDURES FOR USE

The Vancouver Police Department must obtain applicable authorizations, permits, or certificates required by the Federal Aviation Administration (FAA) prior to deploying or operating the UAS, and these authorizations, permits, and certificates shall be maintained and current.

### 613.8 UAS OPERATION

Outside of training, the UAS will be operated only by personnel who have been trained and certified in the operation of the UAS and are FAA Certified Remote Pilots. PIC's an TFO's shall operate the UAS pursuant to the procedure manual and current policy. Student pilots may only operate the UAS when in a training environment and under the direct supervision of an FAA Certified Remote Pilot.

### 613.9 UAS DATA COLLECTION AND RETENTION

Each UAS deployed will be capable of digital recording and photography during each deployment. All recordings captured by a UAS must be retained for a minimum of 90 days. Upon completion of each UAS mission, the recorded data shall be reviewed and evaluated for evidentiary value; recordings which are known to have captured an incident from which criminal prosecution or civil litigation may arise shall be submitted to evidence so it can be retained until the exhaustion of any appeals process.

Data of identifiable individuals captured during a UAS mission shall not be retained longer than the minimum 90 days unless there is reasonable suspicion that evidence of criminal activity is present. All retained data shall be maintained or destroyed pursuant to Vancouver Police Department records retention and evidence policies and in compliance with applicable laws and regulations.

Any video or photographs obtained by the UAS operation may be submitted by the PIC as evidence in accordance with Vancouver Police Department's policies and procedures.

The UAS Unit is responsible for the installation and maintenance of cameras used on the uncrewed aircraft. The UAS Unit is not responsible for monitoring or uploading video deemed as evidence by any other unit or investigator. However, evidentiary videos captured on behalf of an outside

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agency must still be retained by VPD. In such cases, in addition to supplying a copy of the footage to the outside agency, the UAS operator must also author a police report and submit the original video to VPD evidence.

## 613.10 UAS REQUESTS

Any supervisor may request UAS assistance from a UAS Unit member.

- Immediate requests should be handled by on-duty UAS personnel.
- It is the PIC's responsibility to evaluate each situation and determine whether the use of a UAS is appropriate and reasonable. Both the on-duty supervisor and PIC have the authority to order that the UAS team disengage.It is not necessary that the supervisor and PIC agree. The PIC shall have the authority to decline the use of a UAS whenever he/she deems deployment is unsuitable.
- UAS Unit pilots should notify an on-duty supervisor prior to deployment.The on-duty supervisor may decline the use of a UAS based on the circumstances.
- If no UAS Unit pilots are working when an exigent need arises, any supervisor may request the services of an outside agency UAS unit to provide for quick response.
- If no other UAS Units are available, a supervisor may request a UAS Unit callout. The requesting supervisor will contact a UAS sergeant to discuss the situation and determine if the UAS Unit should be called out
- Preplanned UAS missions will be coordinated by the requesting unit through a UAS sergeant.

### 613.10.1 EXIGENT DEPLOYMENTS

During exigent deployments, the PIC will continually weigh the exigency of a deployment against the requirement to obtain a search warrant when feasible. The PIC is responsible for the continual assessment of the mission and if it remains exigent, or if a warrant is required.

If the exigency of a mission appears to be diminishing, the PIC will assess whether to land the aircraft or to keep the point of observation while designating a warrant writer to begin the search warrant application process (based upon the circumstances of the case).

## 613.11 RESTRICTIONS

The UAS systems shall be deployed and used only to support official law enforcement and public safety missions, as well as for training and public awareness purposes.

The UAS systems shall not be operated in an unsafe manner or in violation of FAA rules.

The UAS system shall not be equipped with weapons of any kind.

The UAS system shall not be used for the purpose of random surveillance.

## 613.12 TRAINING

All PICs will be certified under FAA Part 107 and National Institute Standards and Technology (NIST) certification course. PICs will complete the agency-approved training to ensure the proper

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and safe operation of their assigned UAS. Additional training shall be required to ensure the continued effective and proper operation of the UAS.

All UAS Unit members will maintain proficiency with the unit UAS platforms, and will maintain knowledge of all pertinent FAA regulations, local, state, and federal laws, and any VPD policies and /or procedures for UAS operation.All UAS Unit members will be trained pursuant to VPD UAS Unit SOP.

Training flights consist of any time spent operating a UAS outside of a documented mission. Training flight will be documented by the PIC and will be logged for retention. Training flights must follow all guidelines within the UAS Unit SOP manual.

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# Sexual Assault Investigations

### 614.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

#### 614.1.1 DEFINITIONS

Definitions related to this policy include:

**Sexual Assault** - Any unwanted sexual contact from an individual, by means of touching the sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the actor for the purpose of arousing or gratifying the sexual desire of either party or a third party, is considered an offense under Washington State laws. Sexual assault offenses are defined in RCW 9A.44.010 and RCW 9A.64.020. The commission of or attempted commission of a sexual offense chargeable under State laws include rape, indecent liberties, and voyeurism.

**Sexual Assault Response Team (SART)** - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

**Family or Household Relationship:** Spouses, former spouses, persons with a child in common, adult (18+) persons related by blood or marriage, roommates or former roommates (16+), persons in a dating relationship or former dating relationship (16+), parent/child relationship including step-parents, legal guardians and grandparents (RCW 26.50.010).

**Sexual Assault Victim Advocates (SAVA) -** Advocates from a local non-profit organization specializing in serving victims of sexual assault. These individuals respond to police requests through the hospital to stay with a victim through hospital evaluation and care while also providing support and advocacy as needed.

**Sexual Assault Medical Forensic Examination (SAFE)** - An examination of a sexual assault patient by a health care provider; ideally one who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients.

**Sexual Assault Kit (SAK)** – A collection of evidence gathered from the victim by a medical professional, often a specially trained Sexual Assault Nurse Examiner (SANE). The type

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of evidence collected depends on what occurred during the assault. The contents of a kit generally include swabs, test tubes, microscopic slides and evidence collection envelopes for hairs and fibers. The SANE will also complete a report which will be included with the SAK.

**Victim-Centered Approach -** A victim-centered approach seeks to minimize re-traumatization associated with the criminal justice process by providing the support of victim advocates and service providers, thus empowering survivors throughout the criminal justice process.

### 614.2 POLICY

It is the policy of the Vancouver Police Department that its members, when responding to reports of sexual assault, will use a victim-centered approach in order to minimize the trauma experienced by the victims, and will proactively investigate all sexual assaults, in coordination with SART members in an effort to protect the safety of victims and the public.

### 614.3 QUALIFIED INVESTIGATORS/DETECTIVES

Qualified Investigators/Detectives should be available for assignment of the sexual assault investigations. These investigators should

(a) Have a specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the Prosecutor's Office for review.

(d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.

(e) Ensure the victim has received sexual assault (SA) and SA victim's rights information.

(f) Participate in or coordinate with the SART or other multidisciplinary investigative teams as applicable.

### 614.4 PROCEDURE

**Responding Officer Responsibilities:**

(a) When a call for service results in an Officer investigation of sexual assault, they will attempt to gather as much initial information as possible regarding what has occurred.

(b) If emergency medical treatment is required, the responding officer shall request ambulance transport for the victim to the nearest hospital or the hospital of their choice.

(c) Officers shall ensure they advise victims of the following:

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1. If a sexual assault occurred within the past five (5) days, officers shall inform the victim that they have the option to have a forensic medical exam to collect evidence, also known as a sexual assault kit (SAK), for a criminal investigation at no cost to them.
2. If the victim chooses to go to the hospital for an exam, officers shall advise them not to eat or drink, bathe or change clothes prior to the examination, since evidence present on the victim's body and/or clothing may be destroyed or contaminated. Officers shall also confirm, through the hospital, a SAVA was requested to respond to the hospital and with the victim's consent, officers shall conduct an interview with the victim in the presence of the SAVA.
3. For an incident older than five (5) days, a forensic exam is not necessary because DNA evidence deteriorates with time and may no longer be present. Officers shall inform the victim of this but also explain that they can still go to the hospital for a wellness exam.

(d) Officers shall provide the victim with the Sexual Assault Victim Resource and Rights Guide in accordance with RCW 70.125.

(e) Officers shall complete the Sexual Assault Report Supplemental form in all cases where the victim is 16+ years of age.

(f) Officers shall take photos of the victim and the scene whenever possible and appropriate.

(g) Officers shall determine the location of the clothing worn by the victim during and/or immediately after the sexual assault. If the victim is still wearing the same clothes worn during the assault, recommend the victim bring a complete change of clothing to the hospital due to possible seizure of the clothes. If the victim is not wearing the same clothes worn during the assault, collect and place into evidence the clothes the victim wore during the assault. Officer shall package the clothing items separately, never in plastic, and allow wet clothing to dry prior to submitting it to evidence.

(h) All evidence shall be collected in accordance with Vancouver Police Department policy.

(i) Officers shall forward reports of sexual assault in which the victim (16+ years old) and suspect share a family or household relationship to the Domestic Violence Unit (DVU). The DVU Supervisor may consult with the Major Crimes Unit (MCU) Supervisor to determine if specific cases would be better investigated by MCU.

(j) Officers shall complete an appropriate police report submitted through their Patrol Sergeant and forward a copy to the appropriate Detective Unit prior to the end of shift. No opinion of whether the case is unfounded should be included in the patrol officer's report.

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**Investigator Responsibilities:**

In the event detective contact is needed, responding officer(s) shall inform their supervisor. The supervisor shall make contact with the appropriate investigations unit supervisor who shall determine the appropriate response. The patrol supervisor may contact an investigative supervisor under any circumstances they deem appropriate. The circumstances outlined below require investigative unit notification.

When practical, a supervisor will assign a Sexual Assault Investigator to respond to the initial report and conduct the initial victim interview.

Barring circumstances in which there is a significant delay in the arrival of the SANE, an in-depth follow-up interview should not be conducted until after the medical and forensic examination are completed and the personal needs of the victim have been met (e.g.,change of clothes, bathing). The follow-up interview may be delayed based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

**Circumstances requiring Investigative Unit notification:**

(a) The victim is able to articulate a crime has been committed or the member is able to determine a crime was committed, and

(b) The crime is no more than 24 hours old, and

(c) The victim is willing to cooperate with an investigation, and

(d) The nature or complexity of the crime requires a detective response.

(e) A detective sergeant or shift sergeant may determine a detective response is necessary when circumstances do not fall within the above criteria.

**Investigative Unit Responsibilities:**

(a) A Major Crime Unit (MCU) Detective may be requested and assigned when the victim(s) are 16 years old and older and the perpetrator is a non-family member.

(b) Cases in which an individual 18 years old or older decides to repot an offense that occurred when they were juvenile shall be referred to the CJC detectives.

(c) A Children's Justice Center (CJC) Detective may be requested and assigned when the victim(s) ae less than 16 years old.

(d) A Domestic Violence Unit (DVU)Detective may be requested when the victim is over 16 years old and the perpetrator and victim share an intimate partner or family-household relationship.

(e) The Investigations Lieutenant shall determine which unit will investigate cases that involve both sexual assault and DV, if unit supervisors are unable to make the determination.

(f) The Detective Division shall investigate further and coordinate with the Prosecuting Attorney's Office.

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### 614.5 POLYGRAPH EXAMINATION OF VICTIM

Victims of sex offenses shall not be asked or required to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of the offense.

### 614.6 VICTIM PERSONAL REPRESENTATIVE

A victim may choose a personal representative to accompany him/her to the hospital or other health care facility and to any proceeding concerning the alleged sexual assault, including interviews. A personal representative includes a friend, relative, attorney, employee or volunteer from a community sexual assault program or specialized treatment service provider (RCW 70.125.030; RCW 70.125.060).

### 614.7 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigations supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

### 614.8 TRAINING

Subject to available resources, periodic training should be provided to officers who are first responders. Training should include:

(a) Initial response to sexual assaults.

(b) Legal issues.

(c) Victim advocacy.

(d) Victim’s response to trauma.

(e) DNA collection procedures.

Qualified investigators should receive advanced training on additional topics. Advanced training should include:

(a) Interviewing sexual assault victims.

(b) SART.

(c) Medical and legal aspects of sexual assault investigations.

(d) Serial crimes investigations.

(e) Techniques for communicating with victims to minimize trauma.

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(f) The course provided by the Washington State Criminal Justice Training Commission on investigating and prosecuting sexual assault cases developed pursuant to RCW 43.101.270.

(g) Proper protocol for the use of the statewide sexual assault kit tracking system (RCW 35.21.195; RCW 36.28.200).

## 614.8 SEXUAL ASSAULT KIT (SAK) COLLECTION

(a) Upon receiving notification from a medical facility that a SAK has been collected, a PST or sworn officer shall retrieve the SAK and accompanying SANE report within seven days.

(b) Officers shall take a courtesy report and collect SAKs at the request of outside agencies when a victim is reporting within Vancouver Police jurisdiction. Officers should notify the agency in which the assault occurred prior to taking the report.

(c) Once in possession of a SAK from the medical facility, officers involved in investigating sexual assaults shall ensure evidence is appropriately packaged, enter the SAK into evidence and complete the required lab forms. Blood and urine collected with a SAK shall be submitted for lab testing when drug and/or alcohol facilitated sexual assault is suspected

(d) Sexual assault examination kits shall be submitted to an approved lab within 30 days with a request for testing prioritization when an adult victim has consented to the submission or the victim is an un-emancipated person 18 years of age or younger (RCW 70.125.090). Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

### 614.8.1 EVIDENCE AND PROPERTY RESPONSIBILITY

The Evidence Unit shall ensure that that sexual assault kits are submitted to the Washington State Patrol Crime Laboratory in accordance with RCW 70.125 and tracked appropriately in the statewide sexual assault kit tracking system (RCW 35.21.195; RCW 36.28.200). The Evidence Unit shall retain DNA evidence in accordance with RCWs 5.70.010 and 10.73.170.

## 614.10 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the assigned Investigations Sergeant.

Classification of a sexual assault case as unfounded requires the assigned Investigations Sergeant to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

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# Search Warrants

## 615.1 PURPOSE AND SCOPE

As a general rule, searches require a search warrant. There are exceptions to the general rule, wherein a search warrant is not required as a prerequisite to conducting a search:

1. Administrative,
2. Community caretaking,
3. Consent,
4. Emergency aid,
5. Exigent circumstances,
6. Hot pursuit,
7. Incident to arrest,
8. Probation searches, or
9. Protective sweeps.

In order to search without a warrant, officers must comply with the requirements for an exception as currently set down by the courts. This policy sets forth the guidelines to assist officers with applying for and serving a search warrant.

## 615.2 POLICY

It is the policy of this Department to provide guidelines for the execution of search warrants that protect the constitutional rights of community members, provide for a high degree of safety for all involved and ensure that searches are conducted with a high level of professionalism.

## 615.3 DEFINITIONS

**Administrative Warrant**: A warrant that is served in a police-controlled environment (e.g. police precinct, vehicle processing room, etc.). Examples include bank records, cell phone data, unoccupied vehicles, and electronic devices in police control.

**Non-Administrative Warrant**: A warrant or warrant/probable cause apprehension that is operationally served in the field. This includes, but is not limited to

- locations that may be occupied, and
- locations where forced entry is possible, and
- It is unknown if persons present are armed.

Though higher risk than an administrative warrant, it does not rise to the level of a high-risk warrant.

**High-Risk Warrant**: A non-administrative warrant or warrant/probable cause apprehension that is characterized by known or suspected hazards and risks (i.e. armed or potentially armed suspect(s) where there is a likelihood of resistance) to such a degree that the service of which poses a

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significant threat to the safety of others, or there are articulable facts which indicate service is outside the training and/or capabilities of the involved officers.

Level of risk will be determined by **Policy 616.6** - Processing of Operational Plan/Risk Assessment form

### 615.4 SEARCH WARRANT APPLICATION

Application for a search warrant may be made by any police officer. Search warrants and affidavits will normally be written by the officer requesting the warrant. Warrant preparation will be coordinated with the appropriate investigating unit.

Search warrants are only issued upon a finding of probable cause to believe that an offense has or will be committed. The probable cause is based upon the officer's personal knowledge and/or hearsay information from another officer, a named citizen or undisclosed informant. The probable cause is relayed to the magistrate through use of an affidavit. The affidavit should:

1. Contain a clear and distinct description of the place(s) to be searched and the item(s) to be seized.
2. Provide facts and circumstances which provide probable cause for the search. This includes:
    A. Information justifying the search; and
    B. Information leading to the belief that the object(s) of the search are in the places or the possession of the subject(s) to be searched.
3. Affiant/officer's background and experience.
4. Execution details.
    A. In the event that known officer safety risks present a situation where special warrant execution procedures will be needed (e.g., nighttime execution of the warrant), officers should specifically articulate such circumstances and request the magistrate to expressly authorize law enforcement to use such procedures in the execution of the warrant.
5. All search warrants related to the search of a structure or vehicle should contain the below verbiage:

**During the execution of this search warrant, officers may encounter property which may need to be altered, trespassed, moved, damaged, destroyed, or otherwise manipulated in an effort to safely access the premises, avoid detection, preserve evidence, apprehend suspects, and/or otherwise further the investigation.Officers are authorized to interact with property on/near the premises in this manner when no other reasonable means of accomplishing these goals is presented.**

This verbiage should be used when circumstances dictate, by placing it at the end of the search warrant, above the signature line area as noted below:

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**"And if you find same, or any part thereof, then bring same and items of identification to identify the residents and residence thereof before the Honorable District Court Judge _____to be disposed of according to law."**

Before issuing the warrant, the magistrate will need to be satisfied that probable cause exists. The magistrate may examine the affiant or any witnesses under oath.

When hearsay information of an undisclosed confidential informant is relied upon to establish probable cause, that information must be independently corroborated (i.e., information demonstrating past reliability of the informant or by personal observation and corroboration). When using information of an informant, members will comply with the Department policy related to confidential informants.

**When information from a confidential informant is relied upon to establish probable cause, any information corroborating or refuting the credibility of a confidential informant, to include crimes of dishonesty, shall be disclosed.**

### 615.5 SEARCH WARRANT APPROVAL

Administrative Warrants may be reviewed and served at the discretion of a unit supervisor.

Non-Administrative Warrants shall be reviewed, prior to submission to a magistrate, by a unit supervisor and, prior to service, by a lieutenant or higher.

In order for VPD personnel to serve a warrant outside the City of Vancouver, the warrant must be associated with criminal activity inside the City of Vancouver.

Exceptions:

- Regional Units
- A commander or their designee may approve exceptions on a case-by-case basis.

### 615.6 OPERATIONAL PLAN/RISK ASSESSMENT

All non-administrative and high-risk warrants require an Operational Plan/Risk Assessment form to be completed prior to execution.

The Operational Plan/Risk Assessment form is listed on SharePoint.Follow this file directory: **SharePoint~Departments~PoliceDepartment~VPDNET~Forms~Service:SearchWarrants-Sis~Risk Assessment Form**

The supervisor responsible for the search warrant execution is responsible for the proper completion of the Operational Plan/Risk Assessment form and any other necessary planning to ensure the safe and effective service of the warrant. The supervisor will ensure that the SWAT commander, or designee, is consulted, as required by the completed Operational Plan/ Risk Assessment form. This will assist the evaluation for need of Special Weapons and Tactics (SWAT) and/or Crisis Negotiations Team (CNT) in the execution of the warrant.

If SWAT/CNT are needed or requested, the SWAT commander, or designee, will coordinate with SWAT and the originating division/unit commander or designee, to ensure all tactical

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considerations have been discussed. The original completed Operational Plan/Risk Assessment form, if not forwarded to SWAT as a request for their services, will be retained by the supervisor of the originating unit.

**Members will comply with Policy 616 - Planned Operations Risk Assessment when completing the Planned Operations Risk Assessment.**

### 615.7 EXECUTION OF THE WARRANT

Search warrants generally state the period for which they are valid. All warrants, if served, must be done within the stated period in the search warrant.

Before entering any premises, the executing member will knock and give appropriate notice of identity, authority, and purpose to the person to be searched or to the person in apparent control of the premises to be searched. If the member is not admitted after such notification, force may be used to enter the premises consistent with RCW 10.31.040.Before undertaking any search or seizure pursuant to the warrant, the executing member will, as soon as reasonable:

1. Give a copy of the warrant (not the affidavit) to the person to be searched, or to the person in apparent control of the premises to be searched.
2. Leave a copy of the warrant in a readily apparent location at the premises if the premises are unoccupied, or there is no one in apparent control.

Only a police officer may serve a search warrant. In the course of executing a search warrant, the member may take reasonable precautions to ensure that property will not be removed while the search is being conducted and to prevent interference with the search. Members have the same power and authority in all respects to break open any door or window and to use all necessary and reasonable means to overcome any forcible resistance as they do in executing or serving a warrant of arrest. In securing the premises to be searched, the member may seek out all persons on the premises and bring them to a controlled location for observation during the search.

Members of the media will not be allowed to enter private property without the consent of the property owner or individual in charge of the involved property.

### 615.8 LIMITATIONS OF WARRANTS

The scope of searches pursuant to search warrants is limited to the premises specified in the warrant and only for those items specified in the warrant to be seized.

1. The search must be terminated once all items specified in the warrant are discovered.
2. Unless the warrant(s) authorize the search of a named person(s), a search warrant for a residence or other premises does not permit a search of all the persons present during the time of the search. If there is probable cause to believe that persons on the premises are carrying or concealing items which reasonably could be the objects of the search warrant, those persons may be detained and searched to the extent necessary to determine whether they are concealing items covered by the warrant.

A member may remain on the premises in a search warrant only during the time reasonably necessary to conduct the search for the property described in the warrant.

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### 615.9 POST EXECUTION RESPONSIBILITIES

Upon execution of the search warrant, the member will:

1. Leave a copy of the warrant and property receipt(s) specifying, in detail, the property taken. This copy will be left with the person from whom the property was taken, or in whose possession the property is found. In the absence of any person, the copy of the warrant/receipt(s) will be left in a conspicuous place.
2. Secure the location if the owner or other responsible party is unavailable.
3. File all affidavits, search warrants and returns, regardless of any associated cases, with the appropriate court. Members will file the search warrant return and receipts as soon as reasonably possible, but generally no later than 3 business days, after the execution of the warrant.

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# Operational Plan/Risk Assessment

## 616.1 PURPOSE AND SCOPE

The purpose of the Operational Plan/Risk Assessment form is to evaluate risk factors associated with people, locations and specific circumstances relating to pre-planned tactical operations. The completed Operational Plan/Risk Assessment information can then be used to help determine the appropriate service methods for accomplishing the objective while attempting to mitigate, eliminate or avoid the associated risk.

## 616.2 POLICY

The risk assessment process outlined in this policy is intended to ensure consistency in the completion and use of the Operational Plan/Risk Assessment form.

## 616.3 DEFINITIONS

**Non-Administrative Warrant**: A warrant or warrant/probable cause apprehension that is operationally serviced in the field. This includes, but is not limited to:

- Locations that may be occupied, and
- Locations where forced entry is possible, and
- It is unknown if persons present are armed

Though higher risk than an administrative warrant, a non-administrative warrant does not rise to the level of a high-risk warrant.

**High-Risk Warrant**: A non-administrative warrant or warrant/probable cause apprehension that is characterized by known or suspected hazards and risks (i.e. armed or potentially armed suspect(s) where there is a likelihood of resistance) to such a degree that the service of which poses a significant threat to the safety of others, or there are articulable facts which indicate service is outside the training and/or capabilities of the involved officers.

**Pre-planned:** Any event planned in advance of its occurrence. This does not include incidents that rapidly evolve with a very short timeline between notification of the incident and the need to respond.

**Undercover Officer (UC):** An undercover officer is any law enforcement officer dressed in civilian clothing who is being inserted into the criminal sub-culture and is presenting themselves as part of the criminal element with the purpose of actively interacting with the suspect as part of a surreptitious police operation. A UC is not to be confused with a plain clothes officer acting in strictly surveillance capacity.

## 616.4 OPERATIONAL PLAN/RISK ASSESSMENT FORM

The Operational Plan/Risk Assessment form contains a compilation of risk factors which either individually or combined indicate a heightened potential for violence, danger or harm as part of a lawful police action. In addition to the specific criminal history or history of violence by offenders and associates, consideration of police service type, location characteristics and terrain are also

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considered. The Operational Plan/Risk Assessment form offers a method of identifying the risk associated with planned police operations and allows the Department the opportunity to eliminate, to mitigate or to avoid those risks through proper planning.

The Operational Plan/Risk Assessment form is listed on SharePoint.Follow this link and file directory:

cvsharepoint/departments/PoliceDept/VPDNet/Pages/Forms.aspx

**SharePoint~Departments~PoliceDepartment~VPDNET~Forms~Service:SearchWarrants-Sis~Risk Assessment Form**

### 616.5 USE OF OPERATIONAL PLAN/RISK ASSESSMENT FORM

A basic police function is to complete criminal investigations. Many investigations require the service of search warrants and/or the apprehension of wanted subjects. With the understanding that executing search warrants and arresting wanted subjects is potentially dangerous, the Department requires an Operational Plan/Risk Assessment form be completed during the pre-planning phase of all search warrants involving a potential threat to members or community members. Therefore, the form will be completed on:

- All non-administrative warrants; and
- All high-risk warrants; and
- Pre-planned events where police resources will be deployed; or
- At the direction of a supervisor.

It is understood that officers attempt contact with wanted subjects known to have warrants on a daily basis. Wanted/fugitive information is derived from WACIC/NCIC name checks, distributed warrant lists and other street-level sources. Not every contact requires an Operational Plan/Risk Assessment form to be completed. However, it is expected that initiating officers complete due diligence with regard to assessing potential risks associated with such contacts.

General rules of thumb for when an Operational Plan/Risk Assessment should be completed are:

- The wanted subject's criminal history shows crimes of violence or weapons charges; or
- Occupied location where a search warrant is to be served; or
- The operation requires dynamic tactics (forced breaching with a dynamic entry technique) or advanced team tactics such as a vehicle intervention (vehicle pin); or
- Any high-risk warrant service; or
- An undercover officer is being inserted into a location; or,
- Pre-planned apprehensions of subjects based on probable cause for felony crimes.

### 616.6 PROCESSING OF OPERATIONAL PLAN/RISK ASSESSMENT FORM

The investigator, or another officer with knowledge of the investigation, will complete the Operational Plan/Risk Assessment form. A criminal history of the subject, previous police reports

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and other investigative information may be used to complete the form.Officers should initially complete the cover page and risk assessment portion of the form.

If initial risk factors indicate the need for a Special Weapons and Tactics (SWAT) service, the investigative unit can defer operational planning to SWAT.

If the completed Operational Plan/Risk Assessment form has been processed within the division and risk factors do not warrant a service by SWAT, the investigating unit will retain the signed Operational Plan/Risk Assessment form and proceed with planning and executing the operational plan for that mission.

If the Operational Plan/Risk Assessment form indicates the need for a SWAT consultation, the form should be forwarded to the SWAT Commander or Team Leader for review. A consultation between the investigating unit supervisor and SWAT designee shall take place using the completed Operational Plan/Risk Assessment form.

Based on the Operational Plan/Risk Assessment and the information obtained during the consultation, the SWAT Commander or designee will then make a service recommendation to the investigating division lieutenant for the operation regarding the service type and whether SWAT should be utilized during the operation. The recommendation will be documented on the Operational Plan/Risk Assessment form.

The decision to utilize SWAT for service will be a consensus between SWAT team leadership and the requesting unit's command. The decision will be documented on the Operational Plan/ Risk Assessment form.

The investigative unit supervisor will ensure the Operational Plan/Risk Assessment form is completed in its entirety.If it is determined that SWAT will serve the warrant, SWAT Leadership will work with the investigative unit supervisor to ensure the Operational Plan/Risk Assessment form is completed.

Once the Operational Plan/Risk Assessment form has been completed, it will be reviewed and signed by the investigator's immediate supervisor or designee. The form will then be forwarded to the division lieutenant for review and signature.

A copy of all completed Operational Plan/Risk Assessment forms will be stored in a designated Department shared computer drive for data collection and retention.

An operational briefing will occur prior to the event involving all members assigned.This may consist of a single briefing, or multiple briefings.

### 616.7 COMMUNICATION PLAN

All operational plan forms shall include a communication plan that delivers clear and concise language to avoid conflicting commands. Recognizing each operational plan may be different, there is not one standardized tactic to deliver compliance instructions. During the service of a search warrant, officers will provide their identity, their authority, and commands for compliance. Only one person should be giving compliance instructions at a time and ideally one member should

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be assigned as communicator in the plan with one alternate. Communication plans may change based on the evolving nature of an operation.

## 616.8 DECONFLICTION

The day before the planned warrant service, the detective or sergeant in charge of a search warrant must check the target location for simultaneous warrants or investigations by other law enforcement agencies.

Before conducting a narcotics search warrant, the investigator, or another officer with knowledge of the investigation shall do the following:

1. Obtain a current phone number for High-Intensity Drug Trafficking Area (HIDTA) or Western States Information Network (WISN) from one of the following (via Communications after hours):
    - Narcotics
    - Investigation Support
    - SWAT
2. Provide the following information:
    - Name and organization
    - Call back number
    - Address of target location and cross street
    - Time of the operation
    - Expected duration of the operation
    - Type of drug
    - Name of any other involved agency
3. For warrant to be served outside the City of Vancouver, the unit supervisor shall contact the local agency having jurisdiction.

## 616.9 AFTER ACTION

A. Operations Plan After Action Report should be completed after the operation and filed with the plan.

B. For non-administrative and high-risk warrants, the sergeant or above who was in charge of the warrant service will complete the After Action Report section of the operation plan.

C. For all other operations, the Incident Commander or designee will be responsible for completing the After Action Report.

D. The completed Operations Plan After Action Report will be stored in a designated Department shared computer drive for data collection and retention.

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# Chapter 7 - Equipment

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# Department Issued Equipment

## 700.1 POLICY

This policy establishes accountability for the proper use and care of Department issued property and equipment used in the conduct of official duties and provides procedures in the event of loss or damage to the equipment.

## 700.2 EMPLOYEE RESPONSIBILITIES

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of Department property assigned or entrusted to them.

(a) All personnel will utilize Department equipment only for its intended purpose in accordance with established Department procedures and will not abuse, waste, damage, or lose that property or equipment.

(b) Employees will maintain all Department equipment and property assigned to them in good condition.

(c) Employees will not convert Department equipment to their own use.

An employee's intentional or negligent abuse or misuse of Department property may lead to discipline.

## 700.3 INVENTORY PROCEDURE

Department property and equipment assigned to employees will be tracked through the inventory software system and will be verified regularly. Items valued at less than $300 that can be reused may not be included in the inventory system (i.e., holsters, uniforms, etc.); however, these items are expected to be maintained and kept by the employee and may be required to be returned at the end of the assignment.

### 700.3.1 AUDITS

Logistics will perform an annual audit by providing each employee with a list of assigned property and equipment that must be physically verified, submitted to their supervisor for review and returned to Logistics.

Records will be subject to audit by internal, state, and federal auditors.

## 700.4 PROPERTY AND EQUIPMENT STORAGE AND SECURITY

Employees must exercise accountability and control of Department issued equipment at all times. While not in use, employees will secure their equipment in areas that are not readily accessible to the public.

## 700.5 LOST, BROKEN, DEFECTIVE OR END OF LIFE EQUIPMENT

The use of damaged or unserviceable Department property should be discontinued as soon as practical and replaced with comparable Department property. Property or equipment no longer needed or usable must be returned to Logistics for disposal or reassignment.

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Employees do not have authority to donate, scrap, recycle, auction, trade, or otherwise dispose of any Department owned property or equipment.

In the event property or equipment is damaged, lost or stolen, employees must notify their supervisor immediately and submit a Damaged/Lost/Stolen Property and Equipment Affidavit to Logistics.

Follow this file directory: **SharePoint~Departments~Police Department~VPDNET~Forms~Service Area:VPD Employee Specific Forms~Lost-Stolen-Damaged Equipment Affidavit** to obtain a Damaged/Lost/Stolen Property and Equipment Affidavit

If the occurrence requires a Police Report, the details of the loss or damage to or equipment will be included. If the damage occurred as the result of criminal activity, a notation will also be made noting that restitution is requested if a suspect is successfully prosecuted.

In the event that lost or stolen equipment is recovered, employees will report the recovery to their supervisor as soon as possible.

### 700.5.1 UNIFORMS AND PATCHES

When a Department issued uniform, shoulder patch or cloth badge is no longer serviceable, the employee has the option to return the item to Logistics, destroy the item so that it is no longer recognizable and serviceable, or kept for personal memorabilia.

## 700.6 RETURNING EQUIPMENT UPON REASSIGNMENT

Upon reassignment to/from a specialty unit (SWAT, K-9, detectives, etc.) or upon promotion or a reduction in rank, personnel will be required to return property or equipment (badges, holsters, etc.) which may no longer be applicable to the new assignment.

## 700.7 RETURNING EQUIPMENT UPON SEPARATION FROM EMPLOYMENT

At the time of separation from employment, employees must return all Department owned property and equipment. The items will be compared with the inventory tracking system.

## 700.8 REIMBURSEMENT OF PERSONAL ITEMS

Generally, only personal items listed on the Reimbursable Personal Items Affidavit will be covered for reimbursement by the Department. This form must be completed and on file with Logistics prior to the reporting of any damaged items. Once reimbursement is made, the damaged item becomes the property of the Department. These items are:

a. Flashlights

b. Knives

c. Utility Tools

d. Watches

e. Sunglasses

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*Department Issued Equipment*

Follow this file directory: **SharePoint~Departments~Police Department~VPDNET~Forms~Service Area:VPD Employee Specific Forms~Reimbursable Personal Items Affidavit** to obtain a Reimbursable Personal Items Affidavit.

http://cvsharepoint/departments/PoliceDept/VPDNet/Pages/Forms.aspx

If any personal items not listed on the Reimbursable Personal Items Affidavit are damaged and need repairing/replacement, the employee may submit a memorandum describing the item, explaining how the item was damaged and the cost to repair/replace the item. The memorandum shall be submitted through their chain of command for review by the Division Commander. It is the discretion of the Division Commander if the Department will repair/replace the item.

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# Police Camera Program

## 701.1 PURPOSE

The Vancouver Police Department (VPD) Police Camera Program includes both Body Worn Cameras (BWC) and Vehicle Cameras (VC) either worn by its members or mounted in its vehicles for the purpose of contemporaneously and objectively documenting citizen contacts.

Throughout this policy, the term "Body Worn Camera" (BWC or BWCs) or Vehicle Camera (VC or VCs) is used to reference these cameras. For clarity, BWCs and VCs do not include covert or undercover camera systems used specifically for other investigative or undercover operation purposes.

BWCs and VCs are a valuable tool for promoting transparency in law enforcement by recording community member contacts with police officers. Video/audio footage produced by BWCs and VCs may be used as evidence in civil or criminal investigations, reviewed administratively for employee compliance with Department policies (as set forth below), used as a tool in law enforcement training, and utilized as a reference in incident documentation.

## 701.2 POLICY INTENT

It is the VPD's intent to use BWCs and VCs to effectively document in-person (non-telephonic) law enforcement related community contacts when incidents of use of force or negative interaction most frequently occur and, due to the nature of the work, is more likely to occur (e.g., patrol, traffic, SWAT and specialty team enforcement activity).

Simultaneously, this policy takes legitimate individual privacy interests into account. Facial recognition software will not be utilized under this program or policy without legal authorization.

## 701.3 DEFINITIONS

**Advisement:** Statement made by a Department member that a communication, conversation, or interaction with a community member is being recorded.

**Activation:** The process that turns on the BWC and VC and causes it to record or to store audio and video data.

**Body Worn Camera (BWC):** Camera system that captures audio and video signals, capable of being worn on an officer that includes, at minimum, a camera, microphone, and data storage ability. In this policy, VCrefers to vehicle mounted camera/audio recording systems.

**Employee:** In this policy, employee refers to any VPD member, regardless of rank, or commissioned / non-commissioned status.

**Involved Employee:** Any officer who used or directed the use of force.

**Surreptitious Recording:** A surreptitious recording is a recording made without the knowledge of one or more of the parties to a conversation of communication and is a violation of the Washington Privacy Act, RCW Chapter 9.73.

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**Vehicle Cameras (VC):** Camera system that captures audio and video signals and is vehicle mounted, typically configured with a front-facing camera and a rear seat camera.

**Witness Employee:** A Vancouver Police Department member who observes or has firsthand knowledge of the events surrounding an in-custody death or the use of force by another Department member and did not use physical force. Additionally, this refers to an employee who observes or has firsthand knowledge of the events surrounding a Department member's direction to another to use force.

## 701.4 TRAINING

Prior to wearing and operating a BWC or VC, employees are required to successfully complete Department authorized training. The training, at a minimum, will include the following:

- VPD BWC/VC policy
- System preparation and operation
- Placement of the BWC
- Procedure for downloading and tagging recorded data

## 701.5 EMPLOYEE RESPONSIBILITIES

1. **Inspection –** Department members shall inspect their assigned camera(s) at the start of every shift. If an employee discovers the BWC or VC equipment is not functioning during this inspection or at any other time, they are responsible for notifying their supervisor and arranging for repairas soon as practical. Officers will obtain a spare BWC/VC from their supervisor while their camera is being repaired.
2. **Requirement to wear the BWC:** The intent for this policy is to ensure BWCs are used by Department personnel who have the most frequent contact with the public. This includes all uniformed Department members working in a Patrol / Patrol support capacity while on-duty and serving in this capacity. This requirement includes Neighborhood Police Officers (NPOs), Neighborhood Response Team (NRT) Detectives, Homeless Assistance and Response Team (HART) Team members and Traffic Officers.
    - Non-uniformed personnel, such as Detectives, shall activate their assigned BWC during pre-planned investigative events including but not limited to, residential search warrants, serving an arrest warrant, or those instances that may result in the arrest of a subject. The use of a BWC will be discretionary for interviews with witnesses and victims during ongoing/evolving investigations. It is permissible under this policy for Detectives to exercise reasonable discretion to record or not record events and circumstances in accordance with state law. Detectives may activate their BWC any time they determine it would be beneficial to capture an event or activity. If a Detective works in a patrol capacity, they will be governed by the policy referencing uniformed department members.
    - Personnel performing tasks as part of a specialty team or unit will activate their camera while performing enforcement activities (e.g., SWAT, CNT deployments and/or serving arrest/search warrants, etc.) It is permissible under this policy

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for SWAT/CNT or other specialty units not to record either pre and/or post operational briefings, tactical planning sessions or law enforcement intelligence/ information gathering sessions in regards to tactical operations.

- Employees assigned to duties involving explosives (e.g. MEDU) and/or personnel dispatched or otherwise present at the scene of a bomb threat are not required to wear or otherwise turn on their assigned BWC/VC.
- Officers shall affix their camera on their person (e.g., the chest area of their uniform/external vest) where it is unobstructed by the uniform or other equipment. This requirement does not include circumstances in which the camera becomes unintentionally obstructed or dislodged during police activity.
- Exceptions to the requirement include uniformed Department members working in administrative assignments (e.g., modified duty, command personnel, etc.) where there is little to no risk of a negative encounter with the public or use of force.
- Privately owned BWCs or recording with privately owned equipment is not permitted.

### 701.6 WHEN TO RECORD

When equipped with a BWC system, members shall activate the BWC, when circumstances and officer safety permit, in any of the following situations:

1. Prior to exiting their vehicle when arriving at a dispatched call.However, nothing in this policy prohibits the officer from activating the camera earlier.
2. As soon as practical upon making the decision to engage in any self-initiated law enforcement activity
3. Specific situations include, but are not limited to:
   (a) arrests
   (b) issuance of a restraining order or citation
   (c) vehicle pursuits
   (d) foot pursuits
   (e) victim, witness and suspect interviews
   (f) consent searches
   (g) search warrant service
   (h) staffing a containment position during a K9 search
   (i) all enforcement and investigative stops including voluntary contacts and investigatory detentions
   (j) vehicle stops including traffic violations when possible
   (k) stranded motorist assistance
   (l) contact with a person in mental health crisis

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(m) at the request of a citizen when doing so would not violate the prohibitive sections of this policy

(n) any other encounter with the community that becomes adversarial after the initial contact in a situation that would not otherwise require recording

4. With the exception of prohibited recordings (Section 701.9), employees may, at their discretion, activate their BWC any time they determine it would be beneficial to capture an event or activity.

5. If circumstances prevent an employee from activating their BWC at the start of an event, the employee will activate the BWC as soon as practicable. Nothing in this policy should be interpreted as placing the BWC activation over the safety of a VPD member or community member.

6. Remote BWC/VC activation is not authorized for any purpose under this policy and will not be employed.

7. Live Feed activation will not be employed except in the following limited circumstance: When previously identified employees, prior to deployment in the field and with knowledge they will be livestreaming are tasked with gathering intelligenceduring a civil unrest/riot/protest response, and such information is solely used for the purpose of providing situational awareness information to Command Post personnel.

8. Activation Amnesty

(a) No employee will be subject to discipline for failing to activate a camera for any reason for the first month or 16 shifts, whichever occurs later, after he or she is assigned to wear a BWC. Evidence of a failure to activate a BWC during the amnesty period shall not be used or considered for performance evaluations or discipline after this amnesty period.

(b) The amnesty period will apply again anytime an employee is reassigned to a position without a BWC for a period of six months or more, and then returns to an assignment with a BWC.

(c) Employees assigned to positions without a BWC who work extra shifts on assignments with a BWC will not be subject to discipline for an unintentional failure to activate the BWC.

### 701.6.1 AUTOMATIC RECORDING

In addition to an officer's manual activation of the BWC or VC, there are automatic recording triggers built into the system. These available automatic recording triggers are: light bar activation, holster sensor activation, CEW (Taser) powered on activation, vehicle rifle rack sensor activation, vehicle door sensor activation, and an officer's proximity to any of the above situations.

## 701.7 ADVISEMENT - WHEN REQUIRED

Conversations between uniformed police employees and community members that occur during the performance of official duties are not recognized as private conversations under Washington State law and therefore generally do not require an advisement the interaction is being recorded. The exceptions to this are traffic stops and custodial interrogations.

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- Employees conducting traffic stops while equipped with a BWC/VC shall notify the occupants there is an audio and video recording occurring. This statement should be given at the beginning of the contact, absent an emergent situation, and captured on the recording.
- Prior to custodial interrogation, employees shall inform arrested people they are being audio and video recorded with a BWC. This statement, along with the Miranda advisement (if given), shall be included in the recording.

Nothing in this policy precludes an employee from advising a community member they are being recorded. If a community member asks if an employee is recording the event, employees must answer truthfully.

### 701.8 WHEN TO STOP RECORDING

Once activated, the employee shall not purposely turn off the BWC/VC until the employee's involvement in the incident has concluded. The Department member should cease recording when their part of the active investigation is completed and there is little possibility the employee will have further contact with any person involved in the event.

If a supervisor is required to obtain a Public Safety Statement, he/she will ensure their BWC/VC as well as the BWC/VC of the involved officer(s) is not recording to prevent compelled information from accidentally being provided to the IIT-OIS Policy 309.Exceptions may occur when recording has commenced and a prohibition (see below) situation follows.

### 701.9 RECORDING PROHIBITED

The BWC/VC shall not be used to record:

- Anything not involved with official duties.
- Communications with other police personnel while not on a call.
- Communications with undercover officers or confidential informants.
- While on break or otherwise engaged in personal activities.
- While in the jail unless for an in-progress call for service. Transferring custody of a suspect to jail staff is not considered an in-progress call for service. For this section, the jail sallyport will not be considered part of the jail.Recording should end at the point of entering the secured booking area.
- While inside a police station, except for taking law enforcement actions such as: Conducting interviews, taking an in-person report, processing a DUI, or guarding an in-custody person. The employee should announce as they enter the station that they are recording.
- Any privileged conversations, such as attorney-client, peer support or labor privileged conversations.
- During community policing activities where no law enforcement action is anticipated, like Shop with a Cop, Police Activity League events or community meetings.

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- VPD employees are prohibited from surreptitiously or overtly recording any employee of the Department or any other person in a manner inconsistent with this policy. It is understood that cameras will record the activity of other employees during calls for service.

### 701.10 DISCRETIONARY RECORDING

It is permissible under this policy for employees to exercise reasonable discretion not to record events in only the following circumstances:

- When the employee is in a location where people have a reasonable expectation of privacy, such as a bathroom or locker room, and the employee is not there for an official law enforcement purpose.
- When consideration and respect for a person's privacy or dignity outweighs the need to record an event. Examples may include death notifications, child or sexual assault victim interviews and a person's cultural or religious objections to being recorded.
- Sensitive communications that include law enforcement intelligence information, tactical planning or safety planning with a crime/domestic violence victim. If these sensitive communications occur mid-call, the Department member shall turn the BWC back on when these conversations are over unless there is another approved exception to keep it off.
- If a community member objects to being recorded, the Department member may elect to record despite the objection. Since conversations with police officers are not considered private under Washington State law, there is no requirement that an employee turn off the camera for a community member who objects to having the interaction recorded.

Prior to deactivating a BWC/VC during a call, and if the circumstances permit, the officer shall document the reason for stopping the recording on camera prior to deactivation.

### 701.11 END OF SHIFT RESPONSIBILITIES

Employees shall, prior to the end of their shift, or as soon as practical, follow the protocol to label, categorize and upload videos to the storage system. Additionally, Department members shall upload their BWC footage during their shift if the BWC storage capacity is reaching its limit.

- All BWCs shall be docked at the end of the assigned work shift.
    - Department members unable to complete these end of shift responsibilities will notify a supervisor prior to leaving for the day and will complete the process at the beginning of their next regular or overtime shift, whichever occurs first.

### 701.12 DOCUMENT USE OF THE BWC

Employees shall document in their police report they operated a BWC during the incident. In situations where no police report is needed, Department members shall indicate through Computer Assisted Dispatching (CAD) notes they operated a BWC during the call.

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### 701.13 REPORT WRITING

An incident recorded on the BWC/VC is not a substitute for a complete and thoroughly written police report. In situations that require an employee to write a police report, the employee may not use the BWC/VC video as a substitute for, or basis to abbreviate, their documentation of the incident.

### 701.14 UNAUTHORIZED USE OF BODY WORN CAMERAS AND VIDEO

All employees of the Vancouver Police Department shall abide by the policies and procedures related to BWCs and BWC/VC video as set forth in this policy.

- Employees may not use BWCs/VCs for non-work-related purposes or otherwise operate the BWC/VC outside their legitimate law enforcement duties.
- All BWC/VC videos are the property of the Vancouver Police Department. Dissemination outside of the agency is strictly prohibited except as required by law and pursuant to the provisions of Vancouver Police Department policy. Any dissemination outside this policy is prohibited without the consent of the Office of the Chief.
- Employees are prohibited from accessing stored camera data, except for legitimate law enforcement purposes, including authorized review as described in this policy.

### 701.15 DOWNLOADING OF VIDEOS

The only personnel allowed to download BWC/VC videos will be Records staff assigned to public disclosure assignments, Professional Standards Unit (PSU) stafffor administrative investigation purposes, Investigations Units for investigative purposes, and the Training Unit Sergeant for training purposes. When a video is downloaded, the employee conducting the download will note in the system the purpose for the download and where the video will be maintained, if possible.

If any downloads are needed from an employee not listed above, a request will be sent to PSU.

### 701.16 REVIEW OF BWC VIDEO

1. Employees may view their own BWC/VC video at any time in accordance with this policy.
2. Recordings may be reviewed by individuals other than the recording employee in any of the following situations:
    (a) By employees prior to completing their police report or providing a statement pursuant to an internal affairs or criminal investigation, subject to the following:
        i. All employees in any administrative investigation will be allowed to view all footage of the incident prior to any interview or answering questions related to any administrative investigation.
        ii. Involved and witness employees in a use of force investigation will be provided with and allowed to review relevant BWC/VC footage prior to any interview, answering questions or writing reports. TheBWC/VCfootageviewedby the involved and witness employees should show actions, items or other relevant factors the employee could have seen or heard from their vantage point and could have been used in making

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a determination to use force against an individual(s) at the time of the incident.

iii. During an Officer Involved Shooting or Use of Force incident that results in significant bodily injury or death, the supervisor of the employee wearing a BWC/VC or their designee will obtain and lock any relevant BWC/VC footage of these incidents.

(b) By any supervisor/investigator conducting an internal affairs investigation or reviewing a reported Use of Force incident. Review of the BWC/VC video shall be related to the specific complaint(s) or force incident, and not used as the basis to randomly search for other possible violations. Discovery of other allegations during this review shall require the supervisor to articulate the purpose of expanding the scope of the review. Inadvertent discovery of certain policy violations (e.g., those defined as those violations that would amount to a crime, excessive force, or retaliation/discrimination/biased-based policing) noted during this review, but not mentioned in the complaint or force review, shall be addressed at the lowest reasonable level in accordance with VPD Policy 1004. Inadvertent discovery of other policy violations (e.g., rudeness or procedural violations) should not be the basis of disciplinary action and may be addressed through appropriate corrective action. Any disagreements about the processing of these violations shall be handled between the Office of the Chief and the collective bargaining unit's president or representative.

(c) By technical support staff for the purposes of assessing proper functioning of BWCs.

(d) By the City and County Prosecutors.

(e) By a Department investigator or officer, with the approval of a supervisor, who is participating in a criminal investigation providing the requested recording is specific to that investigation.

(f) By legal counsel and/or union representation representing an officer in a critical incident prior to providing a statement pursuant to an administrative investigation.

(g) Training - Recordings may be reviewed for training purposes. Prior to any recordings being used for training purposes, the Training Unit will notify all involved employees. If an involved employee objects to showing a recording, they will submit a department memo to the Administrative Bureau Lieutenant documenting their objection. The Administrative Bureau Lieutenant will determine whether other training resources exist that serve the same purpose.Only in unique circumstances should the recording be used after approved through the employee's chain of command and the Office of the Chief.Inadvertent discovery of minor policy violations shall not be the basis of disciplinary action.

(h) By an employee's legal representative and/or bargaining unit representative who is involved in representing the employee in an administrative investigation or a criminal investigation.

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(i) By the City's legal representative and/or bargaining unit representative who is involved in representing the City in an official matter, such as an administrative investigation, a lawsuit, or a criminal investigation.

(j) Pursuant to a subpoena or public records request.

(k) Specific acts showcasing the Department that reflect positively on VPD, may be of interest to the public, and are to be made available to the media.

## 701.17 RETENTION OF BODY WORN CAMERA VIDEOS

1. In general, videos related to officer-involved shootings, critical incidents, homicides, sexual assaults, and cases in which VPD has received notice to preserve evidence shall be retained in the system until all trial and appellate litigation has been completed. The Investigations Bureau shall be responsible for Records notification under these circumstances. Videos related to unsolved homicides and sexual assaults shall be kept consistent with the State of Washington record retention requirements.
2. Videos related to PSU investigations shall be transferred to a format compatible with Blue Team and made part of the file.PSU will be responsible for downloading relevant BWC footage related to any administrative investigation.
3. All other videos shall be retained in the system in accordance with the State of Washington record retention requirements.
4. Accidental Activation - An employee may inadvertently/accidentally record themselves or others. These particular inadvertent/accidental recordings typically do not meet the statutory definition of a public recording (as defined in RCW 40.14.010) because they are not made "in connection with the transaction of public business" and, as such, may be deleted. In the event of an accidental activation of the BWC, theemployee may request the BWC video in question be deleted forthwith by submitting a written request by email, including the date and time of the inadvertent / accidental recording through their chain of command to the Lieutenant or designee. The Lieutenant or designee shall approve or deny the request and forward the decision to the VPD Records Unit.
5. Employees shall not intentionally tamper with, alter, or delete video. This does not apply to personnel tasked with system maintenance who purge videos under established guidelines or who redact videos as part of their duties.

## 701.18 RELEASE OF BWC VIDEOS

1. For Criminal Justice Purposes: BWC/VC videos may be accessed for criminal discovery purposes directly by Prosecuting Attorneys / City of Vancouver (COV) Attorneys, who have an account in the video cache system. Prosecutors will be able to locate the existence of a BWC/VC video by its reference in the police report and/ or CAD notes and a search for videos related to pending cases by inputting the law enforcement incident report number into the system. Discovery of videos to the defense bar shall be made through the prosecutor.
2. To the Public: BWC/VC videos will be made available to the public through public records requests pursuant to RCW 42.56. Public records requests for videos should be processed by VPD Records. The release of any public record involving BWC/VC

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footage will include a notation to the requestor of such information that the frame rate/ recording speed of any such video may not necessarily capture all segments of an event nor provide a sharp or clear image of the recorded event. Prior to release, videos from BWCs/VCs will be reviewed and redacted by Records and will be consistent with statutory exemptions under Washington State law, including the following:

(a) The images of any witness who expresses safety concerns or who requests that their identity not be disclosed.

(b) The image of domestic violence, sexual assault, trafficking, or stalking victims.

(c) People experiencing a medical emergency or receiving medical treatment.

(d) Child victims, child witnesses and juveniles in the court system.

(e) Images that are highly offensive to a reasonable person, such as images of deceased or seriously injured people.

(f) People with apparent mental illness in crisis or who are detained for a mental health evaluation.

(g) The image of anything which reveals personal identifying information.

3. The Records Division may provide third party notification to allow any person whose privacy may be impacted by the release of a BWC/VC video time to file a petition for injunctive relief.

4. Community members shall not be allowed to view BWC/VC camera recordings except in the instances listed above.

5. Officer Involved Shooting / In-Custody Death cases may be released at the discretion of the Chief of Police or designee.

## 701.19 GPS ASSOCIATED WITH BWC

In the event GPS or other location capabilities (hereinafter "GPS") are available with the BWC, the GPS will not be randomly reviewed or used for disciplinary purposes, but may be used for operational reasons for the purpose of officer safety, public safety, or efficient deployment of resources.

## 701.20 BWC LIMITATIONS

BWC/VC recordings provide only a two-dimensional perspective with limited vantage points of an incident. Consequently, no employee will ever rely solely upon the review of video recordings as the basis for discipline against an employee. Instead, the department shall review and consider all available evidence (including witness statements, employee interviews, forensic analysis, documentary evidence, etc.), prior to imposing discipline against an officer.

## 701.21 PRE-EVENT RECORDING

Pre-event recording is a feature that allows the Body Worn and Vehicle Cameras to capture footage for a pre-determined amount of time prior to the activation of the camera (e.g., the time period the camera records to memory prior to the camera being turned on).The agreed upon pre-

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event recording time between the respective labor parties and the City of Vancouver for this policy will be thirty (30) seconds video only.

### 701.22 MANDATORY BARGAINING

The parties agree that the implementation and wearing of Body Worn Cameras/Vehicle Cameras is a mandatory subject of bargaining.Any changes to this Body Worn/Vehicle Camera policy shall be developed jointly between the affected labor organization and the Office of the Chief. However, nothing in this section should be construed as preventing the addition or removal of language regarding body worn cameras based upon a change in State or Federal law.

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# Department Issued Phones

## 702.1 POLICY

The Vancouver Police Department (VPD) may issue a cellular phone to staff when access to such technology will improve the efficiency and service to the community. Information or data housed in a Department-issued cellular phone is the property of VPD and may be subject to public disclosure under the Public Records Act. This policy shall be followed in conjunction with the City of Vancouver's Electronic Communication Equipment and Services Policy.

## 702.2 PURPOSE AND SCOPE

1. Cellular telephones should be used for VPD work related business.
2. Personal calls are discouraged. Such calls should be infrequent and limited.
3. Non-international personal calls do not require reimbursement to the City of Vancouver.
4. International or 'pay-per-call' (i.e: 900 prefix) personal calls are not permitted:
   (a) In the event an international personal call is made, the full cost of the call must be reimbursed to the City of Vancouver by the next billing cycle.
5. Personal use to access data or websites is allowed if:
   (a) There is little or no cost to the City.
   (b) The use does not interfere with the employee's performance of duties or productivity.
   (c) Does not disrupt or distract from the conduct of the City business.
   (d) Complies with all other VPD and City of Vancouver policies.
6. VPD prohibits the personal use of cellular phones in the workplace to include, but not limited to creating, distributing, downloading or viewing any material that is in violation of law or VPD/City of Vancouver policy.
7. The VPD Logistics Unit is responsible for the issuance, acquisition, maintenance and repair of all VPD issued telephones.

## 702.3 PROCEDURES

Employees are responsible for the proper care of the cellular phone and accessories to include but not limited to:

1. Report lost, stolen or damaged cellular telephones to their immediate supervisor;
2. Contacting VPD Logistics for required repairs and/or accessories.

## 702.4 EMPLOYEE RESPONSIBILITIES

Upon issuance of a Departmental cell phone or office phone, employees will set up and activate the voice mail and review and respond to any text or voice messages left for their attention in a timely manner.

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# Vehicle Equipment - Consumables

## 703.1 PURPOSE

The Vancouver Police Department provides vehicles to its personnel for prescribed uses. While every type of vehicle has separate capabilities, each must be stocked and maintained with minimum equipment for the purpose of responding to foreseeable situations.

## 703.2 SCOPE

This policy does not attempt to dictate any emergency operation equipment which typically consists of items semi-permanently attached to a vehicle such as overhead lights, sirens, public address systems or push bumpers. Instead, equipment addressed here are considered consumable items which are expected to be used as necessary by employees, in the course of their duties.

## 703.3 VEHICLES BY TYPE

While not an all-inclusive list, vehicles operated by the Vancouver Police Department can generally be categorized by type or purpose. The following describes general categories and minimum items lists for each.

### 703.3.1 UNMARKED VEHICLES

A. **Detective Unmarked Vehicles:** An employee operating an unmarked Department vehicle for the purpose of direct enforcement, as opposed to transportation only, shall ensure that the following consumable items are present:

1. 20 Emergency road flares
2. 2 Sticks yellow crayon or chalk
3. 1 Roll barricade tape
4. 1 First aid kit
5. 1 Fingerprint kit
6. 1 Fire extinguisher
7. Personal Protective Equipment (PPE) - Infection control equipment (Tyvek coveralls and booties, microbial wipes, disposable dust masks)

B. **Administrative Unmarked Vehicles:** An employee operating an unmarked vehicle for administrative purposes, as opposed to enforcement, shall ensure that the following consumable items are present:

1. 1 First Aid kit
2. 1 Fire extinguisher
3. PPE kit

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C. **Other Specialty Unmarked Vehicles:** An employee operating an unmarked vehicle for transportation or towing purposes, as opposed to direct enforcement, shall ensure that the following consumable items are present:

1. 1 First Aid Kit
2. 1 Fire extinguisher

703.3.2 MARKED VEHICLES

A. **Patrol Vehicles:** An employee operating a patrol vehicle must carry the following consumable items:

1. Fingerprint kit
2. Fire extinguisher
3. First Aid kit
4. Disposable Emergency Blanket
5. Emergency road flares
6. Biohazard duffle bag kit (1 tyvek suit, 2 pair tyvek shoe covers, protective mask with eye shield, latex gloves, red biohazard bags, biohazard stickers, spit net hood)
7. Reflective traffic vest
8. PPE - Infection control equipment (Tyvek coveralls and booties, microbial wipes, disposable dust masks)
9. Hand Sanitizer
10. Disinfectant spray
11. Orange markers
12. Yellow markers
13. Flex cuffs
14. Medium risk nitrile gloves
15. Disinfectant wipes
16. Paper bags (evidence supply)
17. Manila envelopes (evidence supply)
18. Plastic bags (evidence supply)
19. Evidence tags
20. Zip ties (evidence supply)
21. Evidence tape
22. NIK drug test kits (heroin, marijuana, meth, PCP)
23. Blood draw kit

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24. Sharps container
25. Piranha tire disabling devices

B. **Patrol Supervisor's Vehicle:** The patrol supervisor's vehicle, in addition to the equipment required in the patrol vehicles, must carry the following consumable items:

1. Crime scene tape
2. Rolling tape measure
3. Marking paint

C. **Other Specialty Marked Vehicles:** An employee operating a marked vehicle, other than a patrol or supervisor's vehicle, must have the following consumable:

1. Emergency Road Flares
2. 2 sticks yellow crayon or chalk
3. Crime scene tape
4. 1 first aid kit
5. 1 fire extinguisher
6. PPE Infection control equipment (Tyvek coveralls and booties, microbial wipes, and disposable dust masks)

### 703.3.3 MOTORCYCLES

Motorcycles must carry the following consumable items:

A. PPE - Infection control equipment (Tyvek booties, microbial wipes, disposable dust masks)

B. First Aid materials (Bandaids, compress)

C. Sharps container/tube

### 703.3.4 POLICE SERVICE TECHNICIAN (PST) VEHICLES

PST vehicles must carry the following consumable items:

A. Flares

B. Fire Extinguisher

C. First Aid kit

D. Biohazard duffle bag kit (tyvek suit, tyvek shoe covers, protective mask with eye shield, latex gloves, red biohazard plastic bags, biohazard stickers, spit net hood)

E. PST reflective vest

F. Sharps Container

G. Evidence supplies

H. Finger print kit

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### 703.4 EMPLOYEE RESPONSIBILITY

Any employee entrusted with a department vehicle will ensure that the minimum equipment enumerated in this policy is present at the beginning of their first day of their work week. During this assessment, the employee will replace any missing equipment as necessary.

### 703.5 PATROL EMPLOYEE RESPONSIBILITY

Employees assigned to patrol regularly require the use of consumable items in order to assist the public and conduct investigations. In order to prevent a situations where an employee is in the field without needed supplies, a vehicle inspection must be conducted on their first day back to work to ensure the minimum necessary consumable items are present in an assigned vehicle.

Once the vehicle has been inspected and consumable items restocked as necessary, the employee will accurately complete and sign a vehicle inspection form which is to be forwarded to their immediate supervisor for review.

### 703.6 PATROL SUPERVISOR RESPONSIBILITY

A supervisor receiving a signed vehicle inspection form will review it for accuracy and completeness. The supervisor will then forward the completed forms to the VPD Records Division for filing and storage.

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# Chapter 8 - Support Services

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# Property and Evidence

## 803.1 POLICY

This policy provides guidance for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

The Department recognizes that Property and Evidence procedures change over time due to many factors and places responsibility on the Evidence Unit to maintain a current Evidence Collection and Packaging Manual for use by Department personnel. The procedures in the Evidence Collection and Packaging Manual should be followed by employees with any exceptions based on articulable reasons and supervisory approval, if feasible.

## 803.2 DEFINITIONS

**Booking –** Entering and placing an item into evidence through the RMS and actual submission into an evidence locker or other appropriate place.

## 803.3 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property until it is released pursuant RCW and/or policy or placed into evidence according to current Department procedure.

### 803.3.1 PROPERTY CLASSIFICATION

1. **Found Property** - Found property valued at less than the amount established by RCW 63.21.050 may be left with the finder if there is no reason for the officer to retain the property or the owner cannot be identified. Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking.
2. **Safekeeping Property** – Safekeeping property not already booked into the evidence system may be returned to the owner immediately by an officer.Safekeeping property booked into the evidence system may be released by an Evidence Technician consistent with current procedures.
3. **Evidence, Seized Property or Property for Destruction** – These types of property must be placed in the evidence system consistent with current procedures.
    (a) Employees should notify the Evidence Unit via email if they become aware a property item's status has changed to Recovered-Stolen or other significant property status updates.

### 803.3.2 TEMPORARY EVIDENCE LOCKERS

Temporary evidence lockers are located at each police facility. These lockers are used to store evidence and/or found property on a temporary basis.

Evidence in temporary lockers should be booked no later than the following work shift and should not be held over the officer's scheduled days off without supervisory permission.The use of

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temporary lockers for holding items for more than a work week is generally prohibited and requires supervisor permission.

After placing the items into a temporary locker, the officer will document the use of the locker pursuant to current established procedure.

After securing the item in the temporary locker, officers secure the key either by retaining it personally or transfer the key to a supervisor for secure storage in a locked office drawer.

Supervisors should check temporary lockers periodically to ensure proper use. If any lockers are out of compliance, the supervisor shall take the appropriate action to correct the issue.

### 803.3.3 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items are processed in the described manner:

- License plates found or taken pursuant RCW and not stolen or connected with a known crime should be placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is required.
- Government property, unless connected to a known criminal case, may be released directly to a responsible employee of the appropriate agency/department. No formal booking is required.

### 803.3.4 PROPERTY SUBJECT TO FORFEITURE

Whenever property seized by the Department is subject to forfeiture, specific notification procedures must be followed. It shall be the responsibility of the seizing officer to ensure that the current Department asset forfeiture procedure is followed.

## 803.4 PROPERTY CONTROL

1. Every time property is released or received, this information is documented pursuant established current procedures to maintain the chain of possession.
2. Officers desiring property for court should contact the Evidence Unit at least one business day prior to the court day.

### 803.4.1 RELEASE OF PROPERTY

The Vancouver Police Department shall make every effort to return property that is in the possession of this department when such property is not considered evidence of a crime or is no longer needed as evidence. In such cases, the Evidence Unit shall make a reasonable attempt to identify the lawful owner and provide notice consistent with established procedures.

If the property remains unclaimed beyond time frames established by law, the Evidence Unit shall make necessary arrangements to dispose of the property consistent with current procedures and law.

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### 803.5 INSPECTIONS OF THE EVIDENCE ROOM

1. Unannounced inspections of evidence storage areas shall be conducted as directed by the Chief of Police or designee.
2. An annual audit, of some degree, of property held by the Department shall be conducted by a designee appointed by the Chief of Police, not routinely or directly connected with evidence control.
3. Whenever a change is made in personnel who have access to the evidence room, an audit, of some degree, shall be conducted by a designee appointed by the Chief of Police, not routinely or directly connected with evidence control.

### 803.6 EVIDENCE FACILITY SECURITY

Access to the Vancouver Police Department Evidence Facility is restricted to authorized personnel only. It shall be the responsibility of the Evidence Unit supervisor to control all access into the facility.

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# Records Release and Security

## 809.1 PURPOSE AND SCOPE

The purpose of this section is to establish a comprehensive reference and procedure for the maintenance and release of Department reports and records in accordance with the Public Records Act (RCW 42.56, et seq.).

## 809.2 DEFINITIONS

**Privacy Violation (right of privacy, right to privacy, personal privacy)** - An invasion or violation of privacy occurs only if disclosure of information about the person would be highly offensive to a reasonable person, and is not of legitimate concern to the public. The rights to privacy in certain public records do not create any right of privacy beyond those rights that are specified by law as express exemptions from the public's right to inspect, examine, or copy public records (RCW 42.56.050).

**Public Record** - Includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics (RCW 42.56.010(2)).

**Writing** - Means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated (RCW 42.56.010(3)).

## 809.3 PUBLIC RECORDS OFFICER

The Professional Standards Unit (PSU) Lieutenant is designated as the Vancovuer Police Department's Public Records Officer and will serve as the point of contact for members of the public when requesting disclosure of public records and will oversee the agency's compliance with the public records disclosure requirements.

The PSU Lieutenant will post his/her name, role as the Public Records Officer, and contact information in the facility conspicuously visible to the public, and on the Department Internet site, and upon appropriate publications so as to provide easy access to members of the public for directing requests for disclosure of public records (RCW 42.56.580).

The Public Records Officer shall complete a training program as required by RCW 42.56.152 within 90 days of assuming responsibilities for public records and complete refresher training as required (RCW 42.56.152).

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## 809.4 PUBLIC REQUESTS FOR RECORDS

The Public Records Act provides that public records created by a public agency shall be subject to inspection and copying pursuant to request, except pursuant to exemptions set forth in the Act or otherwise established by statute (RCW 42.56.070(1)).

The Public Records Officer shall maintain business hours for record inspection or copying shall be posted on the Department's website and made known by other means designed to provide the public with notice (RCW 42.56.090).

The Public Records Officer shall also establish, maintain and make available for public inspection and copying a statement of the actual per page cost or other costs, if any, that it charges for providing photocopies of public records and a statement of the factors and manner used to determine the actual per page cost or other costs, if any (RCW 42.56.070(7) and (8)).

Public requests for records of this Department shall be processed as follows (RCW 42.56.070):

### 809.4.1 PROCESSING OF REQUESTS

Any member of the public, including the media and elected officials, may access unrestricted records of this Department by submitting a request for each record sought and paying any associated fees. The processing of requests is subject to the following limitations:

(a) The employee processing the request shall determine if the requested record is available and/or subject to any exemption from disclosure. Processing of such requests shall be in accordance with this policy and RCW 42.56.520.

(b) The Department shall not be required to create records that do not otherwise exist in order to accommodate any request under the Public Records Act.

### 809.4.2 PROMPT RESPONSE REQUIRED

Responses to requests for public records shall be made promptly. Within five business days of receiving a public record request, the Department must respond by either (RCW 42.56.520):

(a) Providing the record.

(b) Acknowledging receipt of the request and providing a reasonable estimate of the time required to respond to the request.

(c) Denying the public record request.

(d) Providing an Internet address and link on the agency's web site to the specific records requested, except that if the requester notifies the agency that he/she cannot access the records through the Internet, then the agency must provide copies of the record or allow the requester to view copies using an agency computer.

Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging receipt of a public

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record request that is unclear, a request to clarify what information the requestor is seeking may be made. If the requestor fails to clarify the request, the Department need not respond to it.

Denials of requests must be accompanied by a written statement of the specific reasons for denial. The Public Records Officer will establish mechanisms for the most prompt possible review of decisions denying inspection.

Requests that are denied are subject to judicial review and the burden of proof is on the Department to show that the records requested are exempt or prohibited in whole or part by statute (RCW 42.56.660).

## 809.5 REPORT RELEASE RESTRICTIONS

Absent a valid court order or other statutory authority, records and/or unrestricted portions of such records of this Department shall be made public subject to the following restrictions:

### 809.5.1 GENERAL CASE AND CRIME REPORTS

Examples of release restrictions include (RCW 42.56.240):

(a) **Intelligence and investigative records** - Specific intelligence information and specific investigative records, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy. Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved or information that would endanger the successful completion of the investigation or a related investigation shall not be made public.

(b) **Victim and witness information** - Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints, if at the time a complaint is filed the complainant, victim or witness indicated a desire for disclosure or nondisclosure.

(c) **Sex offenses** - Investigative reports pertaining to sex offenses under RCW 9A.44 et seq., or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington Association of Sheriffs and Police Chiefs for permanent electronic retention and retrieval, pursuant to RCW 40.14.070(2)(b).

(d) **License applications** - Copies of license applications, including concealed pistol license applications or information on the applications may only be released to law enforcement or corrections agencies under RCW 9.41.070.

(e) **Child sexual assault victims** - Information revealing the identity of child victims of sexual assault who are under age 18. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator.

(f) **Personal information** - Personal information in files maintained for employees, to the extent that disclosure would violate their right to privacy. This includes credit card

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numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law (RCW 42.56.230).

(g) **Alarm System Program/Vacation Crime Watch ProgramParticipants** - Personal identifying information collected by the Department for participation in an alarm system program and/or vacation crime watch program.

### 809.5.2 ARREST REPORTS

Arrest reports shall not be disseminated pursuant to the Criminal Records Privacy Act except to those agencies and under those circumstances necessary for a purpose in the administration of criminal justice as governed by RCW 10.97 et seq.

A person who is the subject of the record who requests information must comply with requirements of RCW 10.97.080.

In addition to the restrictions stated above, all requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the County Prosecutor, City Attorney or the courts.

Local criminal history information including, but not limited to, arrest history and disposition, fingerprints and booking photos shall only be subject to release to those agencies and individuals set forth in the Protected Information Policy.

### 809.5.3 TRAFFIC COLLISION REPORTS

Traffic collision reports (and related supplemental reports) are for official use only and may only be released without redaction pursuant to (RCW 46.52.080) to the following:

- The Washington State Patrol
- Department of Motor Vehicles
- Other Law Enforcement Agencies
- As authorized by law or valid court order

Upon request, parties having proper interest or involvement in the specific reported collision shall receive all of the factual data submitted in the report with the exception of the reports signed by the drivers involved in the accident. Such parties include the following (RCW 46.52.083):

- Involved drivers
- Legal guardians of the drivers
- Parent of a minor driver
- Injured parties
- Owners of damaged property
- Authorized attorney or insurance carrier

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Requests for traffic collision reports from individuals or entities other than those listed above are entitled to receive reports in redacted format.

### 809.5.4 PERSONNEL RECORDS

The following employment and licensing information is exempt from public inspection and copying (RCW 42.56.250):

(a) Test questions, scoring keys and other examination data used to administer a license, employment or academic examination.

(b) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(c) The residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, Social Security numbers, driver license numbers, identicard numbers and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, Social Security numbers and emergency contact information of dependents of employees or volunteers of a public agency that are held in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.

(d) Information that identifies a person who, while a Department employee:

1. Seeks advice, under an informal process established by the employing agency, in order to ascertain his/her rights in connection with a possible unfair practice under RCW 49.60 et seq. against the person.
2. Requests his/her identity or any identifying information not be disclosed.

(e) Investigative records compiled while conducting an active and ongoing investigation of a possible unfair practice under RCW 49.60 et seq. or of a possible violation of other federal, state or local laws prohibiting discrimination in employment.

(f) Photographs and month and year of birth in the personnel files of employees and workers of criminal justice agencies. The news media, as defined in RCW 5.68.010(5), shall have access to the photographs and full date of birth.

1. News media does not include any person or organization of persons in the custody of a criminal justice agency.
2. Any such request by the media for the date of birth of an employee should be forwarded to the Administration Supervisor and the affected employee should be promptly advised of the request.
3. A court may issue an injunction, at the request of the Department or the employee, if it finds that such examination would clearly not be in the public

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interest and would substantially and irreparably damage the employee or would substantially and irreparably damage vital government functions.

## 809.6 OTHER RECORDS

This Department maintains the right to refuse to disclose or release any other record when it would appear that the public's interest in accessing such record is outweighed by the need for non-disclosure.

Any record which was created exclusively in anticipation of potential litigation involving this Department shall not be subject to public disclosure.

Any other record not addressed in this policy shall not be subject to release where such record is exempted or prohibited from disclosure pursuant to state or federal law, including, but not limited to:

(a) Drafts, Notes, Recommendations, Memorandums: Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended are exempt under this chapter, except that a specific record is not exempt when publicly cited by an agency in connection with any agency action (RCW 42.56.280).

(b) Department Party to Controversy: Records that are relevant to a controversy to which the Department is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts (RCW 42.56.290).

(c) Security: Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of (RCW 42.56.420):

1. Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans.
2. Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.

(d) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety, including:

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1. Information compiled by school districts or schools in the development of their comprehensive safe school plans under RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.
2. Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities and other information that may increase the risk to the confidentiality, integrity or availability of department security, information technology infrastructure or assets.
3. The system security and emergency preparedness plan required under RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180.

#### 809.6.1 PERSONAL IDENTIFYING INFORMATION

Employees shall not access, use or disclose personal identifying information, including an individual's photograph, social security number, driver identification number, name, address, telephone number and the individual's medical or disability information, which is contained in any driver license record, motor vehicle record or any department record except as authorized by the Department and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721 and 18 USC § 2722).

### 809.7 SUBPOENA DUCES TECUM

Any Subpoena Duces Tecum (SDT) should be promptly provided to a supervisor for review and processing. While a Subpoena Duces Tecum may ultimately be subject to compliance, it is not an order from the Court that will automatically require the release of the requested information.

All questions regarding compliance with any Subpoena Duces Tecum should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

### 809.8 RELEASED RECORDS TO BE STAMPED

Each page of any record released pursuant to a Public Records Act request or Subpoena Duces Tecum shall be stamped in red ink with a departmental stamp identifying the individual to whom the record was released.

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# Protected Information

## 811.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Vancouver Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Release and Security Policy.

### 811.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored or accessed by members of the Vancouver Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

## 811.2 POLICY

Members of the Vancouver Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

## 811.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Licensing (DOL) records,Washington Crime Information Center (WACIC), and RegJIN.

(b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

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(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

## 811.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Vancouver Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

### 811.4.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive or possess criminal history record information without authorization by Washington law (RCW 10.97.120).

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of the Standards of Conduct Policy.

Employees who obtain, or attempt to obtain, information from the Department files other than that to which they are entitled in accordance with their official duties is a violation of the Standards of Conduct Policy.

## 811.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know (RCW 10.97.050).

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Public Records Officer for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Public Records Officer to ensure proper documentation of the release (see the Records Release and Security Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other Department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

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### 811.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

An individual may review his/her criminal history record information held by this department after complying with established Department requirements as authorized by RCW 10.97.080.

## 811.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

(a) Developing and maintaining security practices, procedures and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

(d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities (RCW 19.255.010).

### 811.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

## 811.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

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# ACCESS

### 812.1 PURPOSE AND SCOPE

This policy clarifies ACCESS requirements to include but not limited to, physical security of ACCESS/CJIS systems, CJIS information and the requirements for the use and dissemination of criminal history record information.

### 812.2 POLICY

Use of the ACCESS system is restricted to authorized criminal justice agencies, and criminal justice information obtained through the system may only be used for official law enforcement business in the administration of criminal justice such as to facilitate the apprehension of fugitives, the location of missing persons, the location and/or return of stolen property or similar criminal justice objectives. All users will conform to the requirements outlined in this policy to ensure proper and efficient use of the ACCESS system.

### 812.3 DEFINITIONS

**ACCESS** - A Central Computerized Enforcement Service System (ACCESS) is a computer controlled communications system located at the Washington State Patrol Information Technology Division in Tumwater. Through the use of special interfacing equipment, ACCESS extracts data from multiple repositories including the Washington State Patrol's Criminal Information Center (WACIC), Washington State Identification System (WASIS), the National Crime Information Center (NCIC), the Department of Licensing (DOL), the Department of Corrections Offender file (DOC), the International Justice & Public Safety Network (NLETS), and numerous regional systems. ACCESS provides direct contact with NCIC when WACIC is non-operational.

**Criminal Justice Information (CJI)** - Information contained in records collected by criminal justice agencies that provide individual

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identification of a person along with the individual's record of involvement in the criminal justice system as an alleged or convicted offender including but not limited to arrests, detentions, indictments, acquittals, and sentences.

**Criminal Justice Agency** - A government agency which performs the administration of criminal justice pursuant to a statute or executive order and which allocates a substantial part of its annual budget to the administration of criminal justice. Criminal justice agencies include police departments, courts, the prosecuting attorney's office and sheriff's offices. Criminal justice agencies do not include code enforcement, the medical examiner, animal control, fire departments, defense attorneys, or security companies. (RCW10.97.030)

**NCIC** - The National Crime Information Center (NCIC) is a computerized system of criminal justice records. The Interstate Identification Index (III) is part of the NCIC network. The NCIC database allows a law enforcement agency automated access to all information regarding an individual's criminal history that is within the records of any law enforcement agency in the NCIC network. The system can be accessed 24 hours a day by any local, state or federal law enforcement agency to obtain criminal history information in eleven specific categories, including records of convicted sex offenders, foreign fugitives, identity theft, missing persons, gang and terrorist organizations, fingerprint data, unidentified persons, and wanted persons.

**WACIC** – The Washington Crime Information Center (WACIC) is a statewide computerized repository for multiple types of entries including wanted persons, persons of interest and others. All entries are completed and managed by contributing agencies. WACIC stores criminal justice information that can be instantly retrieved and furnished to an authorized criminal justice agency. For WACIC,

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criminal justice information is information collected by criminal justice agencies that is needed in the performance of legally authorized, required function.

812.3.1 ACRONYM / ABBREVIATION LIST FOR CRIMINAL HISTORIES

http://cvsharepoint/departments/PoliceDept/VPDNet/Documents/Abbreviation%20List.docx

### 812.4 SECURITY MEASURES

The Vancouver Police Department has adopted the following security measures to comply with applicable laws and regulations and to prevent unauthorized access to the system data and/or unauthorized use of data obtained from the computerized file.

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

812.4.1 SYSTEM SECURITY

1. ACCESS terminal locations have adequate physical security to protect against any unauthorized personnel gaining access to the computer equipment or to any stored data.
2. VPD will establish usage restrictions and implementation guidelines for wireless technologies; and authorize, monitor, and control wireless access to the information system. Wireless technologies will maintain at least the minimum security applied to wired technology.
3. VPD personnel can only utilize ACCESS and CJIS information from secure terminals. A secure terminal is

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any Department owned or approved electronic device, mobile data computer (MDC), desk top computer, laptop, or wireless device used inside a VPD building or police vehicle.

4. If a VPD employee utilizes one of these devices to obtain ACCESS or CJIS information in a non- secure location, then Advanced Authentication is mandatory.

5. If a police vehicle is left in a non-secure location and no Advanced Authentication is on the MDT, personnel must adhere to one of the following:

   A. The MDT must be removed from the vehicle and secured in a VPD building.

   B. A fingerprinted criminal justice employee must remain with the MDT at all times.

   C. The staff/personnel servicing the vehicle must be fingerprinted and background checked and review the Security Awareness training available on CJIS Online.

6. A secure location is considered to be inside the secured area in any VPD police building or police vehicle.

7. Any VPD employee utilizing ACCESS or CJIS information outside of a VPD police building or police vehicle is considered to be in a non-secure location and requires Advanced Authentication. To access this information in a non-secure location, without Advanced Authentication, violates state and federal regulations.

   A. *Example*: Any VPD owned or approved electronic device, as noted above, which is removed from a VPD police building or police vehicle and is carried into and utilized for ACCESS or CJIS information in any location, private or public, subject to the viewing of any non-ACCESS approved person, such as a restaurant,

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private residence (whether their own or not), City Hall, etc., without Advance Authentication, is a violation.

B. *Example*: Any VPD employee who removes a MDT from a VPD police vehicle and utilizes it within a VPD police building does not require Advanced Authentication and is not a violation.

812.4.2 PHYSICAL PROTECTION

The purpose of this policy is to provide guidance for agency personnel, support personnel, and private contractors/vendors for physical, logical, and electronic protection of Criminal Justice Information (CJI). all physical, logical, and electronic access must be properly documented, authorized and controlled on devices that store, process, or transmit unencrypted CJI. This Physical Protection Policy focuses on the appropriate access control methods needed to protect the full lifecycle of CJI from inside and outside threats.

(a) **Physically Secure Location**: A physically secure location is a facility, a criminal justice conveyance, or an area, a room, or a group of rooms within a facility with both the physical and personnel security controls sufficient to protect CJI and associated information systems. The physically secure location is subject to criminal justice agency management control. The perimeter of the physically secure location shall be prominently posted and separated from non-secure locations by physical controls. Security perimeters shall be defined, controlled, and secured.

(b) **Visitor Access**: A visitor is defined as a person who visits th agency on a temporary basis who is not employed by the Vancouver Police Department and has no unescorted access to the physically secure location within the agency where CJI and associated information systems are located. Visitors must:

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A. Be accompanied by agency personnel at all times to include delivery or service personnel. An escort is defined as authorized personnel who accompany a visitor at all times while within a physically secure location to ensure the protection and integrity of the physically secure location and any CJI therein.

B. Follow policy for unescorted access:

   i. City of Vancouver IT and vendors which are Noncriminal Justice Agency (NCJA) who require unescorted access to restricted area(s) have an established Management Control Agreement between the Vancouver Police Department and City of Vancouver IT. Each employee with CJI access will appropriately have state and national fingerprint-based record background checks and CJIS certification prior to this restricted area access being granted.

   ii. Private contractors/vendors who have unescorted access to restricted area(s) will be required to establish a Security Addendum with each private contractor personnel.

C. Not be allowed to view screen information, mitigating shoulder surfing.

D. Be escorted to a public area of the facility when they do not have any legitimate business in a restricted area. Strangers in physically secure areas without an escort should be challenged.

E. Not be allowed to sponsor another visitor.

F. Photographs within a secure area are not allowed without permission of the Vancouver Police Department assigned personnel.

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(c) **Authorized Physical Access**: Only authorized personnel will have access to physically secure non-public locations. All physical access points into the agency's secure areas will be authorized before granting access. The agency will implement access controls for protecting all transmission and display mediums of CJI. Authorized personnel will take necessary steps to prevent and protect the agency from physical, logical and electronic breaches. All personnel who are not escorted with CJI physical and logical access must:

A. Met the minimum personnel screening requirements prior to CJI access.

i. Agencies must conduct a state of residency and national fingerprint-based background checks for all agency personnel and IT personnel who have direct access to CJI and those who have direct responsibility to configure and maintain computer systems and networks with direct access to CJI prior to employment or assignment.

ii. Support personnel, private contractors/vendors, and custodial workers with access to physically secure locations or controlled areas (during CJI processing) shall be subject to a state and national fingerprint-based records check unless these individuals are escorted by authorized personnel at all times.

B. Complete Security Awareness Training: All authorized Vancouver Police Department and NCJA personnel, like city or county IT and private contractor/vendor, will receive Security Awareness Training within sex months of being granted duties that require CJI access and every two years thereafter.

C. Be aware of who is in their secure area before accessing confidential data.

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i. Take appropriate action to protect all confidential data.

ii. Protect all terminal monitors with viewable CJI displayed on the monitor and not allow viewing by the public or escorted visitors.

D. Properly protect and not share any individually issued keys, proximity cards, computer account passwords, etc.

i. Report loss of issued keys, proximity cards, etc. to authorized agency personnel.

ii. If loss occurs after normal business hours, weekends or holidays, personnel are to call the Vancouver Police Department POC to have authorized credentials like a proximity card de-activated and/or door locks possibly re-keyed.

iii. Safeguard and do not share passwords, Personal Identification Numbers (PIN), Security Tokens (i.e. Smartcard), and all other facility and computer systems security access procedures.

E. Properly protect from viruses, worms, trojan horses, and other malicious code.

F. Web usage - monitoring of user activity.

G. Use of electronic media is allowed only by authorized personnel. Controls shall be in place to protect electronic media and printouts containing CJI while in transport. When CJI is physically moved from a secure location to a non-secure location, appropriate controls will prevent data compromise and/or unauthorized access.

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H. If CJI is transmitted by email, the email must be encrypted and email recipient must be authorized to receive and view CJI.

I. Report any physical security incidents to the City of Vancouver's IT POC, to include facility access violations, loss of CJI, loss of laptops, thumb drives, CDs/DVDs and printouts containing CJI.

J. Properly release hard copy printouts of CJI only authorized personnel in a secure envelope and shred and burn hard copy printouts when no longer needed. Information should be shared on a "need to know" basis.

K. Ensure data centers with CJI are physically and logically secure.

L. Keep appropriate agency security personnel informed when CJI access is no longer needed. In the event of ended employment, the individual must surrender all property and access managed by the local agency, state and/or federal agencies.

M. Ensure the perimeter security door securely locks after entry or departure. Do not leave any perimeter door propped open and take measures to prevent piggybacking entries.

(d) **Penalties**: Violation of any of the requirements in this policy by any authorized personnel could result in disciplinary action, up to and including loss of ACCESS privileges, civil and criminal prosecution and/or termination. Violation by any visitor can result in similar disciplinary action against the sponsoring employee and can also result in termination of services with any associated consulting organization or prosecution in the case of criminal activity.

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### 812.4.3 SECURITY BACKGROUND FOR PERSONNEL

VPD adheres to strict security standards for personnel who use or have access to the ACCESS system including:

(a) Conducting national fingerprint-based background checks shall be conducted for all personnel who have authorized access to FBI CJIS systems and those who have direct responsibility to configure and maintain computer systems and networks with access to FBI CJIS systems. The record checks shall be conducted prior to employee accessing any systems.

(b) All personnel, contractors, volunteers, and custodial workers with access to computer centers, terminal areas and/or areas where CJIS information is housed shall be escorted by authorized personnel or receive a fingerprint-based criminal background check. Authorized personnel are those persons who have passed a state and national fingerprint-based record check and have been granted access.

(c) VPD shall use the following procedures when reviewing the results of the fingerprint-based background check:

A. If the background check reveals a felony conviction, the individual shall be denied use, certification and/or the ability to work on connection to ACCESS.

B. If there are charges pending a disposition, the TAC will notify the ACCESS manager.

C. If the background check reveals a misdemeanor conviction, the TAC will notify the ACCESS section where the severity of offense and the time that has passed would support a possible variance. VPD will have discretion whether to limit use of the ACCESS system even if a variance approval is granted by the Access section manager.

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(d) Assuring that all personnel within six months of employment or assignment with direct use of ACCESS systems are ACCESS certified at the appropriate level. ACCESS certification requires biennial recertification.

A. Level 1 – All users who use ACCESS for inquiries, locates or administrative messages.

B. Level 2 – Includes all abilities of Level 1 and includes entry, clearing, canceling of records within the databases.

(e) CJIS Security Awareness Training is required for all other personnel, volunteers, and contractors who have unescorted access to a physically secure location. An appropriate level of Security Awareness Training is required within six months of initial assignment, and biennially thereafter.

### 812.4.4 RE-BACKGROUND INVESTIGATIONS

ACCESS requires all personnel who use or work on the connections to ACCESS to have a re-background investigation conducted every five years.

Documentation of re-background dates is maintained within nexTEST and CJIS Online systems.

## 812.5 TECHINCAL AGENCY COORDINATOR (TAC)

VPD has a designated Technical Agency Coordinator (TAC) to act as the point of contact for matters relating to ACCESS and CJIS information.

(a) The TAC must maintain a Level 2 certification and attend TAC training at least once every three years.

(b) The TAC will send recertification email to staff with a deadline to re-certify and copy personnel's chain of command to ensure its compliance

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(c) The TAC assures that re-background checks are performed as required.

(d) The TAC retains the state identification number of each employee who uses ACCESS or maintains the application or network connection.

(e) The TAC shall participate in and ensure that all appropriate records are available during audits conducted by ACCESS.

(f) The TAC is responsible for proper operator performance, strict adherence to state and FBI CJIS policies and regulations, and prompt notification of policy violations to ACCESS.

### 812.6 VALIDATIONS

VPD acknowledges that it is necessary to confirm all records are complete, accurate and valid and that validation efforts must be well documented. Validation requirements are outlined within Records procedures.

### 812.7 QUERIES AND CRIMINAL HISTORY LOG

All criminal history logs are maintained in an automated format by the Washington State Patrol (WSP).

The criminal history inquiry must contain the following information:

1. The Attention (ATN) Field must contain:
    A. Requestor's first initial and last name or PSN
    B. Specific criminal justice reason for the request or a case number
        i. A specific criminal justice reason may include the agency case number or the crime being investigated, i.e., assault, robbery, etc.
        ii. If an acronym is used for the purpose, it must be on the Department approved acronym list found on Sharepoint - VPDnet. Person running the inquiry,

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if different from the requestor, should enter their PSN.

C. EXAMPLES:

ATN/J SMITH / 19-1234

ATN/J SMITH / BURGLARY / 9999

ATN/J SMITH / BURGLARY

ATN/ 1234 / BURGLARY

2. The correct purpose code:

A. **C** - Use this purpose code for the official duties in connection with the administration of criminal justice and investigation of crimes.

B. **F** - Use this purpose code for the issuance of silencers/ suppressors and Federal Firearm Licenses.

C. **J** - Use this purpose code when conducting initial background checks and five year re-background checks of criminal justice agency personnel, including IT.

3. Prohibited actions:

A. VPD personnel will not provide criminal history information to another party or outside agency representatives.

B. Personnel shall not use any information obtained through the ACCESS system, including all Department of Licensing (DOL) and Department of Corrections (DOC) information for private business/personal reasons, or further any information so obtained to any other person for such use other than for the official law enforcement purposes.

C. NCIC III information shall not be placed or copied into the investigative case file.

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### 812.8 HIT CONFIRMATION

A WACIC or NCIC hit alone is not probable cause to arrest a subject, but indicates a stolen property report, missing person report, or warrant, etc., may have been filed.

An inquiring agency must contact the originating agency of the hit for confirmation of data. To confirm a hit means to contact the agency that entered the record to:

(a) Ensure that the person or property inquired upon is identical to the person or property identified in the record.

(b) Ensure the warrant, missing person report, protection order, or theft report is still outstanding.

(c) Obtain a decision regarding:

A. The extradition of a wanted person when applicable.

B. The return of the missing person to the appropriate authorities.

C. The return of stolen property to its rightful owner.

D. The terms and conditions of a protection order.

The source documents used for hit confirmation may be electronic if the agency has implemented the proper controls for electronic documents supporting WACIC/NCIC records.

A confirmed hit can be adequate grounds to arrest the wanted person, detain the missing person, seize the stolen property, or charge the subject with violating a protection order, etc.

When an agency receives a record(s) in response to an inquiry, and no enforcement action is contemplated or possible because of extenuating circumstances, the hit should not be confirmed, and the record must not be located.

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### 812.9 DISPOSAL OF CRIMINAL JUSTICE INFORMATION

VPD personnel must dispose of criminal history information by observing the actual shredding of the documents.

(a) Criminal history information run for purposes of a criminal investigation cannot be included in a case file. Detectives and officers may quote specific information reviewed into their case report and shred the referenced criminal history information.

(b) Criminal history information will not be scanned, and should not be attached as a supporting document into the Records Management System.

(c) All CJIS (Criminal Justice Information Systems) information to include Criminal History, all wants and protection order queries, DOL Checks, etc. should be disposed in secured shredding bins.

#### 812.9.1 DISPOSAL OF MEDIA

Any media shall be disposed of as follows:

(a) Electronic media shall be sanitized prior to disposal or release for reuse by unauthorized individuals. Inoperable electronic media shall be destroyed (cut up, shredded, etc.).

(b) Physical media shall be destroyed by shredding or incineration when no longer required, using formal procedures.

(c) The disposal process will be observed by a fingerprinted criminal justice employee. Or, the disposal process does not need to be observed if the contracted company has all been fingerprinted and they have signed a CJIS Security Addendum. A copy of the Addendum must be provided to the ACCESS Section.

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### 812.10 MISUSE OF THE ACCESS SYSTEM

The ACCESS System shall only be used for official law enforcement business. The Vancouver Police Department will investigate allegations of ACCESS misuse. Examples of misuse include:

- Running criminal history for yourself, family or friends.
- Running information for a civilian or non-criminal justice employee for non-law enforcement use.
- Using the system for any personal reasons.
- “Visiting” or sending inappropriate administrative messages across a mobile data terminal (MDT) ACCESS connection

Users do not have to disseminate information in order to be in violation. Accessing CJIS data for personal reasons is prohibited by state and federal law.

Violations of the rules, regulations, policies, or procedures developed by NCIC and adopted by the Washington State Patrol or any other misuse or abuse of the ACCESS system may result in agency disciplinary measures and/or criminal prosecution.

#### 812.10.1 REPORTING ACCESS/NCIC VIOLATIONS

(a) If the Department initiates an internal investigation for ACCESS misuse, the PSU Lieutenant or designee must immediately notify the Department’s TAC. The TAC then must submit an ACCESS Violation Incident Report to the ACCESS Manager at the Washington State Patrol.

(b) Whether the allegations are sustained or unfounded, the TAC must again be advised in order to notify the ACCESS manager of the investigation’s outcome.

(c) If the allegations are sustained, the Vancouver Police Department will choose the level of internal discipline.

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The Washington State Patrol may work in conjunction with the Department to impose additional sanctions if warranted. This may include, but not limited to, additional training, revocation of individual certification, or termination of system access to the Department.

(d) Even if the allegations are unfounded, the Washington State Patrol will then determine if there was indeed any violation of the ACCESS/NCIC system.

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# Computers and Digital Evidence

## 813.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs), digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of seized digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

This policy does not address the disposition of recordings by body worn cameras or those created in compliance with mandatory electronic recording requirements.

## 813.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories, the following steps should be taken:

(a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.

(b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.To safeguard against the possibility of destroying physical evidence, where latex gloves when handling these items.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, move the mouse or touch any key to awake the computer.

1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.

    (a) If it **appears** there is any program open and running, do not do anything with the computer and immediately contact any member of the Digital Evidence Cybercrime Unit (DECU) for assistance and instruction.

    (b) If it does **not appear** any program is running, disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect and power cable from the case and remove the battery.

(e) Label each item with case number, evidence sheet number, and item number.

(f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.

(g) Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.

(h) At minimum, officers should document the following in related reports:

1. Where the computer was located and whether or not it was in operation.

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2. Who was using it at the time.
3. Who claimed ownership.
4. If it can be determined, how it was being used.

(i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

(j) Since most laptops have proprietary power cords, seize the power cord as well as the laptop being taken as evidence.

(a) Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery.

### 813.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene.

It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

### 813.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

(a) Copy of report(s) involving the computer, including the Evidence/Property sheet.

(b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.

(c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents) including any known relevant "keywords" such as victim's names, addresses, credit card numbers or other information related to the investigation.

(d) A forensic copy of a drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

## 813.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media (e.g., hard discs, floppy discs, CDs, DVDs, tapes, memory cards, flash memory devices) should be seized and stored in a manner that will protect them from damage.

(a) Do not review, access or open digital files prior to submission.

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(b) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

(c) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.

(d) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage. Then place the item into the appropriate size paper evidence envelope for submission into property.

## 813.4 SEIZING PERSONAL COMMUNICATION DEVICES

Personal communication devices (PCD) such as cell phones or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

(a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

(b) If unable to turn the device off, either place the item into "airplane" mode or remove the battery.

(c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

(d) If possible, obtain any pass codes or pattern locks.

## 813.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

When confronted with a case where they are unsure how to proceed with the collection of any type of digital evidence, officers should contact a member of the Digital Evidence Cybercrime Unit (DECU) for assistance.

### 813.5.1 COLLECTION OF DIGITAL EVIDENCE

Photographs of evidence taken by members of VPD shall be done with either a Department issued digital camera or their Department issued cell phone. Officers should not use their personal devices to take photographs since the devices could be subject to seizure at a later time.

Photographs of evidence taken with digital cameras should be uploaded to the RMS. Once uploaded, they can be deleted from the camera or phone used to take the photos.

### 813.5.2 ADULT NUDITY OR PORNOGRAPHY

If evidence photographs involve any type of adult nudity or pornography, the photographs should generally not be uploaded into the RMS but instead placed on a digital media device and submitted

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into evidence. This will prevent others from viewing the photos.If there is a need for a Department member to see the photos, they will have to contact evidence staff to arrange the transfer of the evidence.

a.Members should never have any type of images depicting adult nudity or pornography of any kind sent to them via email, nor should they ever send these types of images over email themselves.

### 813.5.3 CHILD PORNOGRAPHY

Child pornography, or photos of child pornography taken in the field by a Department member should not be uploaded into the RMS.Instead, photographs will be downloaded from the camera to removable storage media (e.g., SD card, flash drive, CD Rom) and placed into evidence.The outside of the evidence envelope should have a marking indicating that there is child pornography on the media.

a.Members should never have any type of images depicting child pornography of any kind sent to them via email, nor should they ever send these types of images over email themselves.

### 813.5.4 CLOUD BASED STORAGE

Officers confronted with a case where criminal evidence is found in an email or in a cloud-based storage site (e.g., Microsoft One Drive, Dropbox, Google Drive, etc.) have the following options:

a.Seize the computer the email or cloud storage is being accessed on and place into evidence following the evidence seizure criteria outlined in this policy.

b.Take photographs of the photos that are present on the screen, then later download onto a media storage device or upload into the RMS as appropriate.

c.Obtain all relevant information regarding the email or cloud storage account the child pornography is located on and, if appropriate, obtain a signed consent for its examination. Relevant information includes:

1.Account type (e.g., email, cloud storage, etc.),

2.Account name,

3.Account owner,

4.Logins, and;

5.Passwords.

Officers should take steps to preserve the account from tampering/destruction by sending a preservation letter to the appropriate Electronic Service Provider. If members are unsure how to complete this task, they should consult a member of the Digital Evidence Cybercrime Unit (DECU) for assistance.

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### 813.6 INTERNET CRIMES AGAINST CHILDREN (ICAC) INVESTIGATIONS

Only sworn, on-duty ICAC trained personnel shall conduct ICAC investigations in an undercover capacity. Private citizens shall not be asked to seek out investigative targets nor shall they be authorized to act as police agents in any online undercover capacity.

Media releases relating to prosecutions, crime alerts, or other matters concerning online undercover (ICAC) operations shall not include information regarding confidential investigative techniques, shall not reveal the undercover operative information and should be coordinated (when applicable) with other Task Force participants (local, state or federal agencies) that may be involved in the investigation and shall be consistent with VPD media relations protocols.

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# LInX Northwest Program

## 814.1 PURPOSE AND SCOPE

This policy clarifies the Law Enforcement Information Exchange (LInX) Northwest system requirements to include but not limited to, physical security of the LInX program, LInX information and the requirement to use and disseminate the shared information.

## 814.2 POLICY

The LInX system is a law enforcement information sharing partnership involving local, state, and federal law enforcement agencies in the Pacific Northwest. LInX has been developed to improve public safety, solve crimes, and prevent terrorism. LInX is a partnership built on trust and to maintain the trust following the rules are upheld by all LInX agencies. Violations of this policy may results in sanctions against an individual user or Regional Partner Agency (RPA).

## 814.3 DEPARTMENT RESPONSIBILITIES

Each RPA shall contribute information to LInX Northwest, once a connection is made, and agrees to permit the access, dissemination, and/or use of such information by every other partner agency in LInX Northwest. The contributing party has sole responsibility and accountability for ensuring this it is not constrained from permitting this by any laws, regulations, policies, and procedures applicable to the submitting party.

The Department LInX Administrator will conduct an annual audit to assure compliance with LInX Northwest system requirements.

### 814.3.1 INFORMATION ACCESSIBILTY AND SECURITY

Information obtained through LInX Northwest is considered Criminal Justice Information System (CJIS) information and shall be treated with the same security measures outlined in the Protected Information and ACCESS Policies. In addition to those measures, the following measures which are unique to LInX Northwest protocol shall be adhered to:

(a) A user may only access LInX when he/she has a legitimate, official law enforcement purpose after receiving LInX training.

(b) Information in the system shall not be disseminated outside of an accessing party without first obtaining express permission of each party that contributed the information in question. LInX users who wish to use information in LInX for the preparation of judicial process (e.g., affidavits, warrants, or subpoenas) agree to not print and use information from LInX, but to contact the originating agency who will provide a copy of the original report to the requestor for court or other official uses.

(c) Printing copies from LInX is highly restricted. Users may only retain printed copies temporarily and shall not place copies in an official file or submit them to a court. Printed copies must be destroyed or shredded. Printed copies may not be made for members of non-participating agencies.

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(d) Any requests for reports or data in LInX records from anyone other than an RPA to this exhibit will be directed to the contributing agency. Participating agencies in LInX agree to not disclose another agency's reports or information to a third party. Even when an agency receives an official request for disclosure, LInX agencies agree to refer such requests to the originating agency of the report for action.

(e) Only pertinent information, obtained through LInX, used in the furtherance of an investigation should be listed in the report. Irrelevant and non-essential information should not be documented or listed as an investigatory resource.

(f) Each agency retains sole ownership of, sole responsibility for, and exclusive control over the content of the information that it contributes to LInX, and it may, at will, at any time update, correct or delete the information that it contributes to LInX.

## 814.4 SECURITY MEASURES

The Vancouver Police Department has adopted the following security measures to comply with applicable laws and regulations and to prevent unauthorized access to the LInX system and its data.

### 814.4.1 SYSTEM SECURITY

A Regional Partner Agency will have access to LInX via a secure internet connection. It is the RPA's responsibility to provide and maintain their own internet connectivity to LInX.

Department personnel can only utilize the LInX system to obtain CJIS information from secure terminal from a secure location. A secure terminal is any Department owned or approved electronic device, mobile data terminal (MDT), desk top computer, laptop or wireless device. A secure location is considered to be inside any Vancouver Police building or police vehicle.

Accessing LInX from any other device or location is prohibited.

LInX will maintain an audit capability that will log the date, time, subject, and originating account of all user queries. The LInX Governance Board will maintain these audit logs for at least five years.

The Department LInX Administrator has the authority to immediately disable an officer's LInX account who violates the LInX policy, is under criminal investigation, retires, resigns, is terminated or leaves the Agency for any reason.

## 814.5 TRAINING

Only officers who are ACCESS certified and have received the approved LInX training will be granted authorization to access LInX Northwest. Any updated training will be coordinated though the designated Vancouver Police Department LInX Administrators.

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# Chapter 9 - Custody

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# Biological Samples

### 903.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from an individual in conjunction with a criminal investigation. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

### 903.2 POLICY

The Vancouver Police Department will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state.

### 903.3 OFFENDERS SUBJECT TO DNA COLLECTION

The following offenders must submit a biological sample (RCW 43.43.754)

(a) An offender convicted of any felony offense.

(b) An offender convicted of assault in the fourth degree where domestic violence as defined in RCW 9.94A.030 was pleaded and proven (RCW 9A.36.041).

(c) An offender convicted of assault in the fourth degree with sexual motivation (RCW 9A.36.041; RCW 9.94A.835).

(d) An offender convicted of communication with a minor for immoral purposes (RCW 9.68A.090).

(e) An offender convicted of custodial sexual misconduct in the second degree (RCW 9A.44.170).

(f) An offender convicted of failure to register as a sex or kidnap offender (RCW 9A.44.130; RCW 9A.44.132).

(g) An offender convicted of harassment (RCW 9A.46.020).

(h) An offender convicted of patronizing a prostitute (RCW 9A.88.110).

(i) An offender convicted of sexual misconduct with a minor in the second degree (RCW 9A.44.096).

(j) An offender convicted of stalking (RCW 9A.46.110).

(k) An offender who violates a sexual assault protection order granted under RCW 7.90.005 et seq.

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### 903.4 PROCEDURE

When an offender is required to provide a biological sample, a trained officer shall attempt to obtain the sample in accordance with this policy.

(a) Advise the offender their mouth must be free of food, gum, or foreign objects for at least ten minutes prior to the sample collection. Verify the offender's identity with a government issued form of photo ID and make a photocopy. If an individual does not have a valid ID, one may be printed from the CCSO mugshot program. Verify the conviction is a qualifying conviction.

(b) Access NCIC/WACIC to see if the individual's DNA is already on file. This database is the only program WSP requires be checked for the current DNA status of the individual. There is no need to obtain a biological sample if one has previously been obtained (RCW 43.43.754).

(c) Open the WSP Convicted Offender Oral Swab Kit and fill out the Felon Submission Card.

  (a) **The officer will submit all swabs into evidence in a manner consistent with Department evidence collection protocol and a police report will be completed.**

(d) Have the offender ink both thumbs using an ink pad. Instruct offender to apply their thumbprints to the appropriate space on the submission card. Instruct offender to press and lift their thumbs, not roll their thumbs. A moist towelette is provided in the kit to remove the ink.

(e) Remove the foam swab and instruct the offender to swab between the lower right gum line and cheek for approximately 30 seconds. Rotate swab and repeat on the other side of the mouth.

(f) Have the offender place the foam swab on a DNA card circle and press down in a rocking motion to transfer cells. The color on the card should change from pink to white within the circle. Turn the swab over and repeat the process on the second DNA circle. Discard the swab in the biohazard box.

(g) Place the DNA card and submission card inside the return envelope. Seal the envelope with safety seal; date and initial the seal.

(h) Once you have completed the DNA collection process, stamp the individual's court paperwork with the DNA stamp located at the front counter. The stamp says, "DNA taken by the Vancouver Police Department," and has a line for your initials, PSN and the date. Fill it out accordingly. Direct the individual to take their paperwork back to the court to prove they have complied with the order.

(i) Place the completed kit in the mail bin so it can be mailed to the WSP lab immediately.

(j) Place a copy of the ID with the date at the top in the basket for the monthly count. Once the count is completed and sent to the patrol Administrative Sergeant, the copies are to be shredded.

(k) All steps in the DNA process are to be completed at the time the DNA is taken.

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### 903.5 TRAINING

The Training Division will provide training as needed in regards to the collection and processing of Biological Samples.

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# Chapter 10 - Personnel

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# Specialty and Detective Assignment Selection

### 1001.1 PURPOSE AND SCOPE

This policy outlines the process for filling Non-patrol assignments and collateral duty assignments.

*At no time will this policy interfere with the authority of the Chief of Police to transfer or assign any member of VPD to a Non-patrol assignment.*

### 1001.2 POLICY

The selection process outlined in this policy is intended to provide efficiency, consistency and a process to select the best qualified candidate for Non-patrol assignments and collateral duty assignments within Department needs at the time of the selection.

### 1001.3 QUALIFICATION REQUIREMENTS

The following general values will be used in evaluating employees for a Non-patrol and collateral duty assignments as is appropriate for the position.This is not an exhaustive list:

1.**Job Skills:** Effectiveness with which the employee applies job knowledge and skills to previous and current job assignments including written and oral communication skills. The employee's ability to perform the specific technical skill required in the specialty assignment.

2.**Work Habits:** Characteristics the employee demonstrates while performing job assignments including responsibility; accountability for actions; attendance; ability to follow instructions, rules and regulation; ability to plan and organize work while effectively using time, materials and resources in a manner which achieves the greatest results with a minimum of time and effort; and to be flexible and adaptable to change.

3.**Leadership Skills:** Effectiveness of the employee as a leader including general leadership skills, performance as a role model, self-management skills, initiative and ability to build cooperation through credibility, expertise, influence and persuasion.

4.**Honesty and Integrity:** Employee's demonstrated understanding of ethical standards and the impact of ethical decisions on the Department and the community and the ability to protect the integrity of both. Employee's willingness and ability to defend ethical actions.

5. **Self-Management/Self-Esteem:**Employee's effectiveness in self-evaluation and self improvement and ability to receive constructive criticism and advice appropriately and be open and willing to change.

6. **Problem Solving/Decision-Making:**Employee's effectiveness at solving problems with innovation and creativity. Employee's ability to integrate experience, knowledge, advice of others and creativity into an action plan, to adapt the plan as needed, and to make effective decisions.

7.**Teamwork and Working Relationships:** Employee's effectiveness in working within a team environment and resolving conflict with others including:

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(a) The employee's ability to build trust and cooperation through clear and open communication among team members; perform one's fair share of the group effort; collaborate effectively with others to accomplish work goals; lead the team through conflict and honor team agreements.

(b)The employee's ability to build and maintain effective working relationships with customers, coworkers inside and outside of the Department and supervisors.

8.**Career Development:**Whether the particular assignment fits within the employee's previously identified career development plans.

1001.3.1 SPECIFIC QUALIFICATION REQUIREMENTS
Non-patrol assignments include both Specialty and Detective positions. Employees serving in a Specialty position as outlined in 1001.5 are eligible to apply for Detective positions without having to return to a patrol assignment for one year.

Any employee who is assigned to a Detective position as outlined in 1001.5 must work in patrol for one calendar year prior to being eligible for another non-patrol assignment. The one year period must be exhausted prior to the beginning date in the assignment, not at the time of application. Any employee who is appointed to a non-patrol assignment without an application and selection process is not subject to this requirement.

All sworn personnel who meet the minimum qualifications may apply for a Major Crime Unit position regardless of their current assignment, and the mandatory service in patrol between detective assignments is waived for a Major Crime Unit positions only.

Personnel interested in applying for a non-patrol or collateral duty assignment may do so, even if they are the subject of a pending internal affairs investigation. However, should the candidate be selected for the position, final approval of the assignment could pend at the discretion of the Chief until the investigation is complete and findings rendered.

Employees must continue to meet the expectations of their primary duty assignment to retain a collateral duty assignment.

1001.3.2 DEPARTMENT QUALIFICATION REQUIREMENTS
In addition to individual qualification requirements, the following factors will be considered (this is not an exhaustive list):

1.Promoting specialty assignment opportunities for a broad range of personnel within the Department.

2.The particular needs of the Department and the specialty unit at the time of the selection.

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### 1001.4 SELECTION PROCESS

All transfers and assignments are the sole prerogative of the Chief of Police and do not require a selection process.

The Office of the Chief must approve filling any vacancy and the process for selection, if any. When a selection process is utilized, the following steps will be followed:

1.The Division Commander or designee of the Division anticipating the vacancy shall notify the Office of the Chief of the vacancy, the justification for filling the vacancy, the recommended process for filling the vacancy and the criteria by which all applicants should be considered.

2. If a selection process is used, the VPD Human Resources (HR) Representative will coordinate the process including:

(a) Reviewing all announcements for compliance with Equal Employment Opportunities (EEO) regulations and Department requirements including whether it contains the qualifications as identified in the position announcement.

(b) Posting an announcement of the vacancy including the minimum qualification requirements and how to apply for the position.

(c) Assistance with preparation of interview questions to assure compliance with EEO regulations and Department requirements.

3. Vacancy announcements must be posted and letters of interest accepted for at least fourteen (14) calendar days.

4. Candidates who are qualified and interested in applying for the position are responsible for submitting required application materials within the application period.

5. After the closing date of the position, the VPD HR Representative shall review the applications to determine whether applicants meet the minimum qualification requirements. If an applicant does not meet the qualification requirements the VPD HR Representative will notify the applicant and inform him/her that they will not be considered for the position.

6. The following information will be considered in the selection process and, if necessary, addressed in an interview with the candidate:

(a) Performance evaluations for at least two (2) years.

1. If an employee is qualified for the listed position and only has one evaluation, that will be acceptable.

(b) Any commendations, corrective or disciplinary actions, as well as on-going performance improvement plans received by each candidate.

(c) Whether each candidate is available to work the hours required by the assignment.

(d) Each candidate's internal affairs history.

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(e) Performance information and recommendations from present and/or previous supervisors.

7. Interviews, if any, will be conducted by an interview committee consisting of:

(a) An Assistant Chief (optional).

(b) The Commander from the division in which the vacancy occurs, if the position being filled is a sergeant or above.

(c) The Lieutenant from the division in which the vacancy occurs, if the position being filled is an officer/detective.

(d) A supervisor from the unit with the vacancy or other subject matter expert.

(e) A City of Vancouver HR representative will participate in the interviews to assure compliance with applicable laws and Department requirements.

(f) Command may allow community partners to assist in interviews if the position is applicable to such involvement. (such as NPO's or SRO's ect...)

(g) The interview Committee Chair will be the highest ranking officer from the division in which the vacancy occurs.

(h) In cases of conflict or if one of the above listed representative are not available, a designee can be appointed by the Office of the Chief.

If the assignment is advertised to candidates outside of VPD (e.g., SWAT/TEMS), the panel may include an additional representative from another law enforcement agency if the supervisor of the selected candidate is not a VPD employee or the administering agency is not VPD.

8. HR will provide appropriate training for the raters prior to the interview process.

(a) The interview committee will adhere to the panel member agreement provided prior to the interview. The panel member agreement will address the following: confidentiality, consistency, objectivity and professionalism.

9. The Interview Committee will determine the strengths/weaknesses of each candidate and rank the candidates based on the questions asked during the interview and other material considered during the selection process.

10. The Interview Committee Chair will review the information obtained during the interview process to ensure consistency with Department selection criteria.

11. The Interview Committee Chair will report the strengths/weaknesses of each candidate to the Assistant Chief over that assignment with a recommendation as to the best qualified candidate for the position. The Chief of Police or designee will make the final decision.

12. The VPD HR Representative will ensure that all notes and other written information created during the selection process are retained according to Department policy and applicable records retention laws.

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13. The interview panel will rank each candidate consistent with HR standards.

    (a) A list of candidates and their ranking will be kept on file for at least 6 months and will be used to fill the position unless other action is taken by the Office of the Chief.

    (b) The Chief of Police retains discretion in regards to the order of who gets the position.

## 1001.5 SPECIALTY AND DETECTIVE ROTATIONAL SCHEDULE

**Specialty Positions:**

(a) Administrative Sergeant 5 years

(b) Audit Sergeant 5 years

(c) Case Management Sergeant 5 years

(d) Training Sergeant 5 years

(e) Training Cpl./Ofc. 4 years

(f) DT Master Instructor 8 years

(g) Range Master 8 years

(h) School Resource Officer 5 years

(i) Special Operations Sergeant 5 years

(j) Neighborhood Police Officer 5 years

(k) Neighborhood Response Team Sergeant 4 years

(l) Neighborhood Response Team Detective 2 years

(m) USMS Task Force Detective 4 years

(n) Canine Officer-Master Instructor WLOD/10 years

(o) Canine Officer WLOD/5 years

(p) Traffic Sergeant Motor/Car 6 years

(q) Traffic Motor Cpl./Ofc. 6 years + 2 years Reconstructionist

(r) Traffic CTE Cpl./Ofc. 6 years + 2 years Reconstructionist

(s) Traffic Car Cpl./Ofc. 6 years + 2 years Reconstructionist

(t) Bicycle Patrol Officer 3 years

**Detective Positions:**

(a) Major Crimes Sergeant 6 years

(b) Major Crimes Detective 10 years

(c) Child Justice Sergeant 6 years

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(d) Child Justice Detective 7 years

(e) Elder Justice Detective 7 years

(f) DECU Sergeant 6 years

(g) DECU Detective 7 years

(h) DV Sergeant 6 years

(i) DV Detective 6 years

(j) DTF Sergeant 6 years

(k) DTF Detective 6 years

(l) SSGTF Sergeant 6 years

(m) SSGTF Detective 6 years

(n) Special Investigations Sergeant 6 years

(o) Special Investigations Detective 6 years

(p) Property Crimes Sergeant 4 years

(q) Property Crimes Detective 4 years

(r) PSU Sergeant 5 years

(s) PSU Detective 2 years

(t) Background Sergeant 5 years

(u) Background Detective Temp

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# Retirements and Separations from Employment

## 1002.1 POLICY

1. **Honorable Service:** It is the policy of the Vancouver Police Department (VPD) to award retirement credentials to those sworn members who retire from employment with VPD in good standing.
2. **Accountability:** VPD shall facilitate, in a fair and consistent manner, the collection of all VPD property issued to a member prior to the member's separation from service. Members must return all city property, before a final paycheck will be issued. Additional separation procedures are documented in the City Policy and Procedure Manual and Personnel Manual.

## 1002.2 DEFINITIONS

**Good Standing:** A status of a Department member who does not have any open or unresolved administrative complaints or criminal charges relating to his/her Department employment that more likely than not would result in termination of employment.

NOTE: A member may appeal, in writing, to the Office of the Chief to have their status changed if facts or circumstances dictate that such a change is warranted after separation from VPD. Final authority for granting a change in standing rests with the Office of the Chief.

**Retirement Credentials:** A 'Retired' Department ID card and wallet with 'Retired' flat badge.

## 1002.3 REIMBURSEMENT

1. Members must assume personal responsibility for all VPD issued equipment.
2. At the time of separation, the member shall be responsible for reimbursing VPD for any issued equipment that has been lost or damaged (other than reasonable wear and tear associated with an item's intended usage).
3. When notified by VPD Logistics unit that reimbursement is due to VPD for lost/ unreasonably damaged issued equipment, members, upon being invoiced or provided a detailed receipt of such items may reimburse VPD by:
   (a) Delivery of payment in full to City of Vancouver Financial & Management Services division.
   (b) Authorization by member for City of Vancouver Financial & Management Services division to deduct the amount due from the member's final payout/ paycheck.

## 1002.4 RETIREMENT - ACTIONS REQUIRED

1. Notification of retirement of any member should be submitted in writing to the Chief of Police at least thirty days before leaving service. The City Policy and Procedure Manual and Personnel Manual establish policies and procedures related to employee retirement.

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2. Only commissioned members who retire in good standing with VPD are eligible to obtain retirement credentials. The final approval for granting retirement credentials shall be given by the Office of the Chief or an authorized designee.
3. Equipment/Uniform Return: The separating member will schedule an agreed upon time with VPD Logistics to return all VPD issued equipment. Once all items are returned or otherwise accounted for, a Logistics representative will inform the Office of the Chief that the equipment turn-in has been completed.
4. The City Policy and Procedure Manual and Personnel Manual establishes policies and procedures related to employee retirement.

## 1002.5 RESIGNATION - ACTIONS REQUIRED

1. Upon the decision to resign from service, the member shall notify the VPD Office of the Chief at least two weeks in advance of the desired date of resignation.
   (a) Failure to give notice as required may be cause for denying future employment by the City of Vancouver.
2. Equipment/Uniform Return: The separating member will schedule an agreed upon time with VPD Logistics to return all VPD issued equipment. Once all items are returned or otherwise accounted for, a Logistics representative will inform the Office of the Chief that the equipment turn-in has been completed.
3. Additional separation procedures are documented in the City Policy and Procedure Manual and Personnel Manual.
4. A member resigning in good standing with 10 years of commissioned law enforcement service will be issued a Retired Identification card.
5. At the discretion of the Chief of Police, a member resigning with 15 or more years of continuous commissioned service at the Vancouver Police Department may be provided retirement credentials.

### 1002.5.1 WITHDRAWING RESIGNATION

At the discretion of the Chief of Police, an employee may withdraw a resignation at any time prior to its effective date, provided the position has not already been filled.

## 1002.6 OTHER REQUIRED DEPARTMENTAL ACTIONS

Upon retirement or resignation notification to the VPD Office of the Chief, the following actions will occur:

1. The member's chain of command will determine if the separating member has:
   (a) any incomplete assigned incident reports. If so, ensure that the member completes all outstanding incident reports prior to completing the separation process.
   (b) any outstanding investigative evidence required to be entered into the VPD Evidence system. If so, ensure that all evidence items are accounted for and properly entered into the VPD Evidence system prior to completing the separation process.

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2. The VPD Professional Standards Unit (PSU) will advise the Office of the Chief of any outstanding personnel investigations that the member may still be involved with (e.g., as a complainant, witness, subject under investigation, etc.).
3. After the member has completed their final equipment turn-in, a Logistics representative shall advise the Office of the Chief whether all items are accounted for, or the status of any items unaccounted for.
4. The Office of the Chief will advise all city and departmental Information Technology (IT) administrators of the member's separation date.

NOTE: If a member is being terminated or otherwise separating from the Department while not in good standing, modifications to this process may occur.

## 1002.7 RETIREE FIREARMS TRANSFER

The Vancouver Police Department recognizes that when a police officer is determined to be retiring in good standing, the firearm they carried over the course of their career is often regarded as a significant piece of equipment. To legally transfer possession of the retiree's respective handgun from City ownership to that of the retiree, the following process shall be followed. All costs associated with firearm replacement and transfer of firearm ownership are the responsibility of the retiring officer.

### 1002.7.1 FIREARM TRANSFER PROCEDURE

(a) The Department will follow RCW 9.41.113 for any such transfer which shall include using a licensed firearm dealer to facilitate the transaction.

(b) During the period when the transfer paperwork process is on-going, the City retains ownership of the gun, although it may continue being issued to the retiring officer.

(c) When the retiring officer or Department is notified that the licensed dealer background check process has been completed, the officer will return and complete the transaction.

(d) It is responsibility of the retiring officer to pay for any associated processing fees.

(e) The City of Vancouver will provide an invoice to the retiring officer for the cost of the firearm

(f) To replace the retiring officer's firearm, the retiring officer will ensure the City is reimbursed for the cost of the new firearm before the final transfer of the firearm occurs.

(g) The VPD Training Sergeant and designated Rangemaster will ensure that all firearms transfer documentation is retained.

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# Promotions

## 1003.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion through Civil Service positions including Corporal, Sergeant, Lieutenant and Commander and outlines a selection process for promotion.

*Policy and procedure for selection to a specialty assignment or collateral assignment are outlined in* ***Policy 1001 - Specialty and Detective Assignment Selection.***

## 1003.2 POLICY

The Vancouver Police Department complies with the City of Vancouver's Civil Service Rules and applicable laws for promotions including qualification requirements, examination plans and selection process. All elements used to evaluate candidates for promotion are job related and non-discriminatory.

## 1003.3 GENERAL REQUIREMENTS

The following values will be used in evaluating employees for promotion as is appropriate for the position. This is not an exhaustive list:

1. Job Skills
2. Quality of Work
3. Quantity of Work
4. Customer Service
5. Work Habits
6. Leadership Skills
7. Supervisory Skills
8. Honesty and Integrity
9. Non-Emergent Decision-Making/Reasoning
10. Self-Management and Self-Esteem
11. Problem Solving and Creativity
12. Teamwork
13. Conflict Resolution
14. Working Relationships

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### 1003.4 QUALIFICATICATIONS

A candidate must meet the minimum qualification requirements as outlined in the applicable Civil Service Rules or collective bargaining agreement on or before the first day of examination, unless otherwise provided.

### 1003.5 SELECTION PROCESS

The Chief of Police will determine the best qualified candidate for the vacant position(s) and make an appointment to the position(s).

The following steps provide a model for selecting a candidate for promotion following certification of an eligibility list. This model does not apply to temporary/acting appointments or commander postilions if external candidates are recruited for the position.

The Chief of Police or designee(s) will take some or all of the following steps to determine the best qualified candidate for the vacant position:

1. Determine eligible candidates with the "Rule of Three" on the appropriate eligibility list as provided by Civil Service Rules.

2. Perform an administrative evaluation for each candidate to include:

    a. Review of the personnel and divisional file with particular attention to performance to evaluations, commendations, corrective and disciplinary action.

    b. Determination of ability to perform the duties outlined in the job description for the rank.

    c. Review of internal affairs history.

    d. Obtaining performance information and/or recommendations from present and pervious supervisors for at least three (3) years.

3. Discuss the strengths/weaknesses of each candidate with a designated Command group.

4. Report all information on each candidate, including the information from the Command group, to the Chief of Police.

5. Conduct an interview with each eligible candidate.

### 1003.6 DOCUMENTATION OF PROMOTIONAL DECISIONS

The Chief of Police will assure that the process and reason for the decision are documents including the following:

1. The names of the individuals involved in the decision-making process.

2. Date and times of the candidates interviews including the name and ranks of all individuals present at each interview.

3. Dates and times of meetings to discuss the promotion decision including the names and ranks of all individuals present at each meeting.

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The Police Human Resources Liaison maintains all documentation created during the process, including individual notes, in confidential files separate from the personnel file.

### 1003.7 EMPLOYEE FEEDBACK

Candidates are encouraged to seek constructive feedback regarding their performance during the examination process by:

1. Requesting information regarding strengths and areas that could be improved from the raters and decision-makers. Strengths and areas for improvement may involve performance during the exam process or in an employee's work performance, experience, training, or other job related issue that was considered during the promotional process.

2. Reviewing exam information provided that information may not be reviewed between the time the exam schedule is approved by the Civil Service Commission and the exam. "Exam information" includes written exams and exam answer keys, and rater comments from the interview panels or other assessment. "Exam information" does not include rater names or a right to review the actual written rater notes.

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# INTERNAL AFFAIRS INVESTIGATIONS (Professional Standards)

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## 1004.2 PURPOSE AND POLICY

### PURPOSE

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*INTERNAL AFFAIRS INVESTIGATIONS (Professional Standards)*

The purpose of this policy is to provide guidelines for the reporting, Investigation, and disposition of Complaints regarding the conduct of current Employees of the Vancouver Police Department (VPD). The Office of the Chief strives to maintain an Employee/Employer relationship while balancing the need for transparency, fairness and equity. This policy serves to notify Employees of departmental expectations relating to the Investigation of allegations of Misconduct, discipline and associated procedural requirements.

The policies and procedures outlined in this document are intended to reflect the values of Vancouver Police Department:

- Open, honest and direct communication throughout the agency.
- Accountability to the public we serve.
- Responsiveness to our community's priorities and needs.
- Maintain self-discipline and credibility through honest, moral and ethical behavior.
- Respect, professionalism and open mindedness towards every person we contact.
- Commitment to teamwork and cooperation among Department members and the community.

**POLICY**

A relationship of trust and confidence between members of VPD and the community it serves is essential to effective law enforcement. In order to preserve that relationship, it is crucial that public confidence be maintained in the ability and willingness of the Department to investigate and properly adjudicate allegations of Misconduct made against its Employees. To accomplish this, there must be both an expectation of, and system for, review of any allegation. This system of review needs to be responsive to both internal and external information.

VPD has established a system of Administrative Investigations and adjudication procedures that will preserve both the obligation to the public and the rights of its Employees. This system is meant to assure fair treatment of all Employees, help Employees to be successful, and correct Employee actions when improper. It is also intended to provide for organizational review to determine appropriateness of agency policies and procedures, training and/or supervision.

If discrepancies exist between this policy and a Collective Bargaining Agreement, such dispute will be resolved with the language in the Collective Bargaining Agreement taking precedence

### 1004.3 PROFESSIONAL STANDARDS UNIT (INTERNAL AFFAIRS FUNCTION)

The Professional Standards Unit (PSU) oversees the Internal Affairs Function for VPD. The primary purpose of the Internal Affairs Function is to ensure full, fair, objective, and timely Investigations of alleged Misconduct, or failure to follow Department policies or procedures, are conducted and documented.

It is not the purpose of the Internal Affairs Function to usurp the management responsibilities of Department supervisors. Supervisors shall continuously monitor the work environment to

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anticipate problems among Employees before they manifest as improper behavior or debilitating conditions. Supervisors will identify potential problematic behavior or training needs, and provide professional support in a consistent and fair manner; they will hold Employees accountable through the use of established Department systems for imposing corrective and disciplinary action.

### 1004.4 DEFINITIONS

The following definitions will be used throughout this policy:

**Administrative Investigation/Investigation:** The formal action by,or on behalf of, the Department to fully, fairly and impartially gather all relevant information (i.e., investigative procedures and processes following receipt of a Complaint, or allegation, of Employee Misconduct) in order to render findings and, if necessary, impose discipline. Depending on the seriousness of the allegations and/or the complexity of the investigation, Investigations can be assigned to the Professional Standards Unit or another supervisor based on recommendations from the chain of command, and as decided by the Office of the Chief. The Office of the Chief has the authority to utilize outside investigator(s) for discrimination, harassment, retaliation, whistleblower complaints or some incidents involving administrative or management employees. If an outside investigator(s) are utilized, the Office of the Chief will provide a reason to the Guild or Union.

**Complaint:** A complaint is a notification or report of facts which, if proven true, would amount to Employee Misconduct by one or more members of the Department.

**Complaint Form:** Standardized form designed and used to record the elements of a complaint.

**Corrective Action:** Any corrective counseling, memorandum of counseling, documentation of training, mentoring, or coaching provided to an Employee performing below expectations.

**Decision-Maker:** The person responsible for reviewing the investigative file (i.e., all of the documents and associated recording related to the Investigation), and rendering the appropriate supported findings (i.e., disposition classification) for the alleged Misconduct.

**Discipline Guide:** The guidelines utilized to determine the appropriate level of discipline, if any (see Appendix B).

**Formal Discipline:** Any sanction that penalizes an Employee financially through loss of pay or accrued leave (e.g., demotion, suspension, removal, leave without pay, etc.) as set forth in City Policy or relevant Collective Bargaining Agreements.

**Guild/Union:** This refers to the represented employees from the Vancouver Police Officer Guild, Vancouver Command Guild, and OPEIU.

**IA-Pro/Blue Team:** Software that allows officers, supervisors and managers to enter and manage agency identified incidents through a step-by-step internet-style interface.

**Incomplete Complaint:** A matter in which the party initiating a Complaint either refuses to cooperate or becomes unavailable after diligent follow-up investigation.

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**Inquiry:** An inquiry is an expression of dissatisfaction with a policy, procedure, practice, philosophy, service level or legal standard of the agency. An inquiry does not include an allegation of Misconduct or violation of policy by a Department member.

**Member/Employee:** Any person whether paid, unpaid, temporary, permanent, probationary, volunteer, appointed, non-appointed, commissioned, or non-commissioned, who is employed or supervised by VPD. The terms "Member" and "Employee" have the same meaning in this document.

**Misconduct:** Any violation of laws, ordinances, City and/or VPD policies/procedures.

**Office of the Chief:** The Chief's Office includes the Chief of Police and the Assistant Chief(s).

**Preliminary Investigation:** Review of basic information conducted by, or on behalf of, the Department to evaluate:

1. whether, if true, an act or omission would constitute Misconduct,
2. whether a Complaint is capable of being proven true, or
3. whether a more appropriate means of redress (e.g., the just ice system) is already being utilized.

**Professional Standards Unit (PSU):** The Professional Standards Unit includes all Employees assigned to the unit by the Chief of Police. For the purpose of this policy, PSU operates as an extension and with the authority of the Office of the Chief.

**Supervisor:** Any commissioned or civilian Employee of the rank of Corporal, or above, or any professional staff Employee with supervisory responsibilities.

**Third Party:** Any person other than the individual alleged to have been injured, offended or aggrieved by a Member of this Department. The term "third-party" specifically includes witnesses, Uninvolved bystanders and citizens who learn about the incident or conduct indirectly through the internet or other media sources (e.g., those who have information based on what they have viewed online), but does not include a Supervisor or another Member of this Department who directly observes acts or omissions that may constitute a policy violation.

**Time/Time Frames:** All references to time or time frames are calendar days.

**Written Reprimand:** A Written Reprimand can be considered the first grievable level of discipline if set forth in relevant Collective Bargaining Agreements.

### 1004.5 ACCEPTANCE OF COMPLAINTS/INQUIRIES

A Complaint/Inquiry can come from any source (external, internal, anonymously, or Third Party) but will generally be required to contain details of known or suspected acts or omissions as opposed to vague, unsupported generalities (i.e., threadbare assertions of policy violations that are devoid of particularized facts generally will not suffice as a Complaint).

While it is preferred that a Supervisor receives and documents a Complaint/Inquiry, any Department Employee can accept a Complaint/Inquiry and forward it to a Supervisor and PSU.

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Complaint Forms will be available at the front counter of all Police Department facilities, and on-line.

A Complaint/Inquiry may be filed in person, in writing, by email, by Department website, or by telephoning the Department. The following should be considered before taking a Complaint:

(a) When an uninvolved Supervisor reasonably determines that the reporting person is satisfied that their Complaint required nothing more than an explanation regarding the implementation of Department policy or procedure, a Complaint need not be investigated. The supervisor shall document the Complaint in Blue Team as dissatisfaction with the agency and forward through the chain of command to the Office of the Chief and PSU for review.

(b) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a Complaint Form. A Supervisor shall make an entry into Blue Team and forward through the chain of command to the Office of the Chief and PSU. The Professional Standards Unit shall be notified for tracking and attempt to contact the complainant.

(c) Depending on the urgency and seriousness of the allegations, Complaints from juveniles should generally be taken only with their parents or guardians present, and after the parents or guardians have been informed of the circumstances prompting the Complaint.

### 1004.6 ALLEGATIONS OF CRIMINAL CONDUCT

The Office of the Chief shall be notified as soon as practical when an Employee is formally accused of criminal conduct (this does not include minor traffic infractions). The Office of the Chief may request a criminal investigation by an outside law enforcement agency. Any separate Administrative Investigation may parallel a criminal investigation subject to applicable legal constraints (e.g., Garrity).

An Employee accused of criminal conduct shall be provided with all rights and privileges afforded to any member of the community, and the Employee shall not be administratively ordered to provide any information to a criminal investigator.

### 1004.7 PROCESS FOR IN-TAKING COMPLAINTS

Upon receipt of a Complaint or suspected Misconduct by an Employee, the in-taking Supervisor will:

(a) Obtain or articulate the details of the Complaint.

    (a) This can be accomplished via Personnel Complaint Form, in person, phone contact, email, etc.

        i. All complainants, whether or not they sign a Complaint Form, or initial a memorandum, will be advised there may be legal consequences for making false allegations.

(b) Determine if Protective Action is required, (See below, Section 1004.10)

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(c) Enter the details of the Complaint into Blue Team.

(a) While entering the Complaint, select the options in Blue Team that are most appropriate based on the information that is available.

(b) Include applicable documents and photos (i.e., reports, memos, CAD calls, etc.).

(d) The in-taking Supervisor must complete the process for in taking Complaints as soon as reasonably practical.

### 1004.8 PSU PROCESS FOR CLASSIFYING COMPLAINTS

Upon receipt of a Complaint, PSU will:

(a) Assign a permanent tracking number and carbon copy the Complaint to the Employee's chain of command.

(b) If the Complaint is from an Anonymous or Third Party source, a Preliminary Investigation will be conducted by PSU to determine the appropriate action for resolving the Complaint.

(a) PSU shall provide the subject Employee notice of the Preliminary Investigation as stated in 1004.11.A and1004.12.D.1.

(b) If, after a Preliminary Investigation, the Complaint requires additional action, confirm the Complaint has been classified into the appropriate category (i.e., Inquiry, Corrective Action, or an Investigation).

(c) If the Complaint will require an Investigation, PSU will assure the Complaint Form includes any necessary signatures; however, a signature is not required for Complaints that may result in Formal Discipline as defined in this policy.

(d) If additional fact gathering is necessary to make a determination of how to classify the Complaint, the Office of the Chief, or designee, may gather information to assist with the classification. Such fact gathering may include appropriate police reports, applicable emails or dispatch call notes.

(e) If PSU determines an Investigation is merited, they will assign the Investigation (as detailed below) and notify the subject Employee(s) no later than seven (7) days after such determination. (See also, 1004.12.D, Notifying the Subject of the Investigation)

(f) If PSU determines that an Investigation is not warranted based on the available facts, the PSU Lieutenant will articulate this in a memorandum recommending that no action be taken (i.e., Declined (see Section 1004.18(F))). The memo will be routed to the appropriate Assistant Chief for approval. If approved, the case will be closed as Declined, and any subject Employees will be notified. If the recommendation is not approved, the Assistant Chief will direct PSU to assign the Investigation to an investigator, per policy.

### 1004.9 ASSIGNMENT OF A COMPLAINT OR INQUIRY

Following classification by PSU, the Complaint will be assigned to the PSU Lieutenant or the appropriate Division Commander for investigative assignment, as follows:

(a) **Inquiry** – The Inquiry is referred to the Audit Supervisor for review and any necessary action.

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(b) **Corrective Action** – Typically, Corrective Action will be assigned to the Employee's Supervisor for review and follow up action as necessary; however, it may be assigned to another Supervisor at the discretion of the Division Commander or designee. Applicable documentation, and any action taken, will be documented in Blue Team and forwarded through the chain of command to the Office of the Chief and PSU.

(a) Unless a repeated occurrence in the past 12 months, at-fault **traffic collisions that involve minor damage (e**.g., backing into an object or property damage only of a minor nature) may be handled through Corrective Action.

(c) **Investigation –** Allegations of Misconduct not classified as Inquiries or Corrective Action will be assigned to either PSU or the appropriate division, as determined by the Office of the Chief.

(a) If an employee is involved in more than one (1) at-fault crash within a 12 month period, a supervisor shall handle this as an Investigation.

(b) Regardless the number of occurrences or determination of fault, collisions that result in injury, more than a complaint of pain, or major property damage (as defined by RCW 46.52) shall be handled as an Investigation.

## 1004.10 TAKING NECESSARY PROTECTIVE ACTION

Prior to beginning an Investigation, the Chief and/or the Chief's designee shall determine if it is necessary to take Protective Action. Protective Action may include, but is not limited to, the following:

### A.Emergency Relief from Duty

(a) Any Supervisor may relieve a member from duty in an emergency when it appears such action is in the best interest of VPD and/or the community.
Conditions for emergency relief from duty may include, but are not limited to:

(a) Alleged commission of a crime that could result in loss of eligibility to perform essential job functions.

(b) Reasonable suspicion the Member is under the influence of either alcohol or drugs on duty.

(c) Apparent psychological problem.

(d) Apparent inability or refusal to perform the essential functions of their job.

(b) The Supervisor imposing the emergency relief from duty shall:

(a) Notify the member's chain of command of the action taken.

(b) Complete Blue Team documentation.

(c) Instruct the Member they should not report to duty until notified by the Office of the Chief.

(d) If necessary, require the Employee to relinquish his/her badge, Department identification, Department-owned firearms, key fobs/cards and/or other Department equipment.

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**B.Administrative Leave**

A Member may be placed on administrative leave with pay and benefits during an Administrative Investigation involving the member's conduct.

1. Administrative leave will be considered when:

(a) The Complaint involves concerns about the Employee's ability to perform the essential functions of their job such as allegations of violation of criminal laws or dishonesty.

(b) The Complaint involves Misconduct that may impact the City's ability to provide a safe and non-violent workplace for its Employees such as allegations of harassment, or violence in the workplace.

(c) Removing the Member from duty is in the best interest of the Employee, the Department or the community.

2. Administrative leave shall be approved, in advance, by the Office of the Chief.

3. During the time an Employee is on administrative leave, their case will be reviewed monthly to determine if the circumstances or situation has changed so the Employee can be returned to work, either to their regular assignment or a modified assignment, while the Investigation is in process. A decision as to whether the Member may return to work must be approved by the Chief of Police.

4. Member's Responsibilities During Administrative Leave:

(a) Members on administrative leave shall not engage in any law enforcement activities.

(b) Members shall notify their assigned supervisor as to where they can be reached, and must be available during regular business hours, unless excused from such requirement in writing by the Chief of Police, or designee.

(c) Members will comply with any other written requirements established while they are on administrative leave status.

5. Employer Responsibilities During Administrative Leave:

(a) When an Employee is placed on administrative leave, PSU will make completion of the Investigation a priority over other pending Investigations, except pending Investigations where another Employee was placed on administrative leave at an earlier date.

(b) The Office of the Chief, or their designee,will notify the affected Union or Guild that the Member was placed on administrative leave.

(c) When an Employee is on administrative leave, a Personnel Order shall be prepared by the Office of the Chief and distributed notifying Department members of who is on administrative leave, if they have access to police facilities, and whether or not their peace officer powers are still in effect or if they have been removed.

(d) After an Employee has been assigned to a period of administrative leave exceeding 30 days, and each month thereafter, the Chief shall inform the City Manager of the

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reasons for continued use of administrative leave, an update on the progress of the Investigation, and the estimated duration of administrative leave.

6. Review of Administrative Leave:

(a) After an Employee has been on administrative leave for 90 days, the involved Guild or Union may request a meeting with the City Manager to voice its concerns about the length of the leave and why the subject Employee should be returned to work. The City Manager may take whatever actions they deem necessary, within the guidelines of this policy and any other applicable Department policy and/or labor agreement, regarding the administrative leave. This is not an appeal or grievance process and there is no appeal of the City Manager's decision.

(b) Provided the Guild, Union, or Employee subject to this policy has given the City Manager notice that it intends to file a grievance not more than 129 days after the Employee was placed on administrative leave and meet with the City Manager upon request, the Guild or Union may grieve the placement of an officer on administrative leave for more than 150 days. Such grievance will be heard on an expedited basis by an Arbitrator [parties to agree on 3-5 arbitrators to list as this panel]. The Arbitrator with the earliest available hearing date will conduct the arbitration. The Arbitrator will be requested to issue an expedited, summary award. The Arbitrator's fees and expenses will be borne by the City if the Employee is removed from administrative leave. The Arbitrator's fees and expenses will be borne by the Guild or Union, if the Arbitrator continues the administrative leave.

(c) This section does not apply to Employees who are being criminally investigated.

**C. Transfer to another Job Position**

(a) An Employee may be temporarily removed from their job position or specialty assignment during the Investigation and placed in another established position or a position created for the Employee within VPD.

(b) This action is not disciplinary and will not result in a reduction or loss of wages.

(c) This action may include directing a uniformed Employee to work in civilian clothing.

(d) The Employee must be returned to their job position or specialty assignment if the findings for the allegations are Not Sustained, Exonerated or Unfounded unless the Department has reasonable grounds not to return the Employee to the position or assignment

**D. Change in Job Responsibilities**

(a) An Employee's job responsibilities or job duties may be changed temporarily by removing or adding certain duties.

## 1004.11 DETERMINING APPROPRIATE ACTION FOR RESOLVING THE COMPLAINT

Complaints can be resolved in one of the following methods:

**A. PRELIMINARY INVESTIGATION**

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The purpose of a Preliminary Investigation is to determine the veracity of the Complaint, and what appropriate action should follow. Permissible steps within the Preliminary Investigation process may include review of shift schedules, court records and interviews with non-members. Preliminary Investigations shall not include interviews of members and shall be completed within ten days of receipt of the Complaint. If no Investigation is warranted and closed by an Assistant Chief, the subject employee shall be provided the information by the end of the 10 day time period. If an Investigation is warranted, the subject employee shall be noticed by the end of the 10 day time period.

**B. PREDISPOSITION SETTLEMENT AGREEMENT**

A Pre-Disposition Settlement Agreement (PDSA) is an alternative method to a full Investigation when conditions are appropriate, especially when an Employee readily acknowledges their error, and wants to conclude the matter promptly. The following procedure will be followed for a PDSA:

(a) A subject may request a PDSA at any time following the incident that caused the need for an Investigation and up to 24 hours following the time of their interview during the Investigation. The Investigation process will continue until the PDSA is agreed upon and signed.

(b) A Supervisor may suggest a PDSA at any time prior to implementation of discipline.

(c) A PDSA must have the approval of the subject Employee, his/her Division Commander and the Office of the Chief.

(d) The subject will be informed of the level of discipline that will be imposed prior to entering into the agreement. The subject has 48 hours to respond after being informed.

(e) The subject must accept responsibility for their actions, and must either write a responsibility memorandum or be interviewed on tape acknowledging the conduct. Additionally, the Employee must agree to waive their individual right to grieve the discipline. The Employee's Guild or Union will not grieve the discipline on behalf of the Employee, but does not waive its right to grieve the actions if there is an issue that impacts the bargaining unit.

(f) The ultimate decision on the determination of discipline rests with the Office of the Chief. Documentation of the process, and the discipline, will be created and maintained in Blue Team.

**C. INVESTIGATION**

The extent of the Investigation is determined by the nature and seriousness of the allegations, performance problem or alleged Misconduct involved.

Responsibility for conducting the Investigation of Complaints shall depend on the types of allegations included in the Complaint. The following procedures will be used to determine who has responsibility for conducting an Investigation. The Office of the Chief retains authority to assign Investigation responsibility outside of any of the guidelines outlined in this policy as necessary if the Chief provides a reason for the decision.

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If the reporting party makes the initial Complaint to the Human Resources Department, the information will be referred to PSU and the procedures outlined in this policy, including who is responsible for conducting the Investigation, will be followed.

(a) **Criminal**

(a) For an officer use of deadly force that results in death, substantial bodily harm, or great bodily harm, an independent Investigation must be completed by the Regional Independent Investigations Team (IIT).

(b) For all other criminal Investigations, the Chief of Police may request the Investigation be conducted by an outside law enforcement agency or the Regional Major Crimes Team. If the Investigation is assigned to the Regional Major Crimes Team, the lead investigator will not be a VPD Employee.

(c) An Administrative Investigation and a criminal Investigation may be conducted concurrently. However, the Administrative and criminal Investigations shall be conducted independently and separate from one another.

(d) When the Administrative Investigation may interfere with the criminal Investigation, the Administrative Investigation should be delayed.

(e) Information derived from the criminal Investigation may be revealed to the staff member(s) conducting the Administrative Investigation.

(b) **Administrative**

(a) The investigative responsibility for all Complaints will be determined by the Office of the Chief, or designee.

(c) **When Command Staff are Subjects of a Complaint**

(a) If a Commander or a Lieutenant is the subject of the Complaint, the information shall be routed to the Office of the Chief to determine investigative responsibility. The Office of the Chief will assign Command Staff to conduct an Administrative Investigation on a Commander or Lieutenant.The Office of the Chief has the authority to utilize a PSU investigator or outside investigator(s). If a PSU investigator or an outside investigator(s) is utilized, the Office of the Chief will provide a reason to the Command subject and their Guild.

(b) If an Assistant Chief is the subject of a complaint, the Police Chief will determine investigative and decision making responsibility.

(c) If the Chief is the subject, the information shall be routed to the City Attorney, Human Resources Director or Deputy City Manager to determine investigative responsibility; the Deputy City Manager or designee shall thereafter render findings and impose any necessary Corrective Action or discipline

## 1004.12 CONDUCTING THE INVESTIGATION, INQUIRY OR CORRECTIVE ACTION

Any individual conducting an Investigation, whether it is an investigator assigned to PSU or a Supervisor in the Employee’s chain of command, shall follow these guidelines as outlined in this document.

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*INTERNAL AFFAIRS INVESTIGATIONS (Professional Standards)*

**A. Due Dates and Extensions**

It is in the best interest of the Employee, complainant, VPD and the City, that Administrative Investigations be completed in a reasonable period of time. The following procedures will be followed to meet those interests:

1.Due Dates

(a) It is difficult to guarantee, or fairly determine, a specific time limit for all Investigations, and it is important these Investigations be both thorough and expedient.

(b) Investigators will establish a deadline for completion of each Investigation, Inquiry, or Corrective Action at the time the Investigation, Inquiry, or Corrective Action is opened.

1. For Inquiries and Corrective Actions, the deadline will normally be no longer than 30 days (see Policy 1004.9(1)(2)).

2. For Investigations, the deadline will normally be no longer than 90 days (see Policy 1004.11.C).

(c) Investigators have the authority to establish a shorter or longer deadline if made reasonably necessary by circumstances.

2.Extension of Due Date

(a) If the assigned investigator anticipates the Investigation will not be completed within the designated period of time, they will prepare a written request for an extension.

(b) This request shall indicate what remains to be done, an estimated time for completion and a reason for the request. All extensions must be approved by the Office of the Chief.

(c) If the time for completion of the Investigation is extended, the Employee and the Union or Guild will be notified in writing of the new due date and an explanation as to why the date is being extended.

3. Failure to meet deadlines

Failure to meet the established deadline(s) or to complete the written request(s) for extension **will not** automatically result in closure of the Investigation, and **will not** automatically prevent imposition of discipline.

**B. Role and Authority of the Investigator**

1. Role of the Investigator

The role of the investigator is to be an objective, unbiased fact-finder.

2. Authority of the Investigator

Investigators shall have full authority to decide the extent and manner of the Investigation, and to request all the information and/or evidence necessary to fully conduct an Investigation.

This authority shall include, but is not limited to the following:

(a) Interviews of Employees and other necessary witnesses.

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(b) Obtaining medical and laboratory information in accordance with applicable law. No employee shall be compelled to provide medical and/or laboratory information to investigators unless such information is obtained or required under state law or proper legal procedure.

(c) Using photograph and line-up identification procedures.

(d) Obtaining financial disclosure statements in accordance with applicable law. No employee shall be required or requested to disclose an item of his or her property, income, assets, source of income, debts or personal or domestic expenditures to investigators unless such information is obtained or required under state law or proper legal procedure.

(e) Obtaining information from or otherwise involving an expert.

The Professional Standards Unit will assure all of the protections required by local, state and federal law when obtaining the information.

**C. Preparing to Conduct the Investigation**

The investigator should follow these guidelines to prepare for conducting the Investigation:

(a) Evaluate the specific allegations and determine what issues need to be addressed.

(b) Determine what specific Misconduct, policy violation, procedural violation, criminal conduct or other violation would have occurred if the allegations were proven true.

**D. Notifying the Subject of the Investigation**

Any subject of a Complaint shall be notified that allegations have been made against them by PSU. If a Preliminary Investigation was not required or completed, the following steps shall be followed.

(a) The notification shall be in writing and shall be delivered to the Employee within seven (7) calendar days of receipt of the complaint.

  (a) Exceptions can be made if delivery is not physically possible, notification would prevent an effective Investigation, or notification may place another individual at risk, and with authorization from the Office of the Chief.

  (b) Under any of these circumstances, notification shall be delivered as soon as reasonably possible.

(b) The notification shall contain the nature of the Complaint and the information necessary to reasonably apprise the Employee of the specific allegations, conduct or incident under Investigation and the due date for completion.

(c) Failure to notify the subject as outlined **will not** automatically result in closing the Investigation, and **will not** automatically prevent imposition of discipline.

## 1004.13 SCHEDULING AND CONDUCTING INTERVIEWS

These guidelines will be followed when scheduling and conducting interviews during an Administrative Investigation.

**A. Scheduling Interviews**

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(a) Employees shall be given at least 24 hours of notice prior to a scheduled interview unless the delay in conducting the interview would jeopardize the successful completion of the Investigation.

(b) The notice will advise the Employee whether they are being interviewed as a witness to, or subject of the Investigation

**B. Employee Rights During Interviews**

(a) The interview will be conducted at a reasonable hour, preferably at a time when the Employee is on duty, unless the seriousness of the Complaint requires otherwise, or there is a mutual agreement to conduct the interview during off duty time. If the interview does occur during off-duty time, the Employee shall be compensated for time spent in the interview in accordance with an applicable labor agreement.

(b) All questions directed to the Employee during the interview shall be asked by and through no more than two investigators at one time.

(c) The length of the interview shall be for a reasonable period of time, taking into consideration the gravity and complexity of the issue being investigated. The Employee shall be allowed to take reasonable breaks during the interview process.

(d) The Employee shall not be subjected to offensive language or threatened with punitive action except an Employee refusing to respond to questions or submit to questioning shall be informed that failure to truthfully and fully answer questions that are specifically and directly related to the allegation, conduct, incident, their duties, or their fitness for duty may result in disciplinary action.

(e) No promise of reward shall be made as an inducement to answering any question.

(f) The Employer shall not cause the subject or any witness to be visited by the press or news media.

(g) No police officer shall be compelled to submit to a polygraph examination or voice stress analyzer against their will. No disciplinary action or other recrimination shall be taken against an officer for refusing to submit to such examination nor shall it be noted anywhere in the investigator's notes, or in the investigative report the officer refused to take such an examination, nor shall any testimony or evidence be admissible at a subsequent hearing, trial or proceeding, judicial or administrative, the Employee refused to take such examination.

(h) Subjects may provide evidence and names of other potential witnesses on their own behalf.

(i) The Employee retains any and all rights in accordance with the Employee's Collective Bargaining Agreement.

**C. Employee Responsibilities During Interviews**

Employee responsibilities during the interview process include:

(a) Employees shall be required to meet with the investigator for an interview as a witness or the subject of the Investigation.

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(b) All Employees who are witnesses to, or subjects of an Investigation, are required to cooperate in an Administrative Investigation and to truthfully and completely answer questions.

(c) The assigned investigator(s) will not interview witnesses solely for the purpose of obtaining information about the subject's character.

(d) No Employee shall obstruct, hinder or impede an Investigation or knowingly conceal or misrepresent material facts relating to the subject matter of an Investigation.

(e) All Employees shall keep all information about the Investigation confidential as defined in this policy.

**D. Recording of Interviews**

(a) All interviews, including those done by telephone, can be recorded in accordance with applicable laws.

(b) In all instances, the individual will be advised the interview is being recorded.

(c) All interviews which are recorded shall be transcribed verbatim.

(d) Interview recordings shall only be released in accordance with applicable law.

(e) The Employee interviewed may have access to the recording if any disciplinary proceedings are contemplated, or prior to further questioning.

(f) If a transcription of the recorded interview is made, the individual shall be provided a copy without cost upon request, subject to the confidentiality provisions of this policy.

(g) An individual may bring their own recording device and record any and all aspects of the interview. Their recording and any transcription of their recording shall be subject to the confidentiality provisions of this policy.

**E. Administrative Process (Garrity Rights)**

Members shall cooperate with the process by responding to interview questions truthfully and completely. If a member believes it is necessary to exercise Garrity Rights, they may invoke administrative process by requesting an order to respond. The following guidelines shall apply when such request is made:

(a) The investigator will order the member to cooperate with the Investigation by responding to all questions truthfully and completely.

(b) The questions shall be specifically and directly related to the allegations, the conduct or incident under Investigation, job duties or fitness for duty.

(c) The Employee will be advised failure to answer such questions will result in disciplinary action for failing to obey an order.

The Employee will be advised answers and information obtained may not be used against the Employee in criminal proceedings; however, such information could be used against the Employee in disciplinary proceedings, civil hearings or against another Department member who may be involved in criminal activity.

**F. Representation During Interviews (Weingarten Rights)**

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(a) Employees who reasonably believe an Administrative Investigation interview might result in discipline have a right to union representation under Washington law. (Weingarten Rights)

(b) Employees who are witnesses in an Administrative Investigation may also have a Union or Guild representative (Union/Guild member or Union/Guild attorney).

(c) The representative may assist and counsel the Employee, and reasonably assure the Employees' rights are protected by making brief, non-argumentative objections to questions asked.

(d) The representative will not disrupt the interview or prevent the investigator from obtaining the Employee's truthful testimony.

(e) If the representative wants to make an extended argument or some other statement, they will wait until the end of the interview to do so.

(f) An Employee representative shall not be a witness or sujbect of the same Administrative Investigation

## 1004.14 PROCEDURES WHEN NEW ALLEGATIONS ARISE DURING THE INVESTIGATION

New allegations of Misconduct may arise during the interview/Investigation process. If the allegations are the result of interviewing the subject of the Investigation, the investigator will advise the Employee of the new allegation, on the record, and may continue questioning.

If the allegations are the result of interviewing a witness Employee in the Investigation, and it may cause the witness Employee to become a subject, the interview should be stopped and the new allegations shall be investigated pursuant to the procedures previously outlined in this policy.

## 1004.15 PROCEDURE FOLLOWING COMPLETION OF THE INVESTIGATION

Upon completion of the Investigation, the following action will be taken:

A. The investigator will prepare a final report.

(a) When the investigator is not assigned to PSU, but a VPD supervisor:

  (a) The investigator will forward the file to the Division Commander through the chain of command.

  (b) The Division Commander will designate who will make the decision and/or finding and forward the completed file to the Decision-Maker and notify PSU

(b) When the investigator is a PSU investigator or an outside investigator:

  (a) The investigator will forward the file to the Division Commander through the chain of command.

  (b) The PSU Lieutenant and Administration Bureau Assistant Chief will review the investigative file for completeness (i.e., Investigation addresses the facts and circumstances surrounding the allegations so a Decision-Maker can render a finding). If incomplete, the PSU Lieutenant will return the file to the investigator with comments on what needs to be done.

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(c) Once reviewed, the PSU Lieutenant will consult with the Division Commanders and Office of the Chief to assign a Decision-Maker and forward the complete investigative file to the Decision-Maker and the reviewing chain of command.

(c) The investigator, or PSU, will send a letter to the subject of the Investigation notifying them the Investigation has been completed and the complete Investigation is available for review. The subject of the Investigation will have 14 calendar days to review the file and provide a written response. The subject shall not be required to provide a written response.

## 1004.16 PROCEDURE FOR DECISION MAKING

All findings are preliminary until reviewed through the chain of command to the Bureau Assistant Chief.

A. For Investigations that may result in Corrective Action, the Employee's Supervisor may act as both the investigator and the Decision-Maker.

B. If the Decision-Maker believes additional Investigation is required to determine whether or not Misconduct occurred, he/she will document the additional information required, and why such additional Investigation is needed. Any extensions will be approved in writing by the Office of the Chief, and both the Employee and Union or Guild will be notified of the extension by PSU.

C. For Investigations that may result in sustained findings, the assigned Decision-Maker will support their findings and consider potential discipline as defined by this policy, corrective and/or disciplinary history (if any), the Discipline Guide and similar situations.

D. The assigned Decision-Maker shall communicate with their chain of command any requests to convene an Administrative Review Panel and the Bureau Assistant Chief must approve the request. If an Administrative Review panel is convened, it will not extend the 28 day period/time limit for a Bureau Assistant Chief's review and approval of preliminary finding(s).

E. The Administrative Review Panel may be compromised of any Supervisor and Command Staff in the subject member's chain of command, Employees assigned to PSU, legal counsel and/or the designated Human Resource representative at any time during the decision-making process.

F. A letter will be issued to the subject notifying them of and explaining the findings. The letter will list specific policies violated by the subject. There will be no stacking of multiple overlapping polices, or of general and specific policies, for the purpose of increasing potential discipline. If there are no sustained findings, this letter will serve to close the Investigation.

## 1004.17 TIME FRAME FOR DECISION MAKING

The tracking of and adherence to Decision-Making time frames is the responsibility of PSU; however, the Division Commander shall assist PSU with tracking and time frame adherence regarding Investigations at the divisional level.

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A. Decision-Making should be completed within 28 days.If a decision is not made within 28 days, the Office of the Chief can approve a request to extend the timeline. The Office of the Chief will meet with the Guild or Union of the subject Employee and advise the reason(s) for the delay. The subject Employee shall be notified of the delay and the anticipated completion date.

B. The Decision-Making process begins on the first calendar day following completion or waiver of the subject Member's 14-day review.

1. The Decision-Making review process, excluding Investigations returned to the investigator for further Investigation, should be completed in 28 days.

(a) Investigations returned for additional Investigation generally does not restart the Decision-Making timeline for another 28 days.

C. The review process is complete when the subject Employee is notified that the Decision-Maker is ready to meet with the subject Employee to discuss the findings.

## 1004.18 DISPOSITION CLASSIFICATIONS (FINDINGS)

The following disposition classifications will be used. Each separate allegation must be classified individually:

A. **NOT SUSTAINED**
The Investigation failed to produce sufficient evidence to either prove or disprove the allegation.

B. **EXONERATED**
The allegation did, in fact, occur but the actions of the Employee were legal, justified, proper and in conformance with policy and procedure or the result of a policy or procedure which was in error.

C. **UNFOUNDED**
The Investigation determined the alleged misconduct did not occur, or did not involve Department personnel.

D. **SUSTAINED**
The Investigation produced sufficient evidence to substantiate the allegation of an act or omission which was determined to be Misconduct and/or violation of policy.

E. **SUSPENDED**
An Administrative Investigation can be suspended when one of the following occurs:

1. The complainant withdraws the Complaint, becomes uncooperative or refuses to assist with the Investigation.

2. The complainant cannot be located.

3. The Employee separates from employment with the City of Vancouver before the conclusion of the Investigation, or before a final disposition is rendered

Any Investigation may be re-opened upon the discovery of new, substantive information or evidence that may change the original final disposition unless the Employee is no longer employed by the Vancouver Police Department. In this case, the Investigation will remain Suspended.

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F. **DECLINED**

After a Preliminary Investigation, the Chief of Police or designee may Decline to investigate the allegations in a Complaint and take no further action or refer the Complaint to the appropriate Supervisor upon the satisfactory evidence of:

1. No Misconduct: The Employee's conduct, as alleged within the Complaint, does not constitutes Misconduct.
2. Minor or De Minimus Rules Violation: The Employee's conduct, as alleged within the Complaint, would constitute - at most - a minor technical violation that, if sustained, would not result in discipline and is too minor or too vague to warrant supervisory intervention
3. No Jurisdiction: The Complaint is against a non-employee, former Employee, or an employee of another department or other agency; or the Employee resigns, retires, or will no longer be employed by the Department by the time an Investigation and disciplinary process could be completed. (Despite the option to Decline Investigations into former members, Investigations may be appropriate based on the nature and seriousness of the allegation and potential civil rights implications).
4. Judicial or Administrative Review: The allegations have been, or will be, subject to effective judicial or administrative review. A pending tort claim or lawsuit generally shall not be a sufficient basis for declining to investigate a Complaint.
5. Unidentifiable Member: A reasonable Preliminary Investigation has failed to identify the subject member.
6. Previously Investigated or Adjudicated: The alleged conduct was previously investigated, or adjudicated, by the department, and the current Complaint does not provide substantial new evidence.
7. Lacks Investigative Merit: Specific articulable reasons exist why there is no reasonable possibility that an Investigation will sustain the allegation or the Complaint is not credible or reliable.
8. Insufficient Resources: The workload of the Professional Standards Unit significantly exceeds available resources, and will continue to exceed available resources, for the foreseeable future and available resources are needed to be focused on more serious and more provable Complaints.

## 1004.19 PROCEDURE FOR HANDLING PRELIMINARY SUSTAINED FINDINGS (LOUDERMILL HEARING)

If the Administrative Investigation is preliminarily sustained and discipline recommended, a copy of the Investigation file will be given to the Employee by PSU. Prior to a final decision, the subject of a sustained allegation(s) will have an opportunity to meet with the Decision-Making authority. During this meeting, the Employee will be given the opportunity to speak or provide written correspondence on their own behalf in response to the proposed finding and/or any discipline (Loudermill Hearing).

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A. The Employee will have 14 calendar days following the date of the notice of findings to request the meeting.

B. If the Employee identifies deficiencies in the Investigation, the Decision-Maker can set aside the findings and send the Investigation back to an investigator for additional work.

C. Following the meeting, or in the absence of a proper request for a meeting, a decision will be made as to whether discipline is necessary. The decision and/or discipline will be provided to the subject in writing.

D. No member may be disciplined for alleged misconduct if the City has known of the allegations for more than 12 months.

## 1004.20 PROCEDURE FOR CLOSING THE INVESTIGATION

A. Once the closing letter is issued, the final Investigation file will be forwarded to the Professional Standards Unit in Blue Team.

B. PSU will provide the Guild or Union a copy of all sustained Investigations when the Investigation is completed.

C. PSU will contact the initial complainant to report the findings of the Investigation. The date, time, location and method of this contact will be documented along with any comments made by the complainant.

## 1004.21 DECISION TO DISCIPLINE

The Discipline Guide shall be utilized when determining the appropriate level of discipline.

### A. USING THE DISCIPLINE GUIDE

1. Supervisors will use the Department's Discipline Guide when determining the appropriate level of discipline.

2. Disciplinary actions are expected to be in the standard range on the Discipline Guide.

3. The standard range is intended to be the appropriate discipline for violations most likely to occur in each category.

4. The mitigating and aggravating circumstances will be used to determine the most appropriate level of discipline within the range.

### B. PROGRESSIVE DISCIPLINE

1. The basic principle of progressive discipline is the process of using increasingly severe disciplinary steps or measures when an Employee fails to correct a problem after being given a reasonable opportunity to do so.

2. The underlying principle of sound progressive discipline is to use the least severe action necessary to correct an Employee's performance, while providing the Employee a reasonable amount of time to make needed improvements. The severity of the action should only increase if their performance is not corrected.

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3. Progressive discipline only uses termination of employment as a last resort for serious and/or repeated Misconduct, or for one incident involving the most serious law or policy violation(s).

4. Generally, discipline will follow a progressive discipline method. This method attempts to correct, resolve or remove the Employee's performance problem or Misconduct at the lowest, most effective level. It should be imposed when the supervisor/manager can reasonably anticipate the discipline will be effective.

5. It is not necessary to impose the lowest step of discipline on the Discipline Guide prior to imposing a more severe level.

6. Mitigating and aggravating circumstances may call either for by-passing or imposing the standard range of discipline. There are some acts of Misconduct, which by their nature, may result in relatively harsh discipline, even discharge, without the use of progressive discipline.

## C. CORRECTIVE ACTION

The progressive discipline method may include Corrective Action such as:

1. **Corrective Counseling**

   (a) Corrective counseling is a written notification from a Supervisor to a member addressing minor performance or conduct issues.

   (b) The notification shall contain a description of the conduct or behavior requiring counseling, the steps taken to prevent recidivism and expectations of future performance. This generally occurs after a conversation with the Employee, and serves to memorialize the discussion.

   (c) Corrective counseling is not a disciplinary action.

   (d) Corrective counseling is documented in the performance evaluation and can be considered in subsequent discipline per the Discipline Guide.

2. **Performance Improvement Plan**

   (a) A Performance Improvement Plan (PIP) is implemented at the discretion of a Supervisor when it becomes necessary to help an Employee improve their performance. A PIP can range in length of time based on the nature of the performance issue (generally 30-90 days). Any PIP lasting longer than one year has to be approved by the Office of the Chief.

   (b) The Performance Improvement Plan should identify the following:

      i. The performance to be improved.

      ii. Employee expectations and responsibilities for performance improvement.

      iii. The support and resources that will be provided to assist the Employee, if any.

      iv. Consequences if performance standards are not met by the Employee

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(c) The Performance Improve Plan (PIP) shall be retained by the Training Unit. If the Employee does meet the expectations as defined in the PIP, the supervisor will make a Blue Team entry and send a copy of the PIP to PSU.

**D. WRITTEN REPRIMAND**

1. **Written Reprimand**

A written reprimand can be the lowest form of discipline pursuant to the Employee's Collective Bargaining Agreement. The written reprimand is maintained in the Employee's personnel records and documented in the performance evaluation. The documentation shall be maintained per the State of Washington Archive law.A written reprimand can be considered in subsequent discipline as outlined in the Discipline Guide.

**E. FORMAL DISCIPLINE**

The formal disciplinary steps from least to most severe are:

1. **Suspension**: A suspension includes the removal of an Employee from duty without pay for a predetermined length of time. A suspension can be of any length depending on the seriousness of the misconduct, but must be in full day increments, and calculated equivalent to eight (8) hour days. The Department has the authority to determine the dates on which the suspension will be implemented. The document is maintained in the Employee's personnel records and is documented in the performance evaluation. The documentation shall be maintained per the State of Washington Archive law.
2. **Reduction in Rank**: Reduction in rank is a lowering of an Employee's rank (classification). Reduction and demotion are synonymous. The reasons for reduction in rank must be stated in writing and include specific grounds and facts upon which the reduction in rank is based. The document is maintained in the Employee's personnel records, is documented in the performance evaluation and maintained per the State of Washington Archive law.
3. **Termination**: Termination means the complete and final separation from employment with the City/Department for cause. The reasons for termination must be stated in writing and include specific grounds and facts upon which the termination is based.The document is maintained in the Employee's personnel records per the State of Washington Archive law.

## 1004.22 AUTHORITY TO DISCIPLINE

Supervisory staff at all levels of VPD hold the basic responsibility for the maintenance of a positive discipline system that is fairly and evenly applied to all Employees of the Department. Civilian Supervisors/Managers only have authority to discipline civilian personnel. All Supervisors have the authority to provide remedial training with their chain of command, when appropriate, to correct performance deficiencies.

A. **Corporals have the following authority**

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1. To issue letters of appreciation to Employees.
2. To immediately relieve an Employee from duty or work site when necessary

B. **Sergeants and Civilian Supervisors have the following authority**

1. To issue letters of appreciation to Employees.
2. To take Corrective Action and issue written reprimands to Employees.
3. To immediately relieve an Employee from duty or work site when necessary.
4. To make recommendations involving any level of discipline. Sergeants and Civilian Supervisors who review an Investigation file and determine discipline more severe than a written reprimand may be appropriate will forward the file to their supervisor with a recommendation as to the appropriate level of discipline.

C. **Lieutenants have the following authority**

1. To issue letters of appreciation to Employees.
2. To take Corrective Action, issue written reprimands and impose suspensions up to 3 days in length to Employees.
3. To immediately relieve an Employee from duty or work site when necessary.
4. To make recommendations involving any level of discipline. Lieutenants who review an Investigation file and determine that discipline more severe than a 3 day suspension may be appropriate will forward the file to his/her commander with a recommendation as to the appropriate level of discipline

D. **Commanders and Civilian Managers have the following authority**

1. To issue letters of appreciation to Employees.
2. To take Corrective Action, issue written reprimands and impose suspensions up to 10 days in length to Employees.
3. To immediately relieve an Employee from duty or work site when necessary.
4. To make recommendations involving any level of discipline. Commanders and Civilian Managers who review an Investigation file and determine discipline more severe than a 10 day suspension may be appropriate will forward the file to their Assistant Chief with a recommendation as to the appropriate level of discipline.

E. **Assistant Chiefs have the following authority**

(a) To issue letters of appreciation to Employees.

(b) To take Corrective Action, issue written reprimands, demote an Employee to a lower rank and impose suspensions up to 15 days in length.

(c) To take any necessary protective actions.

(d) To make recommendations involving any level of discipline

**F. The Chief of Police or Acting Chief has the following authority**

(a) To issue letters of appreciation to Employees.

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(b) To take any necessary protective actions.

(c) To take any disciplinary and/or Corrective Action up to and including termination.

### 1004.23 APPEAL RIGHTS

Employees who disagree with disciplinary action have access to an appeal procedure. Those procedures are contained in applicable Collective Bargaining Agreements, Civil Service Rules and City policy.

### 1004.24 DISCIPLINE REVIEW BOARD

A. The Discipline Review Board (DRB) will help to provide visible, independent oversight of both the Administrative Investigation and adjudication process to reassure VPD Employees and the public it was a fair process, equitably imposed discipline and Employee accountable for their performance and Misconduct.

B. The DRB will review Investigations resulting in termination of employment. The review will be requested and performed at any time following receipt of a grievance from the Guild or Union and before a decision is reached by the City Manager, or their designee. The role of the Discipline Review Board is advisory only, and its members do not have decision-making authority.

C. The Discipline Review Board will include the following members:

1. A representative from the Employee's Guild or Union.
2. A representative chosen by the Office of the Chief.
3. A law enforcement professional from a police department outside of VPD at the rank of Commander or above. The law enforcement professional will be agreed upon by the Guild or Union (depending on the rank of the subject) and the Office of the Chief. If no agreement is reached, the City Manager will select the professional to fill this position.
4. A representative from Human Resources.

D. The process for the Discipline Review Board is as follows:

1. When a review is required, PSU will forward a complete copy of the case file to the DRB.The DRB will not retain investigative files and will return the files to PSU upon completion of the review.
2. Following review of the file, the members of the DRB will complete the Department approved form and return it to PSU.
3. The DRB will base its recommendations on City policies, VPD policy and procedure.
4. The Decision-Maker, as outlined in the grievance procedure, shall have final Decision-Making authority on any recommendations made by the DRB.
5. The timelines and extension guidelines in the applicable Collective Bargaining Agreement shall apply.

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E. The Guild or Union, and the City, agree that the DRB's review of any Administrative Investigation, and its recommendations, will not be offered as evidence in any grievance arbitration between the parties. Should either party offer such evidence, the arbitration hearing will be suspended and a new arbitrator selected to hear the grievance. The party making the offer will bear any additional arbitration fees and costs incurred.

## 1004.25 REPORTS AND RECORDS

PSU is responsible for maintaining all records relating to the Administrative Investigation function.

A. **Maintaining Records**

Records created as a result of Administrative Investigations shall be maintained according to the following guidelines. "Maintaining" records includes holding the documents in a secure location and maintaining the confidentiality of the records as outlined in this and other applicable policies (VPD Policy 1024).

(a) All **open** Administrative Investigation files will be maintained by the investigator responsible for completing the Investigation.

(b) In accordance with Department retention guidelines, PSU maintains all **closed** Investigation files and a record of all Complaints against the Department or its members. These records are stored in a secure area separate from personnel records and other centralized records systems.

All closed Administrative Investigation files shall include, but not be limited to, the following:

(a) An electronic copy of the original Complaint Form and/or all information pertaining to the Investigation. The investigator will then enumerate each allegation determined from the Complaint Form and others identified during the process of the Investigation.

(b) Executive summary. This summary should include an investigative time line, interviews conducted, and documents collected by the investigator.

(c) Interview statements. The actual transcription, or audio file, of each interview will be included.

(d) Evidence. This section should include an evidence checklist, the actual evidence or a notation as to the location of the evidence.

(e) Correspondence relating to the Investigation that is not protected by an applicable privilege.

(f) Complete copies of, or references to, applicable policies, procedures, general orders or other regulations that were the subject of, and in effect at the time of, the alleged violation.

(g) All documentation created as part of the review and adjudication process.

(h) A copy of the final disciplinary and/or Corrective Action taken, if any, as a result of the Investigation

**B. Access and Security of Closed Investigation Files**

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The Office of the Chief is responsible for the security of the files and records maintained by PSU. Access must be restricted to only those persons who have a legitimate right to review any of these materials. The following are basic elements of this function:

(a) Members of the public are excluded from review of Investigation files (except as may be required under applicable public records law).

(b) Following completion of any appeal procedure, files may only be accessed as directed by the Office of the Chief.

(c) The Office of the Chief will record all materials being reviewed or leaving the office.

(d) No person other than individuals identified in this policy may have access to the files.

(e) Anyone who has access to the Investigation information, and/or who reviews a final Investigation report, has the responsibility to keep the information confidential as outlined in this policy.

## 1004.26 CONFIDENTIALITY REQUIREMENTS

A. All information obtained in connection with an Investigation shall be confidential as outlined in this policy.

B. Any individual involved in the Administrative Investigation process, including but not limited to witnesses, the subject of the Investigation and expert authorities, will keep all information about the Investigation confidential until a finding has been made and to the extent permitted by law.

C. The following procedures will apply to assure the information remains confidential:

1. The investigator may only share information with the Office of the Chief, the Professional Standards Unit, legal counsel and Human Resources, and others with a need to know as determined by the Office of the Chief.

2. The subject of the Investigation, witnesses and expert authorities may only share information with the investigator(s), the Professional Standards Unit, Union or Guild representatives, legal counsel and Human Resources.

3. Members who receive any protected information are also subject to the confidentiality requirements of this policy.

D. If VPD provides IA documents pursuant to a request under public records law, the documents provided (in the form provided) are no longer confidential under the IA policy. Use of such information is subject to the provision of the City of Vancouver Employment Policy 307 – Harassment Prevention.

E. VPD will maintain, distribute, and retain IA documents consistent with public records and State of Washington Archive law.

F. This section does not preclude the Guild or Union, or the City, from using the information as necessary during the grievance process outlined in the applicable Collective Bargaining Agreement, or from preparing and distributing the reports as outlined in this policy.

END OF POLICY

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*INTERNAL AFFAIRS INVESTIGATIONS (Professional Standards)*

ATTACHMENTS:

Discipline Guide

Offense Classes

Mitigating and Aggravating Circumstances

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# Sick Leave and Modified Duty

## 1012.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave and modified duty. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual (211 Sick leave/Short-Term Disability) or applicable labor agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLS) or the Washington Family Leave Act (FLA)(29 USC 2601 et seq.; RCW 49.78.220 et seq)

## 1012.2 POLICY

It is the policy of the Vancouver Police Department to provide eligible employees with a sick leave benefit.

### 1012.2.1 DEFINITIONS

Planned Vacancy - A vacancy for which an employee give notice at least 24 hours prior to the start of the shift.

Unplanned Vacancy - A vacancy fo which notice is given less than 24 hours before the normally scheduled start of the shift.

## 1012.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences (RCW 49.46.210). Sick leave is not considered vacation. The Department may also provide opportunities for employees to work in temporary modified duty status if they are unable to perform the full scope of their job duties due to on or off duty injury or illness.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy -1038).

### 1012.3.1 NOTIFICATION

All employees should notify the Shift Sergeant or appropriate supervisor as soon as they are aware that they will not be able to report to work. If, due to an emergency, the employee is unable to contact the supervisor, every effort should be made to have a representative for theemployee contact the supervisor (WAC 296-128-650).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the employee shall, whenever possible and practicable, provide the Department with no less than 10 day notice of the impending absence (WAC 296-128-650).

Upon return to work, employees are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

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Failure to report to work for three consecutive days or shifts for which the employee is scheduled to work, without receiving authorization, may be considered a voluntary resignation for reasons of job abandonment.

### 1012.4 EXTENDED ABSENCE / FREQUENT ABSENCE

For absences exceeding three days, an employer may require verification that an employee's use of paid sick leave is for an authorized purpose. If an employer requires verification, verification must be provided to the employer within a reasonable time period during or after the leave. An employer's requirements for verification may not result in an unreasonable burden or expense on the employee, and may not exceed privacy or verification requirements otherwise established by law. (RCW 49.46.210)

The City recognizes that each individual situation is different, and the requirements of each job position is different. The City will consider all the circumstances of each situation, and the effect it has on the workgroup and/or work product.

Factors a manager may consider in determining whether poor attendance is an issue include, but are not limited to, the following:

• A pattern of tardiness or absences that disrupts the flow of work, burdens co-workers with extra tasks, lowers morale, increases labor costs or adversely affects the quality of services;

• A pattern of tardiness or absences the day before and/or the day after a holiday or days off;

• A pattern of tardiness or absences on scheduled work weekends, Saturdays, Sundays and/or holidays;

• A pattern of tardiness or absences the day after payday; or

• A pattern of calling in sick as rapidly as sick time is accrued.

If there is a reasonable concern about an employee’s ability to return to work or to perform their essential job functions, the Department may request a fit for duty examination be conducted.

### 1012.5 ELIGIBILITY FOR MODIFIED / LIGHT DUTY

The Department may offer an employee a modified/light duty assignment if a suitable and available assignment exists. The Department will determine the type of work that is suitable according to the medical documentation and work that is available within the Department.

1. Modified duty is considered temporary, and normally does not exceed six months.

2. Employees are only eligible for modified/light duty assignments if the employee is in a regular full time or part time position, the employee has a short term injury or illness that prevents them from performing the full scope of their job duties, and the employee is expected to recover from the injury or illness and return to full job duties.

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An employee who is medically released for, and offered light duty, but chooses not to accept the assignment, will use their allotted sick time instead.

Failure to provide timely notification of release to return to work may result in loss of pay and/or benefits.

### 1012.6 WORKERS' COMPENSATION

Employees may use accrued sick leave hours on the date of injury and the three consecutive days following. On the fourth day, employees are considered on “time loss” and entitled to Workers’ Compensation time loss benefits. Employees may use accrued leave hours to supplement the time loss payment up to their base salary.

Prior to modified duty being approved, the employee must provide medical documentation from his/her treating physician which states that the employee is unable to perform the essential duties of his/her current position but may be able to work a modified duty assignment. The documentation should identify the specific physical limitations or restrictions. Modified duty is considered temporary and normally does not exceed six months. An employee who is medically released for and offered light duty, but chooses not to accept the assignment, will not be entitled to further time loss benefits.

For additional information see applicable CBAs: http://cvsharepoint/departments/HR/Pages/EmpLaborRelations.aspx

### 1012.7 TRAINING

Employees must obtain authorization from a supervisor prior to attending training during medical leave. Authorization may only be provided if it is consistent with the information obtained from the employee’s treating physician.

### 1012.8 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy. If deemed necessary, advise their supervisor of the amount of sick leave being used in order to ensure proper staffing.

Monitor the use of overtime being worked if the employee is using sick time during their normal shift or work duty, and if appropriate, limit overtime and collateral duty assignments.

When appropriate, counseling employees regarding inappropriate use of sick leave.

Referring eligible employees to an available employee assistance program when appropriate.

Notify employee that they may be eligible for additional leave programs (FMLA, WFLA, etc.) and should contact Human Resources.

Ensure no retaliation or discrimination against an employee for using leave for authorized purposes under this policy (RCW 49.46.210)

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# Body Armor and Helmets

## 1022.1 PURPOSE AND SCOPE

Soft body armor vests and ballistic helmets have been shown to be effective in reducing deaths and serious injuries. This policy outlines the requirements for use of the protective vests and helmets.

## 1022.2 POLICY

The Department provides soft body armor and ballistic helmets for officers and Police Service Technicians (PST) assigned to patrol in an effort to ensure that personnel engaged in uniformed field duties or high-risk situations are wearing necessary protective equipment. While body armor and helmets provide a significant level of protection, it is not a substitute for the observance of officer safety procedures.

*(Police Service Technicians assigned to patrol will only be issued soft body armor.)*

## 1022.3 AUTHORIZED BODY ARMOR AND HELMET

Body armor and helmets must be either Department issued or Department approved. The Department will replace the protective vests and helmets according to manufacturer recommendations.

### 1022.3.1 EXTERNAL VEST CARRIER

Officers are authorized to wear an optional external vest carrier for soft body armor after being fitted and trained on use of the vest.

VPD recognizes that a standardized configuration of the external vest carrier may not be appropriate for all personnel due to variations in body types.VPD authorizes officers to wear certain equipment on an external vest carrier with the following guidelines:

a. All pouches must be affixed to the external carrier utilizing a load-bearing system that is compatible with and designed for use with the integrated nylon webbing, i.e., M.O.L.L.E./ PALS.

b. All pouches affixed to the carrier must be black or patrol blue in color.

c. The following items *must* be affixed to the vest:

1. Badge or badge patch

2. Name tape

3. "Police" patch (front and back)

d. The following items *may* be worn:

1. Department issued equipment, such as handcuffs, Taser, OC spray, radio and ammunition magazines

2. Flashlight

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3. First-aid medical equipment, such as trauma shears, tourniquet or gauze

4. Utility pouch

5. Patrol knife

6. Cell phone

7. Keys

8. Pens

9. American flag patch (2"x3", subdued silver, red & blue w/no other design, insignia or logo)

Carrier attachments shall not obstruct or impede access to firearm, Taser, magazines or radio.

In order to maintain the ability to properly identify as the police and insure professional appearance, all visible items attached to the external carrier should be muted and/or subdued in color.Attached items should not be brightly colored, excessive or detract from a professional appearance.

Officers are required to perform a weak hand draw with a Taser. Therefore, the Taser must be placed on the vest so the officer can perform a weak-hand draw. Transitioning to the strong hand after drawing with the weak hand is allowed.

Employees may not carry any other item, tool or piece of equipment on an external vest carrier unless specifically authorized by policy or by the Chief of Police or designee.

Officers must wear a Department issued or authorized shirt under an external carrier.

An external carrier vest may be removed when in a police facility or other secured facility with no public access.

## 1022.4 ISSUANCE OF BODY ARMOR AND HELMET

The Police Resource Technician shall ensure that body armor and a ballistic helmet is issued to all officers and Police Service Technicians assigned to patrol when they begin service at the Vancouver Police Department and that, when issued, the body armor and helmet meets or exceeds the standards of the National Institute of Justice. Prior to being issued body armor, each person will be fitted by a manufacturer/sales representative to assure proper fit.

The Police Resource Technician shall establish a body armor and helmet replacement schedule based on the manufacturer's recommended replacement schedule and ensure that replacement body armor and helmets are issued whenever the body armor or helmet become worn or damaged to the point that its effectiveness or functionality has been compromised.

*(Police Service Technicians assigned to patrol will only be issued soft body armor.)*

### 1022.4.1 USE OF SOFT BODY ARMOR AND HELMETS

Generally, the use of body armor is required subject to the following:

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(a) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(b) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

(c) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.

(d) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

If feasible, officers are required to wear a helmet in the following circumstances:

a. During pre-planned tactical and other high-risk situations.
b.Whenever a patrol rifle or shotgun is deployed by the officer.

Vests and helmets must be accessible to all sworn personnel during working hours.

### 1022.4.2 CARE AND MAINTENANCE OF SOFT BODY ARMOR AND HELMETS

Soft body armor and helmets should be stored, cared for and cleaned pursuant to the manufacturer's care instructions provided with the equipment. The instructions can be found on labels located on the external surface of each ballistic panel or within the packing material. The armor carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities.

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# Personnel Records

## 1024.1 PURPOSE AND SCOPE

This policy defines the types of employee records maintained by the Department and outlines the requirements for disclosure of information contained in the records.

## 1024.2 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

(a) Personal data, including photographs, marital status, names of immediate family members, educational and employment history or similar information. A photograph of the member should be permanently retained.

(b) Election of employee benefits.

(c) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.

(d) Original performance evaluations. These should be permanently maintained.

(e) Discipline records, including copies of sustained personnel complaints.

(f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment(s).

  (a) Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment.

  (b) Any member response shall be attached to and retained with the original adverse comment.

  (c) If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.

(g) Commendations and awards.

(h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

## 1024.3 DIVISIONAL FILE

The Divisional File is separately maintained by an employee's supervisor(s) within an assigned division for the purpose of completing timely performance evaluations. The Divisional File should contain, but is not limited to, the following:

1. Supervisor notes, information regarding corrective action (letters of counseling) and other materials intended to serve as a foundation for the completion of timely performance evaluations.

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2. The supervisor may retain notes and copies of performance evaluations in the file for his/her own information. Notes of performance and training used for performance evaluations will be removed upon completion of the evaluation and resolution of any performance issues.

Once the performance evaluation form has been made final, all documents created during that evaluation period will be purged from the Divisional File. All files removed from the Divisional File will be considered "stale" but maintained in the employee's Personnel File as archived material. Stale Materials are maintained for records retention purposes, but will not be relied upon for future corrective or disciplinary matters.

### 1024.4 TRAINING FILE

An individual training file shall be maintained by the Training Sergeant for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

(a) The involved member is responsible for providing the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the member’s training file.

### 1024.5 INTERNAL AFFAIRS FILE

The Professional Standards Unit (PSU) shall be the official record keeper for all allegations of employee misconduct, including all materials related to any such investigation. PSU, in conjunction with the Office of the Chief of Police, shall maintain exclusive control of any such files. Access to these files will be provided in accordance with **Policy 1004 - Internal Affairs (Professional Standards).**

### 1024.6 MEDICAL FILE

Medical Files shall be maintained in the Office of the Chief separately from all other files and shall contain all documents relating to the employee’s medical condition and history, including but not limited to the following:

(a) Materials relating to medical leaves of absence.

(b) Documents relating to Workers’ Compensation claims.

(c) Fitness for duty examinations, psychological and physical examinations, follow-up inquires and related documents.

(d) Medical release forms, doctor’s slips, and attendance records, which relate to an employee’s medical condition.

(e) Any other documents or material, which reveals the employee’s medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

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## 1024.7 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

### 1024.7.1 REQUESTS FOR DISCLOSURE

All personnel records are considered public unless they are covered by specific disclosure statutes.

Private personnel records that are exempted from public disclosure may include:

(a) Applications for public employment (RCW 42.56.250) to include confidential medical information such as employment psychology testing (WAC 139-07-030(3) and polygraph examination results, notes or findings.

(b) Residential addresses and telephone numbers when held in a personnel file (RCW 42.56.250).

(c) Performance evaluations, which do not discuss specific instances of misconduct.

(d) Medical information.

(e) Industrial insurance (Workers' Compensation) claim files and records (RCW 51.28.070).

(f) Employee identification numbers.

(g) Taxpayer information, such as tax withholding data (RCW 42.56.230(3)).

Records that are not covered by other specific disclosure exemption statutes must be made available for inspection and copying. This includes the following private personnel records:

(a) Employee advancement or discipline reports.

(b) Internal affairs complaints after such investigations have been completed, or are no longer under review or deliberation.

(c) Departmental reports sent to the Washington State Criminal Justice Training Commission regarding the separation from employment of an officer.

All requests for the disclosure of any information contained in any officer's personnel record shall be handled in accordance with applicable public records laws.

All requests for disclosure, which result in access to an employee's personnel file(s), must be approved by the Office of the Chief.Each request shall be logged in the corresponding file, and the effected employee will be notified of the request and/or disclosure prior to the release of any

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information. All such requests must be approved by the Office of the Chief. The Office of the Chief, or designee, will notify the employee via email.

1024.7.2 RELEASE OF INFORMATION
Except as provided by this policy, or pursuant to lawful process, no information contained in any personnel file shall be released without prior written consent of the involved officer, or written authorization of the Chief of Police or his/her designee.

1024.7.3 NOTICE TO MEMBER
Upon receipt of a request for information located exclusively in a member's personnel record, the Public Records Officer is responsible for providing notice to the member, the union representing the member, and to the requestor, that includes the following information (RCW 42.56.250):

(a) The date of the request

(b) The nature of the requested record relating to the member

(c) That information in the record will be released if not exempt from disclosure at least 10 days from the date the notice is made

(d) That the member may seek to enjoin release of the records under **RCW 42.56.540 (court protection of public records).**

## 1024.8 EMPLOYEE RESPONSIBILITIES
Employees must provide the Department with personal data which will include:

(a) Full name,

(b) Residential address,

(c) Telephone number,

(d) Marital status; and

(e) Person to be notified in an emergency.

Employees must notify the Office of the Chief of any change in the above information during the next business day after the change.

See attachment: Change of personnel Information Form.pdf

## 1024.9 EMPLOYEE ACCESS TO OWN FILE
Any employee may request access to his/her own personnel file(s) during the normal business hours of the individual(s) responsible for maintaining such file(s). The Department will then provide access to the files within a reasonable time frame. Access to any personnel file will be in accordance to RCW 49.12.250 – Employee inspection of personnel files/erroneous or disputed information.

Any employee seeking the removal of any item from his/her personnel file shall file a written request to the Chief of Police through the chain of command. The Department shall thereafter remove any such item if appropriate or provide the employee with a written explanation why

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the contested item will not be removed. If the contested item is not removed from the file, the employee's request and the Department's written response shall be retained with the contested item in the employee's personnel file (RCW 49.12.250).

Employees will be restricted from accessing files containing any of the following information:

(a) Information obtained during their own background investigation.

(b) Internal Affairs files as provided in **Policy 1004 - Internal Affairs (Professional Standards)**.

## 1024.10 RETENTION AND STALENESS

Personnel records for any peace officer or corrections officer must be retained for the duration of the officer's employment and a minimum of 10 years thereafter. Such records include all misconduct and equal employment opportunity complaints, progressive discipline imposed including written reprimands, supervisor coaching, suspensions, involuntary transfers, other disciplinary appeals and litigation records, and any other records needed to comply with the requirements set forth in RCW 43.101.095 and 43.101.135.

However, stale materials in personnel records will not be relied upon for future corrective or disciplinary matters according to the following schedule.

| | |
|---|---|
| Investigations with formal discipline imposed | Stale after 6 years from the completion of the disciplinary actions |
| Investigations with sustained findings and no formal discipline | Stale after 6 years from final disposition |
| Investigations where the employee was exonerated, or charges were unfounded or not sustained | Not relied upon in future corrective action or disciplinary matters |

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# Fitness for Duty

## 1030.1 PURPOSE AND SCOPE

This policy establishes employee responsibilities, supervisor responsibilities and guidelines for fitness-for-duty evaluations. All officers are expected to be physically, emotionally and mentally fit for duty and able to perform their peace officer powers in a safe, productive and effective manner. This policy does not apply to evaluations related to substance abuse concerns.

## 1030.2 EMPLOYEE RESPONSIBILITIES

It shall be the responsibility of each Department employee to be physically, emotionally and mentally fit sufficient to safely, and effectively perform the essential duties of their job description.

a. Each member of this Department shall perform his/her respective duties without physical, emotional and/or mental constraints.

b. During working hours, all employees are required to be alert, attentive and capable of performing their assigned responsibilities.

c. Any employee who feels unable to perform his/her duties shall promptly notify a supervisor.

d. In the event an employee believes that another employee is unable to perform their duties, such observations and/or belief shall be promptly reported to a supervisor.

e. Any employee who is taking medication that may impact their ability to perform the essential functions of their job shall notify a supervisor prior to working.

## 1030.3 SUPERVISOR RESPONSIBILITIES

A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to address the situation.

a. Whenever feasible, the supervisor should make a preliminary determination of the level of inability of the employee to perform the essential duties required of the job.

b. In the event the employee appears to be in need of immediate medical and/or mental treatment, all reasonable efforts should be made to obtain sufficient information regarding the nature of the concern to enable the Department to assess options and react responsibly to assure the safety of the employee, other members of the Department and the public while complying with the employee’s legal rights.

c. In conjunction with the employee’s chain of command, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.

d. The Chief of Police shall be promptly notified in the event any employee is relieved from duty.

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### 1030.4 RELIEF FROM DUTY

Any employee suffering from a work or non-work related condition which warrants a temporary relief from duty may be entitled to be placed on family medical leave under state and/or federal law. Consult with Human Resources to assure proper notification and compliance with family medical leave rights. Employees who are relieved from duty for medical reasons may be eligible for Workers' Compensation payments or may be required to use sick leave or other paid time off consistent with applicable policies.

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

### 1030.5 MEDICIAL EXAMINATIONS

The Department has the right to require a medical examination (physical and psychological) provided the examination is job related and consistent with business necessity.

a. The Department may require an employee to undergo a fitness-for-duty medical examination whenever circumstances reasonably indicate that the employee may not be able to effectively perform the essential functions of their job or the employee may pose a risk to the safety of him/herself or others. This order shall come from the Chief of Police, or designee, and shall indicate the date, time and place for the examination.

b. The scope of the examination shall be confined to the physical or psychological condition that prompted the need for the examination.

c. In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.

d. The examining health care provider will provide the Department with a report as to whether the employee is able to perform the essential functions of the job in a safe, productive and effective manner, any recommendations that may enable the employee to perform his/her job and any conditions for return to work.

e. Any employee ordered to receive a fitness-for-duty medical examination shall comply with the terms of the order and cooperate fully with the examining physician/therapist regarding any clinical interview, administered test, or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician/therapist may be deemed insubordination and may be subject to discipline up to and including termination.

f. Pending the results of the medical evaluation, the employee may be relieved of certain duties, assigned different duties, or relieved from duty under appropriate leave status.

### 1030.6 RESULTS OF THE EXAMINATION

If an employee has been deemed fit-for-duty by the examining health care provider, the Chief of Police, or designee, will notify the employee of the results and when to resume their duties.

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If the health care provider finds the employee cannot perform the essential functions of their job, the Department and Human Resources will engage in an interactive process with the employee in compliance with applicable laws to determine if and when the employee may be returned to work.

### 1030.7 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness-for-duty examination shall be entitled to an administrative appeal as outlined in their collective bargaining contract.

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# Hours of Work and Overtime Scheduling

## 1036.1 POLICY

The Vancouver Police Department utilizes an electronic scheduling system to schedule regular work hours, training hours, overtime hours, special deployments, leave hours and to backfill vacant shifts for all personnel. The time entered in the system is the record of the employee's hours worked.

## 1036.2 DEFINITIONS

**Planned Vacancy** - A vacancy for which an employee gives notice at least 24 hours prior to the start of the shift.

**Unplanned Vacancy** - A vacancy for which notice is given less than 24 hours before the normally scheduled start of the shift.

**Special Deployment** - A working opportunity not part of the employee's regular shift assignment such as school events, traffic emphasis and special details.

## 1036.3 EMPLOYEE RESPONSIBILITY

All VPD personnel are responsible for maintaining and ensuring the accuracy of their own calendar in the scheduling system as follows:

1. Employees are responsible for making accurate entries and the appropriate notes when changes to their normal work schedule occur.Employees are also responsible for monitoring their leave banks (Vacation, PTO, Comp and Sick), and shall have sufficient leave balances available prior to taking Vacation, PTO, Comp or Sick leave.Employees will submit and obtain supervisor approval for anticipated leave in advance as required by policy and/or applicable collective bargaining agreements (CBAs). Examples include, but are not limited to, the following:
    (a) Personal/Other Leave (vacation, military, bereavement, comp time etc.)
    (b) All requests for paid days off, with the exception of actual, sudden and temporary illness, will be submitted at least five (5) working days in advance of the absence and shall be in accordance with established departmental practice. Requests may be submitted with less than the required notice when agreed to by the immediate supervisor. VPD Policy 1012.3.1
    (c) Sick Leave:
        i. If a member is unable to report for work due to illness or injury, the employee shall notify his/her immediate supervisor or the on-duty supervisor as soon as possible prior to the regularly scheduled work shift. Policy 1012 3.1 Notification
    (d) Training (including regular squad training, specialty training, and other training)
    (e) Bereavement (employees must enter the relationship of the deceased).
    (f) Overtime (including a detail code stating what the overtime was for and how the overtime is paid (call back, middle day, comp).

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(g) Confirmed court (including case number). Refer to **Policy 347 Subpoenas and Court Appearances** for additional guidance.

i. Employee will enter the actual amount of timespent at court upon completion of a court appearance or defense interview, including the case number, and will be paid in accordance with the parties' CBAs.

(h) Schedule adjustments (should articulate the reason for the adjustment and corresponding date).

The Department payroll personnel will be notified of all changes to work assignments such as change in work location, supervisor, shift, trainee status, or position through the use of a Department Personnel Order.

If an employee needs to make a change to the schedule after the payroll deadline, they will notify the appropriate supervisor and Department payroll personnel.

#### 1036.3.1 UNAVAILABLE STATUS

The Unavailable justification must be listed in the notes section of the electronic entry. Generally, an employee's regular days off does not justify their unavailability. Employees must document a reason for being unavailable on their days off. Regular days off do not count for unavailable.

In the event a member receives a subpoena for a date they are unavailable, it is the sole responsibility of the member to contact the assigned prosecutor, explain the reason for their unavailability and reschedule a date they are able to appear.

For guidance on the subpoena process, see **Policy 347 - Subpoenas and Court Appearances**.

### 1036.4 SUPERVISOR RESPONSIBILITY

Supervisors will make every effort to review and approve entries and schedule changes for their personnel by the date required by payroll. Scheduling system entries that are not leave related should not be approved until the event has concluded. If overtime entries remain unapproved after the payroll deadline, payroll personnel will wait for supervisor approval. If leave entries remain unapproved at the payroll deadline, payroll personnel will process as is and send a follow up e-mail to the supervisor for accuracy.

Supervisors will attempt to fill vacancies on other shifts when notified of an employee's unanticipated absence from another shift which will result in a staffing shortage for that shift.

Supervisors will notify the Department payroll personnel of any changes to their employee's schedule after the payroll deadline.

### 1036.5 DIVISION LIEUTENANT RESPONSIBILITY

Division Lieutenants will review scheduling system entries for their assigned staff when working to help reduce errors and to ensure current policy and Collective Bargaining Agreements (CBAs) are being applied appropriately (i.e., justification is appropriate for the entry). The purpose for the regular review is to ensure oversight, and timely entries to reduce the need for payroll sending an excess of emails at the end of the payroll period.

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### 1036.6 DIVISION COMMANDER RESPONSIBILITY

Division Commanders or their designees will follow-up on notifications from payroll requiring additional information to process scheduling system entries from employees within their Chain of Command.

### 1036.7 DEPARTMENT PAYROLL PERSONNEL RESPONSIBILITY

The Department payroll personnel are designated by the Office of the Chief to audit scheduling system related entries and to make corrections as needed. Payroll personnel will ensure all City and Department policies, and current CBAs are being followed in regard to time keeping issues, and the correct application of scheduling system work codes are used. Payroll personnel will send a follow up e-mail to the affected employee and their Chain of Command, documenting the reason for any modifications made that affect an employee's wage(s) and/or leave account balances. Any modifications or corrections should be made by the employee's next scheduled pay period.

### 1036.8 OVERTIME HOURS

If an employee commits to working an overtime shift, they are responsible to work the shift or to find a replacement to work the shift. If the employee is unable to report for the overtime shift due to an unforeseen circumstance and is unable to find a replacement, the employee must notify a supervisor as soon as possible.

Employees must obtain prior approval from a supervisor to work overtime.

Schedules may not be adjusted to work voluntary overtime.

### 1036.9 SPECIAL DEPLOYMENTS

Special deployments may be offered initially to officers and/or supervisors. If the coordinating lieutenant is unable to fill the special deployment by one day prior to the special deployment, the opportunity may be offered to other qualified personnel (officers, corporals, sergeants or command staff) who were not originally included in the opportunity.

### 1036.10 AUDITS AND REPORTS

Audits will occur every pay period to verify the accuracy of the data contained in the scheduling system. The audit will review pay types, pay qualifications, FLSA compliance, policy requirements and appropriate coding. Reports will be available for analysis of staffing patterns, attendance, leave usage, and overtime use.

### 1036.11 SCHEDULING OF TRAINING HOURS

Training entries will reflect the actual amount of time spent in class/training or performing class related tasks. If the training course/class requires homework related tasks such as studying, research, or preparing for presentations, prior approval from the employee's Chain of Command is required if it exceeds the allotted classroom time and/or will cause the employee to work beyond their scheduled hours. If scheduled training takes less time than the employee's allotted workday, the remaining time shall be accounted for by either, vacation, PTO, comp, or a continuing of the workday such as report writing, ongoing investigations, or returning to normal duty. If payroll

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personnel, during the course of reconciling payroll, discover shortage of hours, they will adjust the employee's time to accurately reflect their hours of work by deducting hours from accrued leave. If this deduction was made in error, or the employee(s) become aware their time was improperly accounted for, they will notify their respective Chain of Command to correct the deduction.

1. Training Time shall count hour-for-hour for the member's regular assigned work. As used herein, the term "Training Time" shall include time spent actually attending City-directed business, training or conferences.
    i. Example #1- Patrol Officer #A normally works a 10.5hr day. He/she attends squad training (also a 10.5hr scheduled day). There would be no need to account for time differently (e.g., Flex/Training Time would both account for a 10.5hr day). If training ends 1hr early, the officer will need to account for the 1hr time period with the appropriate code (Schedule Adj Working if the employee continues to work and the notes should clarify what the time was spent on) or 1hr Vacation or Comp time.
    ii. Example #2- Patrol Officer #A normally works a 10.5hr day. He/she attends training that consists of an 8hr workday. In this case, the employee needs to account for the extra 2.5hrs in the scheduling system by use of the work code Schedule Adj Working (if the employee continues or returns to work).
2. All time spent in Travel Status shall count hour-for-hour for the employee's regular assigned work regardless of the day, or time of day during which the travel occurs. As used herein, the term "Travel Status" shall include reasonable time spent checking-in and awaiting public transit, time spent actively traveling, time spent retrieving baggage and/or Department-owned equipment or Department authorized duty weapons, and time spent traveling between the destination airport and destination hotel. The intent is to account for travel time to destination to include such occurrences as reasonable wait time for the airplane or meal breaks for long trips, not personal detours while traveling to a destination.
3. It is the employee's responsibility to notify their supervisor of any time corrections to training entries.
4. Travel time is not authorized for training being hosted by VPD and/or the training is located in Clark County or the surrounding Portland metro area.
5. Recognizing travel by airplane requires time to check-in before the flight, and time to gather belongings and travel to a destination. Generally, this would be up to two hours before and up to one hour after a flight barring an unusual circumstance.
6. Unusual circumstances should be documented in the scheduling system. An email, to the employee's supervisor and department payroll personnel by the officer in travel status to document the reason for extended travel (i.e., flight delay/traffic crash, etc.).
7. If an employee's travel status plus training time exceeds their regular work week, the member shall work with their Chain of Command to flex their time to the extent practicable. The Department recognizes that occasionally due to the timing of applicable Fair Labor Standards Act ("FLSA") periods, it may not be practical to flex time. In such cases, the employee shall be entitled to overtime to the same extent otherwise allowed by the appropriate Collective Bargaining Agreement.

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### 1036.12 SHIFT TRADE

Shift trade is designed to allow employees leave when they do not have the appropriate amount of leave available or staffing does not allow for it. It is the responsibility of the employee whose shift is being covered to ensure that the shift is covered as agreed. If the shift is not covered as agreed, the employee whose shift is not covered will be required to use leave to account for the time or find another employee to cover the shift. All shift trades will be approved and entered by a supervisor.

### 1036.13 LEAVE WITHOUT PAY (LWOP)

The use of LWOP must be approved by the Office of the Chief.

All requests for Federal, State or other protected leaves must be coordinated with COV Human Resources in a timely manner as prescribed by law or City policy.

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# Fatigue Management

## 1037.1 PURPOSE

The Vancouver Police Department recognizes that research has well documented the fact that fatigue may decrease alertness, impair task performance, and interfere with decision making. The Department further recognizes that excess fatigue may adversely affect an employees' performance, health and safety, as well as their relations with the public and the quality of their discretionary decisions.

To demonstrate that fatigue safety is a high priority, to maintain an employees' safety, and to reduce the risk that fatigue may cause to the community, the Department has set forth guidelines governing overtime hours and periods of rest for all employees of the Vancouver Police Department.

## 1037.2 POLICY

1. Employees of the Vancouver Police Department should not work more than 16 consecutive hours, including extra duty, in a 24-hour period.
2. With the exception of a major event or rare exigent circumstances involving a prolonged deployment, employees will have a minimum of 8 consecutive hours off duty in every 24-hour period.
3. With the exception of a major event or rare exigent circumstances involving a prolonged deployment, employees will have at least 24 consecutive hours off duty during regularly scheduled days off.
4. When an employee is ordered to appear in court, and that court appearance interrupts the employee’s scheduled time off duty or requires the employee to work 16 or more hours during their 24 hour work cycle, the Department will provide leave to accommodate the 8 consecutive hours off duty either before or after the appearance in court. Generally, fatigue management will be used only after an employee has worked 16 consecutive hours or more. However, on rare occasions, it can be granted to avoid a fatigue management situation for an employee’s next regularly scheduled shift.
    (a) An example of the intended use of fatigue management leave in this circumstance would be for a graveyard employee who got off duty at 0630 hours and had court the same day from 1000 to 1700 hours. This employee would not be required to report for his/her next shift until 8 consecutive hours off duty had been achieved, thus returning to duty at 0100 hours.
    (b) An example of a rare situation where fatigue management could be granted before an employee had already worked 16 hours would be for a graveyard officer who got off duty at 0630 hours and was scheduled for a court appearance at 1300 hours. In this case, less hours of fatigue management leave would be used by releasing the employee at 0500 hours, than by providing 8 hours after the court appearance.
5. When an employee is called out to respond to an unplanned event and has not had at least 8 consecutive hours off duty before being called back to work, the Department

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will provide paid leave to ensure that the employee has at least 8 consecutive hours off duty either before or after the unplanned event. Generally, fatigue management will be used only after an employee has worked 16 consecutive hours or more.

(a) An example of the intended use of fatigue management leave in this circumstance would be a day shift traffic officer whose shift ended at 1700 hours and who is called out to a traffic fatality from 2300 to 0200 hours. Because the officer did not receive the 8 consecutive hours off duty before being called out, he or she would not be required to report for the next shift until 8 consecutive hours off duty had been achieved following the call out, thus returning to duty at 1000 hours.

6. The Department will make sure that employees don't feel obligated to drive home when they feel exhausted. Any employee who does not feel capable of driving safely should notify a supervisor immediately. Supervisors will assist the employee with arranging safe transportation.

7. When an employee is scheduled to attend training or provide instruction, he or she should work with their supervisor and plan for the event in compliance with this policy by using flex time and TX days. Employees attending training as students/ instructors should be flexing their time prior to attending or instructing, rather than using fatigue management leave. The Department will make reasonable efforts to assist with scheduling.

8. Employees may only be compensated once for the same work hours. For example, employees who are on vacation, compensatory time, or any other paid time off may not work overtime during the same hours unless exigent or emergency conditions exist or the Department calls the employee back to work.

9. Employees who have taken unscheduled sick leave from their regular scheduled shift shall be precluded from working an overtime shift for 24 hours from the end of their normal scheduled shift. If the sick leave was for a qualifying family member, then the employee may sign up for an overtime shift without the sick time restriction.

## 1037.3 PROCEDURES

It is the responsibility of each employee to:

1. Monitor his or her own work hours in relation to these guidelines.
2. Notify the appropriate supervisor(s) when work hour issues related to these guidelines arise in the employees work schedule.
3. Refrain from volunteering or "signing up" for overtime hours that would be in violation of these guidelines.
4. Accurately record time entries in the Department's timekeeping software to show the need for fatigue management.

It is the responsibility of Supervisors to:

1. Refrain from pre-scheduling any employee in obvious violation of these guidelines.
2. Make adjustments to the work schedule, when possible, to ensure that employees are not forced to work beyond these limits.

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3. Evaluate and approve fatigue management leave entries that have been submitted into the Department's timekeeping software, ensuring compliance with this policy and accurate payment to the employee.
4. Manage employee work hours on a regular basis to assure that employees do not continue on duty or begin duty in obvious violation of these guidelines.
5. Manage employee work hours and fitness for duty in exigent and emergency circumstances that require exceptions to these guidelines.
6. Notify the chain of command any time it is necessary to provide an employee paid fatigue management leave to meet the requirements of this policy. Include the reason for an employee using fatigue management in the notes section of the entry.

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# Off Duty Employment

### 1038.1 PURPOSE AND SCOPE

The purpose of this policy is to set forth guidelines to govern off-duty employment for all employees of the Vancouver Police Department. This policy does not address nor apply to any form of extra duty employment which is sponsored by the Department.

### 1038.2 POLICY

The policy of the Vancouver Police Department is to provide guidelines to Department employees to inform them of the types of off duty employment that are appropriate, and to establish procedures to maintain accountability for the welfare of the agency. These requirements are essential for the efficient operation of the Department and for the protection of VPD employees, the Department, and the community.

### 1038.3 DEFINITIONS

**Employment** - The provision of a service, whether or not in exchange for a fee or other service. Employment does not include volunteer work for charitable organizations.

**Extra Duty Employment** - A job assignment outside of regularly scheduled work hours that involves providing services for a particular agency, function or event; and the actual or potential use of law enforcement powers. *For further guidelines refer to* ***Policy 1039 - Extra Duty Employment***.

**Off Duty Employment** - Any employment (including self-employment) that will not require the use or potential use of law enforcement powers by the off duty VPD employee.

### 1038.4 APPLICATION SUBMISSION

No member of this Department may engage in any off duty employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for off duty employment or engaging in off duty employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Off Duty Employment Request form which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration. The Chief of Police will make the final determination on the request.

Each application will be reviewed on a case-by-case basis. If approved, the employee will be provided with a copy of the approved permit.

If denied, the employee shall be provided with a written reason for the denial of the application at the time of the denial.

All requests will be reviewed and responded to within seven business days upon receipt at the Office of the Chief.

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Follow this file directory: **SharePoint~Departments~PoliceDepartment~VPDNET~Forms~Service Area:Off Duty Forms** to obtain a copy of this application form.

1038.4.1 REVOCATION/SUSPENSION OF OFF-DUTY EMPLOYMENT
Any off duty employment requests may be revoked or suspended under the following circumstances:

(a) Should an employee's performance at this Department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at their discretion, revoke any previously approved off duty employment request. That revocation will stand until the employee's performance has been reestablished at a satisfactory level and their supervisor recommends reinstatement of the off-duty employment request.

(b) If, at any time during the term of a valid off duty employment request, an employee’s conduct or off duty employment conflicts with the provisions of Department policy, the request may be suspended or revoked.

1038.4.2 OFF DUTY EMPLOYMENT LIMITATIONS
Limitations on off duty employment are as follows:

a. New employees who have not completed their probationary period shall not be eligible to engage in off duty employment. Also, employees who are on medical or other leave due to sickness, temporary disability, or an on duty injury may not be eligible to engage in off duty employment.

b. Work hours for all off duty employment must be scheduled in a manner that does not conflict or interfere with the VPD employee's performance of duty (including court appearances).

c. Any employee engaged in any off duty employment is subject to call#out in case of emergency, and may be expected to leave his off duty employment in such situations.

d. Any exceptions can be reviewed and approved by the Office of the Chief.

## 1038.5 PROHIBITED OFF DUTY EMPLOYMENT

The Department expressly reserves the right to deny any Off Duty Employment Request submitted by an employee seeking to engage in any activity which would:

a. Involve the employee’s use of Departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage. This shall include the prohibition of access to official records or databases of this Department or other agencies through the use of the employee's position with this Department.

b. Present a conflict of interest such as a process server, repossessor, or bill collector; towing of vehicles; or any other employment in which police authority might be used to collect money or merchandise for private purposes, e.g. security guard or loss prevention officer.

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c. Assist as a private investigator or in any manner the case preparation for the defense in any criminal action or for either side in any civil action or proceeding.

d. Involve the sale of alcoholic beverages as the principal business.

e. Involve any gambling establishment.

Any employee found to be using their position in this Department in order to exploit any of the above items may be subject to disciplinary action.

### 1038.6 MATERIAL CHANGES OR TERMINATION OF OUTSIDE EMPLOYMENT

If an employee terminates their off duty employment, the employee shall promptly submit written notification of such termination to the Chief of Police through the chain of command. Any subsequent request for renewal or continued off-duty employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees are also required to disclose material changes in off duty employment that occur after approval of off duty employment has been granted to the Chief of Police in writing. For the purpose of this policy, such changes include any material change in the number of hours, type of duties or demands of off duty employment. Employees who are uncertain whether a change in off duty employment is material are advised to report the change.

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# Extra Duty Employment

## 1039.1 POLICY

This policy provides law enforcement officers with guidelines for extra duty employment. This policy does not address nor apply to off duty employment, which is covered under separate policy.

## 1039.2 DEFINITIONS

**Employment -** The provision of a service, whether or not in exchange for a fee or other service. Employment does not include volunteer work for charitable organizations.

**Extra Duty Detail Coordinator -** The Department member who is responsible for posting and monitoring the extra duty detail.

**Extra Duty Employment** - A job assignment outside of regularly scheduled work hours that involves providing services for a particular agency, function or event; and the actual or potential use of law enforcement powers.

**Off Duty Employment** - Any employment (including self-employment) that will not require the use or potential use of law enforcement powers by the off#duty VPD employee. *For further guidelines refer to* ***Policy 1038 - Off Duty Employment****.*

## 1039.3 EXTRA DUTY ELIGIBILITY REQUIREMENTS

Officers must meet eligibility requirements to work extra duty assignments:

1. Officers must be able to perform the essential functions of a police officer position with or without reasonable accommodation; and must not be on light-duty or leave due for medical reasons including sickness, temporary disability or injury.

2. Officers must have successfully completed their Field Training Program following their date of hire.

3. The extra-duty assignment must not conflict or interfere with the officer’s regular performance of duty including, but not limited to, his/her regular shift assignment and court appearances.

4. Officers must be able to perform the extra duty assignment on regularly scheduled days off or before or after the completion of a regulary scheduled work shift. Officers may not adjust or flex regularly scheduled work hours and may not work extra duty assignments during scheduled vacation (PDO) hours.

## 1039.4 OFFICER RESPONSIBILITIES

When an officer volunteers for an extra duty assignment, they can have any supervisor sign them up for the duty on the electronic scheduling system.

While on the extra duty assignment, the officers are:

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1. Required at the beginning of the extra duty assignment, contact the shift supervisor of the precinct or district in which the extra duty work is occurring to brief them on the assignment and to coordinate any material requests such as patrol vehicles.

2. Performing work as VPD employees and as such shall comply with all City and Department policies, procedures and tasks.

3. To follow the reporting and documentation policies, procedures and tasks as if they were working a regular duty assignment.

a. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment and should be reported as time worked on employee time records.

4. Subject to call-out in case of emergency and may be expected to leave the extra duty assignment.

5. Compensated at one and one-half times the officers regular rate of pay.

6. Required to notify the extra duty detail coordinator of any deviation in the hours scheduled to work.

#### 1039.4.1 OFFICER WITHDRAWAL

In the event an officer has to withdrawal their name from the assignment, they must follow these guidelines:

1. The officer scheduled for the extra duty assignment must find another officer to perform the extra duty assignment and notify the extra duty coordinator of the replacement prior to the extra duty assignment.

2. The withdrawal from the extra duty assignment is not complete until the extra duty coordinator has approved the withdrawal and the change is made in the electronic scheduling system.

3. The extra duty coordinator may make exceptions to these requirements if exigent circumstances exist.

4. Officers may not remove their own name from or make other changes to the extra duty assignment roster on the electronic scheduling system.

### 1039.5 SUPERVISOR RESPONSIBILITIES

When notified of an officer(s) working an extra duty assignment in their precinct or district, the on duty supervisor assures that the officer(s) has notified dispatch of their assignment.

Adequate supervision and equipment for each extra duty assignment will be determined by the extra duty coordinator. If additional resources are need at the time of the event, the on duty supervisor will make every attempt to provide the officer with the necessary resources to adequately conduct the extra duty assignment.

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## 1039.6 DEPARTMENTAL RESTRICTIONS

The Department may limit and/or prohibit officers from working extra duty assignments if the officer has withdrawn from extra duty without giving prior notice in the past, failed to arrange for a replacement or failed to report for the extra duty assignment.

The Office of the Chief, Commander or Lieutenant has the discretion to allow, limit or prohibit an officer(s) from performing extra duty work.

### 1039.6.1 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work in a uniformed or other capacity which might reasonably disclose the officer's status as a law enforcement officer.

## 1039.7 CIVILIAN EXTRA DUTY CONTRACT ASSIGNMENTS

Any private organization, entity or individual seeking special services for security or traffic control from members of this Department must submit a written request to the Chief of Police in advance of the desired service. Such outside overtime will be assigned, monitored and paid through the Department.

1. The applicant will be required to enter into an indemnification agreement prior to approval.

2. The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.

3. Should such a request be approved, any employees working this extra duty assignment shall be subject to the following conditions:

    a. The officer(s) shall wear the Departmental uniform/identification.

    b. The officer(s) shall be subject to the rules and regulations of this Department.

    c. No officer may engage in such extra duty assignment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.

    d. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.

    e. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

The applicant must submit the attached document in order for their request to be considered.

See attachment: 1039 Extra Duty Contract.pdf

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# Personal Appearance Standards

## 1042.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the Department, employees shall maintain their personal hygiene and appearance in a manner that projects a professional image appropriate for this Department and for their assignment.

## 1042.2 GROOMING STANDARDS

Unless otherwise stated, and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Office of the Chief has granted exception.

### 1042.2.1 HAIR

Hairstyles of all members shall be neat in appearance.

Members hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

All hair colors should be of human genome coloring.

### 1042.2.2 FACIAL HAIR

Members hair must be clean-shaven or wear facial hair that is well-groomed and closely trimmed, not exceeding 1 inch in length.

Beards, including goatees, must not extend to the neck. Goatees may be worn with or without a mustache attached.

Small patches of hair directly below the lower lip are not allowed. No Patterns or designs are allowed to be cut into hair.

### 1042.2.3 FINGERNAILS

Fingernails of Department members shall be cleaned and trimmed. Nails shall not be so long as to interfere with the duties assigned or to pose a safety hazard to the employee or public.

### 1042.2.4 BODY PIERCINGS, JEWELRY AND ACCESSORIES

Uniformed personnel shall not wear any earrings, necklaces, bracelets, or large conspicuous rings while on duty, except as provided herein.

Personnel may wear earrings, no larger than 5mm or 3/16 inches in diameter. No other visible body piercings are allowed, to include piercing of the, eyebrow or nose. Piercing holes larger than those used for a small post earring must be closed or covered while on duty.

Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Wristwatches should be of a modest size with the bands no wider than one inch. The bands should be made of a neutral color.

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Department members may wear one ring on each hand (a set of wedding rings is considered one ring).

No personal ornaments shall be worn by officer's on any part of the uniform or equipment, except those authorized within the Uniform Manual.

Members should evaluate the wearing of any jewelry against a possible safety hazard and the possibility of such items being lost or damaged during the course of their duties.

Contact lenses that create an unnatural eye color or graphic design are not permitted.

### 1042.3 TATTOOS/BODY ART

While on-duty, or representing the department in any capacity, members may have or display tattoos; with the following restrictions:

(a) One wedding ring tattoo on the ring finger

(b) Tattooed make-up giving the appearance of natural color and style is allowed (i.e. eyebrows)

(c) No other visible tattoos are permitted on the head, face, neck or hands. Hands are considered to the area below the wrist bone

(d) Tattoos depicting racist, indecent, extremist, lawless or offensive themes are prohibited. A tattoo is considered "offensive" if it is sexist, sexual, racist, vulgar, anti-social, violent, or discriminates against any person by virtue of words, symbols, or pictures in the tattoo or body art.

(e) Additional prohibited tattoos or body art is any such tattoo/ art associated with any organization or group that advocates intolerance or discrimination, that brings discredit upon the Department, or violates the Departments' defined Vision, Mission and Values.

### 1042.4 BODY ALTERATION

Alterations to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited except with prior authorization of the Chief of Police. Such body alteration includes, but is not limited to:

1. Tongue splitting or piercing.

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2. The complete or transdermal implantation of any material other than hair replacement.
3. Abnormal shaping of the ears, eyes, nose or teeth.
4. Branding or scarification.

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# Awards and Recognition

### 1045.1 PURPOSE AND SCOPE

This chapter establishes a Department award policy to formally recognize and reward exceptional performance and outstanding contributions to the Department or community by employees and citizens.

### 1045.2 POLICY

It is the policy of the Vancouver Police Department to acknowledge and reward employees for work that consistently demonstrates outstanding individual or group performance. The Department may also recognize citizens who perform acts of exemplary service to the community or to the Department.

### 1045.3 AWARD BOARDS

1. The Chief shall authorize an Awards Board to receive and evaluate recommendations for awards. This Board shall determine whether an award should be presented and, if so, which award would be appropriate.

2.The Board shall consist of seven members and will represent a cross-section of Departmental ranks and duty assignments.

3. If a vacancy occurs on the Awards Board, the Committee Chair will select a new member while maintaining the cross representation of the Departmental ranks and duty assignments.

4. Member will serve three year terms with two members rotating off the board each year.

5. Members who serve a three year term are eligible for the Special Service Award.

6. If a Board member is under consideration for an award, that member shall be excused from the Board for the period when this award is under consideration. The Chief, or designee, may appoint an ad hoc member to the Board of appropriate rank to serve on the Board in place of the member being considered for the period indicated.

### 1045.4 RECOGNIZED AWARDS FOR SWORN PERSONNEL

The Vancouver Police Department recognizes the following awards for issuance to sworn personnel:

A. Medal of Honor

B. Medal of Valor

C. Silver Star Medal

D. Medal of Distinction

E. Purple Heart

F. Lifesaving Award

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G. Career Service Medal

H. Meritorious Service Award

I. Special Service Award

J. Team Commendation

K. Certificate of Department Recognition

L. Divisional Recognition

### 1045.4.1 MEDAL OF HONOR

The Medal of Honor is Washington State's highest award for law enforcement per RCW 41.72.020. It is awarded to Departmental members killed in the line of duty or displaying exemplary meritorious conduct. All nominations shall be forwarded to the Washington State Law Enforcement Medal of Honor Committee and shall be in accordance with all policies and procedures set forth.

This award consists of a medal, ribbon bar, and a certificate.

### 1045.4.2 MEDAL OF VALOR

The Medal of Valor is the highest award presented by the Vancouver Police Department, and is awarded to officers who distinguish themselves conspicuously by gallantry and extraordinary heroism. Usually, such an act must be in excess of normal demands and of such a nature that the member was fully aware of the imminent threat to their personal safety and acted above and beyond the call of duty at the risk of their own life.

This award consists of a medal, ribbon bar, and a certificate.

### 1045.4.3 SILVER STAR

The Silver Star is the second highest award presented by the Vancouver Police Department, and is awarded to officers who display technical skill, courageous action, or significant bravery during a dangerous or life-threatening incident. These acts of courage do not rise to the level of risk as required for the Medal of Valor, but are actions of bravery well beyond normal expectation.

This award consists of a medal, ribbon bar, and a certificate.

### 1045.4.4 MEDAL OF DISTINCTION

A Medal of Distinction is awarded for outstanding performance beyond the ordinary course of duty during hazardous situations. The officer must demonstrate alertness, perseverance, or timely judgment in the performance of a difficult task which results in the protection of life, the recovery of stolen property, the prevention or solving of a major crime, or the apprehension of an armed or dangerous person. The action of the officer must be truly exemplary, as opposed to competent and professional.

This award consists of a medal, ribbon bar, and a certificate.

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### 1045.4.5 PURPLE HEART

The Purple Heart is awarded to officers who receive substantial bodily harm inflicted by an assailant while the officer was in the performance of their duty. The injury must not be the result of, or concurrent with, and the conduct of the officer that is less than acceptable by all standards.

The award consists of a medal, ribbon bar, and a certificate.

### 1045.4.6 LIFESAVING AWARD

The Lifesaving Award is given to an officer who is directly responsible for the saving of a human life. Documentation and supporting evidence, which may include statements of witnesses, physicians, or supervisors, must be included to substantiate the award. This award is also appropriate in those circumstanced where the action of an officer prolonged human life to the extent of the victim being released to the care of medical authorities, even though the victim may have expired at a later time. This award is appropriate for officers who prevent the taking of a life by a suicidal subject through imminent and violent means.

This award consists of a medal, a ribbon bar, and a certificate.

### 1045.4.7 CAREER SERVICE MEDAL

The Career Service Medal is awarded to officers who complete at least 20 years of active civilian law enforcement service, of which at least 15 years were served with the Vancouver Police Department. This medal is presented to eligible sworn officers.

This award consists of a medal and a certificate.

### 1045.4.8 MERITORIOUS SERVICE AWARD

The Meritorious Service Award is given to an officer for very competent and professional performance. This award recognizes an officer that performed competently in a stressful situation, in a stress position over an extended period of time, or that performed duties beyond normal expectations in the investigation and case preparation of an unusual or special case.

This award consists of a ribbon bar and a certificate.

### 1045.4.9 SPECIAL SERVICE AWARD

A Special Service Award is presented to an officer that has performed competently and with merit in a collateral assignment as a member of a specialized Department unit or training unit instructor for three (3) or more years. A Department Supervisor or Unit Team leader of the specialized unit will be responsible for nominating an eligible employee.

This award consists of a ribbon bar and a certificate.

### 1045.4.10 TEAM COMMENDATION

A Team Commendation is presented to a group of officers, civilian personnel and/or citizens whose collective efforts significantly impact the overall service delivery for the Vancouver Police Department.

This award consists of a ribbon bar and a certificate.

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### 1045.4.11 CERTIFICATE OF DEPARTMENTAL RECOGNITION

A Certificate of Department Recognition may be awarded to an officer who is responsible for improving the conditions within the Department or the community. This award may be presented for the performance of noteworthy achievements, special services, or the completion of special duties or projects. Such acts shall be evaluated on the basis of being above and beyond normal job requirements, but to a lesser degree than required for a medal award.

This award consists of a certificate placed in the officer's personnel file.

### 1045.4.12 DIVISIONAL RECOGNITION

Divisional Recognition is presented to an officer for outstanding performance of duty. It may be awarded for performance over a period of time, or for contributing to the success of a project or program. This award may be presented by any supervisor or command member directly to the officer.

This award consists of a memorandum placed in the officer's divisional file.

### 1045.4.13 AWARD RIBBONS

Members may wear up to six (6) of their highest earned award ribbons on the Class 'A' or Class 'B' uniform shirt. Ribbon bars will be worn centered one quarter inch (1/4") above the name plate on the uniform shirt and arranged by highest order of precedence from left to right, as viewed from the front. Multiple ribbons shall be mounted on an appropriately sized ribbon mounting bar.

These awards should be displayed in the order listed below from the highest to the lowest:

1. State Medal of Honor
2. Medal of Valor
3. Silver Star Medal
4. Medal of Distinction
5. Purple Heart
6. Life Saving Award
7. Career Service Medal
8. Meritorious Service Award
9. Special Service Award
10. Team Commendation

## 1045.5 RECOGNIZED AWARDS FOR CIVILIAN PERSONNEL

The Vancouver Police Department recognizes the following awards for issuance to civilian personnel:

A. Department Citation

B. Lifesaving Award

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C. Certificate of Department Recognition

D. Supervisory Recognition

E. Team Commendation

### 1045.5.1 DEPARTMENT CITATION

A Department Citation is awarded to non-sworn members of the Department for competent and professional service. This award recognizes employees that performed with extreme competence in a stressful position over an extended period of time. The Department Citation may also be awarded for extreme professionalism or competency in an unusual or hazardous situation.

This award consists of a medal, ribbon bar, and certificate.

### 1045.5.2 LIFESAVING AWARD

The Lifesaving Award is given to an employee who is directly responsible for the saving of a human life. Documentation and supporting evidence, that may include statements of witnesses, physicians, or supervisors, must be included to substantiate the award. This award is also appropriate in those circumstances where the actions of an employee prolonged human life to the extent of the victim being released to the care of medical authorities, even though the victim may have expired at a later time.

This award consists of a medal, a ribbon bar, and a certificate.

### 1045.5.3 CERTIFICATE OF DEPARTMENT RECOGNITION

A Certificate of Department Recognition may be awarded to an employee who is responsible for improving the conditions within the Department or community. This award may be presented for the performance of noteworthy achievements, special services, or the completion of special duties or projects. Such acts shall be evaluated on the basis of being above and beyond normal job requirements, but to a lesser degree than required for a medal award.

This award consists of a certificate placed in the employee's personnel file.

### 1045.5.4 SUPERVISORY RECOGNITION

Supervisory Recognition is awarded to an employee for outstanding performance of their duties. It may be presented for performance over a period of time, or for contributing to the success of a project or program. This award may be presented by any supervisor directly to the employee.

This award consists of a memorandum placed in the employee's divisional file.

### 1045.5.5 TEAM COMMENDATION

A Team Commendation is presented to a group of officers, civilian personnel and/or citizens whose collective efforts significantly impact the overall service delivery for the Vancouver Police Department.

This award consists of a ribbon bar and a certificate.

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## 1045.6 RECOGNIZED AWARDS FOR CITIZENS

The Vancouver Police Department recognizes the following awards for issuance to citizens:

A. Department Citation

B. Lifesaving Award

C. Certificate of Department Recognition

D. Citizen Recognition

E. Team Commendation

### 1045.6.1 DEPARTMENT CITATION

A Department Citation is awarded to a citizen for bravery in coming to the aid of an officer or another citizen. The actions of the citizen must be exemplary and must not needlessly place self or others at risk. This award may also be presented to a citizen, a group, or an organization that has committed substantial time, effort, or assistance to the Vancouver Police Department to further the goals and ideals of the Department.

This award consists of a plaque and a certificate.

### 1045.6.2 LIFESAVING AWARD

The Lifesaving Award is given to a citizen that is directly responsible for the saving of a human life. Documentation and supporting evidence, that may include statements of witnesses, physicians, or supervisors, must be included to substantiate the award. This award is also appropriate in those circumstances where the actions of the citizen prolonged human life to the extent of the victim being released to the care of medical authorities, even though the victim may have expired at a later time.

This award consists of a plaque and a certificate.

### 1045.6.3 CERTIFICATE OF DEPARTMENT RECOGNITION

A Certificate of Department Recognition is awarded to a citizen, group, or organization that is responsible for improving relations with the Department and the community.

This award consists of a certificate.

### 1045.6.4 CITIZEN RECOGNITION

Citizen Recognition is awarded to a civilian for their contribution to the success of a project or program, or for significant actions taken in support of law enforcement or safety in the community.

This award consists of a memorandum.

### 1045.6.5 TEAM COMMENDATION

A Team Commendation is presented to a group of officers, civilian personnel and/or citizens whose collective efforts significantly impact the overall service delivery for the Vancouver Police Department.

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This award consists of a ribbon bar and a certificate.

### 1045.7 RETIREMENT AWARDS

1.Officers retiring in good standing, whether for service or disability, with 15 years or more of combined law enforcement service, will be issued retirement credentials as listed in VPD Policy 1002 at no cost.

2.Recognizing that law enforcement service at a prior agency is valuable, the retiring member may, at their expense, furnish badges from their previous department for inclusion in any retirement presentation.

3.Officers retiring in good standing under disability conditions, either duty or non-duty, with less than 15 years of law enforcement service will be issued retirement credentials as listed in VPD Policy 1002 at no cost.

### 1045.8 PROCEDURES FOR RECOMMENDATION OF AWARD

1. Any Department member may recommend another officer, another employee, or a citizen as a candidate for departmental recognition, with the exception of the Special Service Award, which must be submitted by a Unit Leader or Department Supervisor.

a) Vancouver Police Officers as defined by RCW 10.93.020, or police canines as identified in RCW 4.24.41, are eligible for awards designated for sworn personnel.

b) Employees of the City of Vancouver, assigned to the Vancouver Police Department, are eligible for awards designated for civilian personnel.

c) All recommendations for Departmental awards shall be submitted in writing and include a thorough description of the circumstances.

See attachment: 1045 Awards Nomination form.pdf

d) Recommendations should be submitted to the committee within 90 days of the nominated action, but all nominations will be reviewed when they are received.

e) Recommendations for awards other than Divisional Recognition shall be forwarded to the Awards Board through the normal chain of command.

f) Each level of command will review the recommendations, adding concurrence or disagreement, and the reasons supporting their comments, in writing.

g) The Awards Board shall meet as needed, or as directed by the Chief of Police, to consider recommendations. The Board may make any one of the following findings:

1)The recommendation meets the standards for the award and the award is approved;

2)The circumstances justify recognition, but for an award other than that specified in the initial recommendation;

3) The facts as currently known do not justify an award at this time.

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h) A majority vote by the committee members shall decide the recommendation.

i) The Board will present a written report to the Chief, or designee,of its recommendations.

j) No awards shall be approved for actions that violate Department policies and procedures.

2. A final determination on all levels of Departmental recognition will be made by the Office of the Chief, or designee.

### 1045.9 PROCEDURE FOR PRESENTATION OF AWARDS

1.Presentation of Departmental awards involving a medal or ribbon bar will be made at the next regularly scheduled recognition ceremony unless the Board, or the Chief, or his/her designee determines it necessary to schedule an additional ceremony. Certificates of Recognition and other supervisory recognition may also be presented at the formal ceremony at the discretion of the Chief or designee.

2.All Department members receiving departmental recognition shall have a copy of the certificate, memorandum, and/or letter placed in their personnel file.

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# Domestic Violence Involving Law Enforcement Employees

## 1049.1 PURPOSE AND SCOPE

This policy establishes procedures, protocols and actions for investigating and reporting domestic violence involving employees of this and other law enforcement agencies. The intent of this policy is to ensure that law enforcement employees are held to the standards of the law regarding domestic violence (RCW 10.99.090).

### 1049.1.1 DEFINITIONS

**Agency** - Means a general authority Washington law enforcement agency as defined in RCW 10.93.020.

**Employee** - Means any person currently employed with the Vancouver Police Department.

**DVPC** - Domestic Violence Prosecution Center

**Non-Sworn Employee** - Means any employee of an agency that is not classified as a peace officer defined in RCW 10.93.020.

**Sworn Employee** - Means a general authority Washington peace officer as defined in RCW 10.93.020, any person appointed under RCW 35.21.333, and any person appointed or elected to carry out the duties of the Sheriff under RCW Chapter 36.28.

## 1049.2 DEPARTMENT RESPONSIBILITIES

The Vancouver Police Department has the following obligations (RCW 10.99.030 and 10.99.090):

(a) Provide pre-hire screening procedures reasonably calculated to disclose whether an applicant for a sworn employee position has a history of domestic violence, child abuse allegations, or have been subject to a protective order.

(b) Maintain ongoing and meaningful relationships with victim advocacy groups and other domestic violence professionals in the community.

(c) In response to observed behavior or at the request of the employee, the Vancouver Police Department may offer or recommend intervention services to all employees. If domestic violence is suspected, the referral should be to a domestic violence specialist.

(d) Any employee who becomes aware of domestic violence committed by a sworn/non-sworn employee must immediately report that allegation to their supervisor.

(e) Recognize that employees who disclose that they have personally engaged in criminal acts of domestic violence are not entitled to confidentiality. Such acts shall be investigated administratively and criminally as appropriate.

(f) Provide information to employing law enforcement agencies within 24 hours of a domestic violence or domestic dispute report involving a sworn/non-sworn employee.

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This should be accomplished by either a direct phone conversation or personal contact with the agency head.

(g) Provide information on this domestic violence policy and programs under Title RCW 26 to employees and make it available to employee families and the public.

(h) Provide victims of domestic violence by Vancouver Police Department employees a Department point of contact to assist the victim through the investigative process. Unless otherwise designated, the point of contact will be the Domestic Violence Prosecution Center (DVPC) Sergeant.

(i) Provide victims of domestic violence by Vancouver Police Department employees contact information about public and private nonprofit domestic violence services and information regarding relevant confidentiality policies related to the victim's information.

(j) Respond to Vancouver Police Department employees who are alleged victims of violence at the hands of sworn/non-sworn employees of the Vancouver Police Department. Safety concerns and domestic violence services information will be reviewed with the victim employee.

(k) Provide for an impartial administrative investigation and appropriate criminal investigation of all acts of domestic violence allegedly committed by a sworn/non-sworn employee and appropriate sanctions when it is found that an employee has committed an act of domestic violence. Administrative investigations may be conducted by the Vancouver Police Department or through agreements with other law enforcement agencies.

(l) Consider whether to relieve a sworn employee of Department issued weapons and suspend law enforcement powers pending resolution of an investigation.

### 1049.2.1 SUPERVISOR RESPONSIBILITIES

In an effort to prevent domestic violence behaviors and/or to prevent problems from escalating to criminal conduct, supervisors:

(1)Recognize on-duty and/or off-duty behavior that may be a warning sign of domestic violence.

a.Warning signs may include, but are not limited to, increased use of force during arrests, alcohol and/or drug abuse, increase in controlling behaviors, stalking activity, citizen and fellow employee complaints of unwarranted aggression and verbal abuse, and aggression toward animals.

b.Monitor frequent tardiness and absences.

(2)Recognize inappropriate aggressive behaviors by all Departmental personnel.

a.Inappropriate aggressive behaviors may include, but are not limited to: stalking, inappropriate surveillance activities, unusually high incidences of physical altercations, injuries, or verbal disputes.

(3)Maintain close supervision of all personnel who display warning signs or inappropriate aggressive behaviors.

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(4)Accept reports of domestic violence by all personnel.

a.Vancouver Police personnel who disclose to any member of the Department that they have personally engaged in or been a victim of domestic violence that may rise to the level of criminal behavior are not entitled to confidentiality.

b.A report of potentially criminal domestic violence by Vancouver Police personnel shall be treated as an admission of a crime or notification that a crime has occurred.

(5)Document the warning signs, inappropriate behaviors and reports of domestic violence.

(6)Notify Command of warning signs, inappropriate behaviors and reports of domestic violence.

a.The notification should include information about domestic violence whether on or off duty for all Department employees.

### 1049.2.2 COMMAND STAFF RESPONSIBILITIES

A command staff member notified of an incident covered by this policy shall notify the Office of the Chief promptly of such incident and:

(1)If a Vancouver Police Department sworn employee is involved they shall:

a.Determine if the involved employee's law enforcement powers should be suspended and if duty weapon, and other Department owned equipment should be removed pending investigation outcome and possible prosecutorial charging decision.

b.Issue an administrative order prohibiting on-duty contact with the victim if appropriate.

c.Forward information on the incident to the Professional Standards Unit and/or the Office of the Chief for review and further action.

d.Respond or designate a command staff member to respond to a scene if the situation dictates command presence.

(2)If a non-sworn Vancouver Police Department employee is involved, they shall:

a.Forward information on the incident to the Professional Standards Unit and or the Office of the Chief for review and further action.

b.Respond, or designate a command staff member to respond to a scene if the situation dictates command presence.

(3)If any employee of another law enforcement agency is involved they shall:

a.Verify command notification of the employing agency.

b.Verify the on-duty VPD supervisor has offered assistance on scene.

c.Ensure that the Vancouver Police Department provides appropriate reports and any other requested documentation to the employing agency.

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1049.2.3 INVESTIGATIVE RESPONSIBILITIES
(1)The Vancouver Police Department investigates reports of law enforcement criminal domestic violence involving sworn and non-sworn employees from other agencies the same as reports of all incidents of domestic violence involving citizens.In these cases, the Domestic Violence Prosecution Center (DVPC) Sergeant shall:

a.Review the report and assign the criminal investigation.

b.Coordinate with the appropriate prosecutor's office regarding charging and prosecution.

c.Assist the victim with safety concerns and develop a safety plan.

(2)All completed investigations of domestic violence that reveal probable cause of a crime committed by any agency sworn employee or the agency head shall be promptly forwarded to the appropriate authority for a charging decision.

(3)This Department will refer law enforcement domestic violence cases, occurring in the city of Vancouver involving Vancouver Police sworn employees, to the Regional Major Crimes Team for criminal investigation.

(4)For all situations involving any employee of this Department, who is a victim of domestic violence, the DVPC Sergeant shall:

a.Act as the Departmental point of contact.

b.Contact the victim and develop a safety plan.

1049.2.4 ADMINISTRATIVE RESPONSIBILITIES
An internal affairs investigation will be conducted by the Professional Standards Unit, completely separate from any criminal investigation, when:

(a)Any Vancouver Police employee is arrested or charges filed involving domestic violence.

(b)Articulable facts exist regarding domestic violence behavior, even if the employee is not arrested or charged.

(c)Command will take any necessary administrative action prior to the investigation to protect the interests of everyone involved.

(d)Disciplinary action may be taken following completion of the investigation up to and including termination of employment as provided within Department policy on Internal Affairs.

## 1049.3 EMPLOYEE ACTIONS
All law enforcement employees have the following obligations or entitlements (RCW 10.99.090):

(a)Employees are entitled to seek assistance through the employee assistance program, employee peer support counselors, chaplains, or psychological professionals.

(b)Employees with knowledge or information about any sworn employee in violation of this policy must report in writing to their supervisor or the Professional Standards Unit as soon as possible. Failure to report may subject the employee to disciplinary action.

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(c)Employees who are victims of domestic violence are encouraged to request assistance, but are not subject to punitive measures for failing to report their abuse.

(d)Employees should be alert to the likelihood of victim or witness intimidation and shall immediately take appropriate action. This action will include, but is not limited to the report to their supervisor or the Professional Standards Unit.

(e)Employees are expected to fully cooperate with the investigation of allegations under this policy but only as requested by a supervisor, the Professional Standards Unit, or ordered by court or other legal process (e.g., subpoena).

(f)When a law enforcement agency responds to a call in which an employee is alleged to have been involved in a domestic dispute or committed an act of domestic violence, the involved employee must immediately report that police response to their supervisor.

(g)When an employee becomes the subject of an investigation for child abuse or neglect, or becomes subject to an order under RCW 26.44.063 or RCW 7.105 or any equivalent order issued by another state or tribal court, that employee must immediately report the fact to his/her supervisor. The employee must also notify their supervisor of any notices of court dates, appearances, and proceedings.

## 1049.4 INCIDENT RESPONSE

Any notification of any incident of domestic violence involving any law enforcement officer requires a prompt response, full investigation and a complete written report by this Department (RCW 10.99.030). This response would be the same for non-sworn employees of the Vancouver Police Department. These incidents additionally require:

(a)On-scene supervisory presence.

(b)Notification through the chain of command to the Office of the Chief of this Department; and if the incident involves employees of another agency, notification of the agency head of the employing agency.

(c)The Office of the Chief may delegate responsibility for receiving such reports to the DVPC or Regional Major Crimes Team.The unit supervisor should review each referral for any potential conflict of interest.

(d)In the event of a report of domestic violence alleged to have been committed by the Chief of Police, prompt notification will be made to the employing entity's chief executive officer, or, in the case of an elected Sheriff, the County's Prosecutor.

### 1049.4.1 PATROL RESPONSE - SWORN EMPLOYEE (NON-VPD)

A patrol officer responding to an incident of domestic violence involving a non-VPD law enforcement officer shall request a supervisory response.

(a)The primary unit will conduct a thorough investigation of a non-VPD law enforcement officer the same as reports of domestic violence involving citizens.

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(b)Patrol units responding to suspicious circumstances, compelling third party accounts of incidents, unexplained property damage, verbal arguments etc. or other troubling event involving non-VPD law enforcement officers, will complete written reports of the incident.

(c)A copy of all reports of the incident should be forwarded to the DVPC. Access to the report should then be restricted to some form of "read only" version or physically secured.

1049.4.2 PATROL RESPONSE - SWORN/NON-SWORN EMPLOYEE (VPD)
A patrol officer responding to an incident of domestic violence involving a Vancouver Police employee shall request a supervisory response.

(a)The primary unit will respond to secure the scene and ensure the safety of all parties involved.

(b)If the alleged offender has left the scene and probable cause exists, responding patrol units shall search the area and obtain information as to the location of the suspect.

1049.4.3 PATROL SUPERVISOR RESPONSE
A patrol supervisor shall:

(1)Respond to the scene of all domestic violence incidents within the jurisdiction of the Vancouver Police Department involving any law enforcement officer or Vancouver Police employee.

a.In the event of the arrest of a sworn employee of another agency, contact that agency prior to custody transport and request authorization to seize that employee's agency issued weapons or arrange for the employing agency to obtain them. Consideration should be given to other agency equipment and inquiries made about voluntary surrender of personal weapons that may be secured for safekeeping.

b.Notify precinct command.

(2)Respond whenever practical to the scene of any domestic violence incident involving any employee of this Department regardless of jurisdiction. Supervisors will coordinate information and offer assistance to the agency of jurisdiction.

a.In the event of the arrest of a sworn employee of the Vancouver Police Department in another law enforcement jurisdiction, contact the Office of the Chief who will order the surrender of the officer's Department issued weapons.

(3)In the event any employee of this Department is involved in any domestic violence incident as a suspect or victim:

a.Notify precinct command. If the incident involves an Assistant Chief or Chief of Police, notify the individual's direct supervisor.

b.Ensure scene security and if needed provide medical aid.

c.If the victim or suspect in any domestic violence incident is an employee of this Department, request the Regional Major Crimes Team be notified to respond and conduct the investigation.

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(4)In all cases involving any Vancouver Police employees, debrief those responding Vancouver Police officers and have them submit a report detailing their actions.

### 1049.5 VICTIM SAFETY ASSISTANCE AND NOTIFICATION

The Vancouver Police Department will work with community resources and domestic violence advocacy agencies and shall make available to the victim:

(a)Information on how to obtain protective orders and/or removal of weapons from his/her home.

(b)Assistance with obtaining such orders in coordination with domestic violence victim advocates.

(c)A copy of this policy and any agency confidentiality policy.

(d)Information about public and private domestic violence advocacy resources to include the Washington State Domestic Violence Hotline.

(e)Information related to relevant confidentiality policies related to the victim's information and public disclosure as provided by law.

(f)The Vancouver Police Department will coordinate victim notification regarding criminal and administrative investigative processes through the DVPC and Professional Standards Unit in order to assist with victim safety.

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# Department Badges and Identification

## 1051.1 PURPOSE AND SCOPE

This policy provides guidelines for the authorization and use of Department badges, patches and identification.

## 1051.2 POLICY

The Vancouver Police Department badge, uniform patch and identification, as well as the likeness of these items and the name of the Vancouver Police Department are the property of the Department and their use shall be restricted as set forth in this policy.

The uniform badge shall be issued by the Department as a symbol of authority. Only authorized badges issued by this Department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

Employees of the Department, when acting as a representative of the Vancouver Police Department or the City of Vancouver, shall, upon request of any person, give their name and display the official badge or identification card. In certain emergency situations, it is not feasible to comply with such requests immediately. However, employees of this Department shall identify themselves when requested to do so as soon as it is practicable.

### 1051.2.1 FLAT BADGE

Sworn officers may purchase, at his/her own expense, a flat badge capable of being carried in a wallet or badge carrier. The use of the flat badge is subject to all the same provisions of Departmental policy as the uniform badge.

a. An officer may sell, exchange, or transfer the flat badge he/she purchased to another officer within the Vancouver Police Department with the written approval of the Chief of Police.

b. An honorably retired officer may keep his/her flat badge upon retirement.

c. The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

### 1051.2.2 CIVILIAN PERSONNEL

Badges issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g., DECU Investigator).

Non-sworn personnel shall not display any Department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.

Non-sworn personnel shall not display any Department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

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1051.2.3 RETIREE UNIFORM BADGE
Upon retirement in good standing, employees may purchase their assigned duty badge for private memorabilia display purposes.

1051.2.4 ISSUED RETIRED BADGE
Upon retirement in good standing, sworn personnel will be issued retirement credentials as listed in VPD Policy 1002.

1051.2.5 DEPARTMENT ISSUED IDENTIFICATION
The Department issues each employee an official Department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their Department-issued identification at all times while on duty.

Whenever sworn personnel are off duty and carrying a concealed weapon under the authority of the Department, they must be in possession of their Department-issued identification card.

## 1051.3 DAMAGED OR LOSS OF A BADGE/IDENTIFICATION CARD

Employees shall be responsible for the safekeeping, proper care, use and replacement of Department badges and identification cards assigned or entrusted to them.

Employees shall promptly report the damage to and/or loss of a badge or identification card through their chain of command as soon as possible. Personnel reporting damage and/or loss of a badge must follow the directions outlined in **Policy 700 - Department Owned and Personal Property**. Employees may be required to pay for the replacement of a badge if it is intentionally abused or if the employee’s reckless action caused damage to or loss of the badge.

Employees reporting the damage and/or loss of a Department issued identification card can obtain a replacement card through the Office of the Chief.

## 1051.4 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees for official use only. The Department badge, shoulder patch or the likeness thereof, or the Department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and Department name for all material (printed matter, products or other items) developed for Department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her Department badge or identification card to others and shall not permit the badge or identification card to be reproduced, duplicated or used to gain favor/ consideration.

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### 1051.5 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the Department badge shall not be used without the expressed authorization of the Chief of Police.

The Vancouver Police Officers Guild and the Police Command Union may use the likeness of the Department badge for merchandise and official union business provided they are used in a clear representation of the union and not the Vancouver Police Department. The following modifications shall be included:

a. The text on the upper and lower ribbons is replaced with the name of the employee association.

b. The badge number portion displays the initials of the employee association.

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# Peer Support Team

## 1052.1 PURPOSE AND SCOPE

The mission of the Peer Support Team is to provide information and emotional support to employees and their families when personal or professional problems may affect them. Official interactions are confidential, providing it does not violate any law or Department regulation. The Peer Support Team may supplement the Department psychologist. The Team is specifically trained for support with Critical Incident Stress Management (CISM), but is not a substitute for mental health professionals.

## 1052.2 DEFINITIONS

**Critical Incidents** – A significant situation or traumatic event faced during the course of law enforcement duties that may cause unusually strong emotional reactions, which may overwhelm an individual's coping skills and has the potential to interfere with their ability to function either at the scene or at a later time.

Examples of critical incidents include, but are not limited to; officer involved shootings, line of duty deaths, serious injury to self or other officers in the performance of their duties, suicide of an officer, mass casualty (disaster) event, death of children, hostage taking, barricaded subject with a specific danger to personnel, a prolonged event that ends in a loss of life, or any other events identified by the Chief of Police, or designee, as a traumatic critical incident under this policy.

**Critical Incident Stress Debriefing (CISD)** – The CISD is a structured group discussion designed to mitigate or resolve the psychological distress associated with a critical incident. The process provides information on potential stress symptoms and coping techniques and helps personnel work through their own thoughts, reactions and symptoms. The CISD is facilitated by a specially trained team that includes mental health professionals and peer support personnel.

**Peer Support Counselor/Personnel** – Personnel who have been specially trained in crisis intervention and stress management techniques to provide emotional and moral support and counseling to other Department personnel and to know when and how to intervene in crisis situation or when to make referrals to a qualified mental health professional. Support may be provided when an officer needs those services due to involvement in a critical incident, day-to-day stressors or working in a high stress environment. Services include one-on-one peer support, crisis intervention group meetings and on-scene support.

## 1052.3 CONFIDENTIALITY

RCW 5.6.060 (6)(a) states, "A peer support group counselor shall not, without consent of the law enforcement officer or firefighter making communication, be compelled to testify about any communication made to the counselor by the officer or firefighter while receiving counseling. The counselor must be designated as such by the Sheriff, Police Chief, Fire Chief, or chief of the Washington State Peer Support Team, prior to the incident that results in counseling. The privilege only applies when the communication was made to the counselor while acting in his or her capacity as a peer support group counselor. The privilege does not apply if the counselor was an initial

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responding officer or firefighter, a witness, or a party to the incident which prompted the delivery of a peer support group counseling services to the law enforcement officer of firefighter."

Team members must inform Department members of the limits of their confidentiality and consider potential role conflicts (e.g., supervisor providing peer support). Exceptions to confidentiality may include the following:

- Threats to self
- Threats to others (specific)
- Crimes
- Child, spousal or elder abuse

## 1052.4 GOALS

- Provide a timely onsite response to support members involved in a critical incident.
- Provide post-incident support to affected members.

## 1052.5 PEER SUPPORT TEAM STRUCTURE

The team shall consist of:

1. A Lieutenant will have administrative responsibility for the team and report to the Chief of Police. The Lieutenant will serve as the chair of the Team.

2. A Sergeant will have supervisory responsibility of the Team. The Sergeant will serve as the co-chair of the Team.

3. The Peer Support Team Psychologist will maintain clinical oversight, facilitate demobilizations, defusing and debriefings. The Psychologist will provide evaluations and assist the team supervisors in team functions, training and meetings.

4. Team members who have received the mandatory, certified CISM training to assist affected officers. The number of sworn and civilian members of the Team may vary depending on the needs of the Department.

5. Steering committee team members are chosen based on training and experience in critical incident stress management. The steering committee is separate from the Team, but can become members by following the same selection process listed in this policy. The steering committee is responsible for the management and monitoring of the Peer Support Team over the long term. The steering committee will meet as often as needed to review after-action incidents, policy updates, legal updates or any strategic planning the unit needs.

## 1052.6 PEER SUPPORT TEAM RESPONSIBILITIES

In the event of an Officer-Involved-Shooting (OIS) incident, the Peer Support Team is able to assist officers.

1. A Peer Support Team member may be assigned to assist with the involved member throughout the entire OIS process.

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2. Ensure the officer is comfortable and provide them with food and drink.

3. Remind involved officer to make appropriate family notifications.

4. Visually inspect the involved officer for injuries or other damage to uniform or equipment that occurred during the incident.

5. Coordinate with the investigation for retrieval and return of any personal property left at the scene belonging to the involved officer.

6. Coordinate replacement of the officer's clothing if taken as evidence.

7. Explain the post OIS process to the involved officer in accordance with **Policy 309 - Officer Involved Shooting**.

8. Arrange for transportation for the involved officer and the officer's family as needed.

9. Coordinate and provide individual and group debriefs as necessary.

10.Work with District/Division Lieutenant to ensure reasonable notice for all scheduled appointments.

### 1052.7 PEER SUPPORT TEAM ACTIVATION

When a situation occurs which has a high probability of creating critical incident stress, a Peer Support Sergeant, Incident Commander or command level officer may activate the Team.

A Peer Support Sergeant, or designee, shall notify the Team lieutenant and the necessary team members. A Peer Support Sergeant, or designee, shall provide oversight of all Team assignments and coordinate with the Incident Commander.

### 1052.8 ADMINSTRATION

1. Individuals receiving peer support may voluntarily choose or reject a team member by using any criteria they believe is important. They may also decline services provided by the Peer Support Team.

2. The team may not hamper or impede a disciplinary process of an affected employee.

3. Candidates for Peer Support Team should be selected based on their ability to actively listen, level of credibility with their peers, experience, maturity, judgement, motivation and recommendation by their supervisor.

4. The selection process will follow the specialty unit selection policy of the Vancouver Police Department.

5. Team members should be allowed a leave of absence from the Team when personal or professional conflicts arise.

6. Team members should avoid conflicting peer support relationships.

7. Team members will be compensated per the Vancouver Police Officer's Guild contract for training, meetings and call-outs by approval of a command level officer.

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8. Peer Support Team members will not be issued take home vehicles for this collateral duty.

### 1052.9 TRAINING

All team members shall attend and receive the basic International Critical Incident Stress Foundation certified training prior to actively counseling or coordinating a critical stress incident. Ongoing training will be conducted for Team members as necessary. The training should involve continued education in topics such as, but not limited to:

- Officer Involved Shooting Peer Counseling
- Enhancing Interpersonal Communication Skills
- Stress Management Techniques
- Dealing with Depression
- Developing Healthy Relationships
- Drug and Alcohol Abuse
- Compulsive Behaviors
- Critical Incident Stress
- Post-Traumatic Stress Disorder (PTSD)
- Grief and Bereavement
- Suicide Prevention

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# Performance Evaluation

## 1055.1 PURPOSE AND SCOPE

This policy defines the performance evaluation process and establishes guidelines for conducting the formal written performance evaluation and discussion.

## 1055.2 POLICY

Performance evaluation is an ongoing process of communication between a supervisor and an employee that occurs throughout the year. The communication process includes setting objectives, identifying goals, providing feedback and evaluating results. The process also includes a written performance evaluation and a discussion about the written evaluation that is completed at established times during the year.

## 1055.3 DEFINITIONS

**Divisional File**: Any file which is separately maintained internally by an employee's supervisor within an assigned division for the purpose of completing performance evaluations.Medical information is not included.

**Personnel File**: That file which is maintained in Human Resources and/or the Office of the Chief as a permanent record of employment history with the City. Medical information is not included.

## 1055.4 WRITTEN PERFORMANCE EVALUATION

The written performance evaluation provides a guide for mutual work planning and review and an opportunity to convert general impressions into a more objective history of work performance based on job standards.The objective is to:

1. Review and record work performance,

2. Give recognition for good work,

3. Provide a guide for improvement where needed,

4. Identify opportunities for professional development, and

5. Outline action steps necessary to meet professional development and work performance related goals.

Each evaluation covers a specified period and is based on performance during that period.

The employee performance evaluation is used for making personnel decisions relating to promotion, job assignment, corrective action, disciplinary action, demotion and termination from employment.

### 1055.4.1 EVALUATION FREQUENCY AND RATING PERIOD (SWORN PERSONNEL)

The evaluation rating period for VPD employees is January through December. The Department requires the following performance evaluations during the rating period:

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1. At the beginning of the rating period, supervisors review the tasks of an employee's job assignment, discuss expectations for performance and the evaluation rating criteria and establish individual goals with each employee.

2. At the end of the rating period, supervisors complete the written performance evaluation.

3. For employees in a new hire probationary status, the evaluation should be completed prior to the end of the probationary period to advise the employee of satisfactory performance; actions that should be taken to improve in areas of weakness; and recommendations relating to successful completion of probation.

The authorized Department evaluation forms for sworn personnel are listed in SharePoint.Follow this file directory: **SharePoint~Departments~Police Department~VPDNET~Forms~Service Area:Evaluations** to obtain a copy of the appropriate forms.

1055.4.2 EVALUATION FREQUENCY AND RATING PERIOD (CIVILIAN PERSONNEL)
The evaluation rating period for VPD employees is January through December.The Department requires the following performance evaluations during the rating period:

1. For employees in a new hire probationary status, the evaluation should be completed prior to the end of the probationary period to advise the employee of satisfactory performance; actions that should be taken to improve in ares of weakness; and recommendations relating to successful completion of probation.

2. At the end of the rating period, supervisors complete the written performance evaluation.

The authorized Department evaluation forms for civilian personnel are listed in SharePoint.Follow this file directory: **SharePoint~Departments~Police Department~VPDNET~Forms~Service Area:Evaluations** to obtain a copy of the appropriate forms.

## 1055.5 PERFORMANCE IMPROVEMENT PLAN

A performance improvement plan may be completed any time a supervisor deems it is appropriate.Generally, a performance improvement plan is a tool used to demonstrate those areas of performance deemed less than standard and to establish a work-plan for improving performance in those areas.

## 1055.6 SUPERVISOR RESPONSIBILITIES AND EVALUATION PROCESS

The supervisor’s responsibilities during the evaluation include:

1. At the beginning of the performance evaluation period, reviewing the employee’s job responsibilities and establishing individual performance standards and goals.

2. Assessing employee’s performance and progress toward goals midway through the evaluation period.

3. Soliciting input from the employee and gathering information in preparation for the formal written performance evaluation.

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4. Completing the written performance evaluation form to include:

a. Any corrective counseling, verbal reprimands, disciplinary action, performance improvement plans and other areas where an employee could improve work performance. Supervisors should also include steps taken to improve the performance or conduct issue. After the corrective counseling is incorporated into the performance evaluation, it shall be destroyed.

b. Any major accomplishments, commendations, awards and other examples of good work performance.

**(In the event a Vancouver Police Officers Guild (VPOG) member is involved in either of the above listed events, refer to VPOG Collective Bargaining Agreement.)**

See attachment: 1056 VPOG Sworn Employees Procedures for Performance Evaluations.pdf

5. Providing follow-up and assistance as indicated in the performance evaluation, providing timely feedback to employees on performance and monitoring and documenting employee performance.

### 1055.7 EVALUATION MEETING

The supervisor will meet with each employee to have a collaborative discussion about their performance evaluation. The meeting should include:

1. A discussion of the employee's work performance during the rating period.

2. Creation of goals for reaching the expected level of performance in areas where improvement is needed.

3. Seeking the employee's input and clarifying any questions the employee may have.

4. A discussion of career interests and expectations and goals for the upcoming year.

### 1055.8 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file. A copy will be given to the employee and a copy may be retained in the employee's Divisional File.

### 1055.9 EVALUATION FOLLOW-UP

An employee's supervisor shall monitor performance and provide follow-up feedback throughout the year by:

1. Maintaining documentation of performance in a divisional file throughout the evaluation period, to include positive and negative behavior.

2. Keeping communication open and providing timely feedback to employees regarding performance.

3. Providing follow-up and assistance as indicated in the performance expectations.

4. Leading employees toward accomplishing their goals.

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# Employee Speech, Expression and Social Networking

## 1057.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

### 1057.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

## 1057.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this Department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Vancouver Police Department will carefully balance the individual employee’s rights against the Department’s needs and interests when exercising a reasonable degree of control over its employees’ speech and expression.

## 1057.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of the Vancouver Police Department employees, such as posting personal information in a public forum, can result in compromising an employee’s home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety of any employee, an employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

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- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

### 1057.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the Department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Vancouver Police Department or its employees.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Vancouver Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Vancouver Police Department or its employees. Examples may include:

1. Expression that demonstrates support for criminal activity.

2. Statements that indicate disregard for the law or the state or U.S. Constitution.

3. Participating in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee (RCW 9A.68.020).

(f) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Vancouver

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Police Department on any personal or social networking or other website or web page, is allowed if the use otherwise complies with all other City of Vancouver and Department policies and the Operating Principles, and will not lead to embarrassment of the City of Vancouver or the Department.

(g) Accessing websites, or use of any personal communication device, game device or media device, whether personally or Department owned, for personal purposes while on-duty is acceptable under the following circumstance:

1. There is little or no cost to the City of Vancouver.

2. The use does not interfere with the employee's performance of duties or productivity.

3. The use does not disrupt or distract from the conduct of City of Vancouver business.

4. The use otherwise complies with all other City of Vancouver policies and/or Operating Principles, and will not lead to embarrassment of the City of Vancouver.

5. Examples of prohibited uses include, but are not limited to:

• Creating, distributing, downloading or viewing any material that is offensive, obscene, pornographic, profane, sexually oriented, harassing and/or in violation of the City Of Vancouver's employment policies and/or Operating Principles;

• Distributing, downloading or modifying copyrighted materials, trade secrets, proprietary information, or confidential, privileged, or similar materials without prior authorization;

• Creating, distributing, downloading or viewing any material that is threatening or related to violence or hate that is in violation of the City of Vancouver's employment policies and/or Operating Principles;

• Engaging in any activities for personal business or gain; or

• Using systems in any manner that violates any local, state or federal law

Employees must take reasonable and prompt action, upon notification from the Department or when a member becomes aware, to remove any content, including content posted by others, that is a violation of this policy from any web page or website maintained by the employee (e.g., social media or personal website).

### 1057.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Vancouver Police Department or identify themselves in any way that could be reasonably perceived as representing the Vancouver Police Department in order to do any of the following, unless specifically authorized by the Chief of Police:

(a) Endorse, support, oppose or contradict any political campaign or initiative.

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(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support or oppose any product, service, company or other commercial entity.

(d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

## 1057.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system.

The Department reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the Department e-mail system, computer network or any information placed into storage on any Department system or device.

This includes records of all key strokes or web-browsing history made at any Department computer or over any Department network. The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through Department computers, electronic devices or networks. However, the Department shall not require a member to disclose a personal user name or password, or open a personal social website, except when access is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (RCW 49.44.200).

## 1057.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Department.

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(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

## 1057.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

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