

# Everett Police Department



## Policy Manual

## Policy Manual Table of Contents

### [Introduction](#)

### [Everett Police Department Mission Statement](#)

### [Everett Police Department Vision Statement](#)

### [Everett Police Department Core Values](#)

### [Chapter 1 Code of Professional Conduct and Responsibility](#)

- 1.1 [Preamble](#)
- 1.2 [General Statement](#)
- 1.3 [Definitions](#)
- 1.4 [Peace Officers Canons of Ethical Standards and Disciplinary Rules](#)

### [Chapter 2 Law Enforcement Role and Authority](#)

- 2.1 [Department Authority and Jurisdiction](#)
- 2.2 [Peace Officers Powers Act/RCW 10.93 and Agency Jurisdiction](#)
- 2.2.1 [Mutual Aid Requests and Assistance](#)
- 2.3 [Off-Duty Exercise of Law Enforcement Authority](#)
- 2.4 [Contractual Service](#)
- 2.5 [Legal Advice and Liability Insurance](#)
- 2.6 [Task Forces](#)
- 2.7 [Department Organization](#)
- 2.8 [Division Responsibilities](#)
- 2.9 [Specialized Units](#)
- 2.10 [Planning and Research](#)
- 2.11 [Chief Executive Officer Authority](#)
- 2.12 [Chain of Command](#)
- 2.13 [Auxiliary Personnel](#)
- 2.14 [Command Protocol](#)
- 2.15 [Supervisor Accountability](#)
- 2.16 [Duty to Obey Lawful Orders](#)
- 2.17 [Written Directives](#)
  - [Operations Procedure Manual](#)
  - [Unit Standard Operation Procedures](#)
  - [Special Orders](#)
  - [Personnel Orders](#)
  - [General Orders](#)
  - [Training Bulletins](#)
- 2.18 [Recruitment](#)
  - [Personnel Responsibilities](#)
  - [Selection Process for Applicants](#)
  - [Equal Opportunity Employer](#)
  - [Minorities](#)
  - [Background Investigations](#)
- 2.19 [Coaching and Counseling Authority for Supervisors](#)

## Chapter 3 Training

- 3.1 [Basic Academy Training](#)
- 3.2 [First Level Supervisor Training](#)
- 3.3 [Mid-Management Training](#)
- 3.4 [Executive Management](#)
- 3.5 [Annual Training](#)
- 3.6 [Supervisor Training](#)
- 3.6.1 [Extended Absence Training](#)
- 3.7 [Remedial Training](#)
- 3.8 [Briefing Training](#)
- 3.9 [Domestic Violence Training](#)

## Chapter 4 Compensation, Benefits and Conditions of Work

- 4.1 [Benefits](#)
- 4.2 [Collective Bargaining](#)
- 4.3 [Dissemination of Agreement](#)
- 4.4 [Familiarity of Agreement by Supervisory Personnel](#)
- 4.5 [Compliance](#)
- 4.6 [Grievance Procedures](#)
- 4.7 [Resignation](#)
- 4.8 [Retirement](#)
- 4.9 [Call Back](#)
- 4.10 [Shift Trades](#)
- 4.11 [Standby Status](#)
- 4.12 [Payroll](#)
- 4.13 [Overtime](#)
- 4.14 [Compensatory Time](#)
- 4.15 [Minimum Staffing](#)
- 4.16 [Reporting for Duty](#)
- 4.17 [Failure to Report Due to Illness/Injury](#)
- 4.18 [Absenteeism – Sick Leave Administration](#)
- 4.19 [Extended Sick/Disability Leave](#)
- 4.20 [Personnel Leave](#)
  - Child Care Leave
  - Family Medical Leave
  - Jury Duty
  - Leave Without Pay
  - Military Reserve Leave
  - Maternity Leave
  - Sick Leave Administration – refer to city policy
- 4.21 [Limited Duty Assignments](#)
- 4.22 [Fitness for Duty](#)
- 4.23 [Use or Unlawful Sale or Possession of Illegal or Unauthorized Drugs](#)
- 4.24 [Use of Alcohol, Drugs or Medication](#)
- 4.25 [Suspected Intoxication: Must Submit to Tests](#)
- 4.26 [Medical Examinations](#)
- 4.27 [Meal Periods/Breaks](#)
- 4.28 [Off Duty \(Secondary\) Employment](#)
- 4.29 [Giving a Full Day's Work for a Full Day's Pay](#)
- 4.30 [Personal Business While on Duty](#)
- 4.31 [Classification and Assignment](#)

- 4.32 [Transfers](#)
- 4.33 [Promotional Process for Civil Service Positions](#)
- 4.34 [Annual Performance Evaluations](#)
- 4.35 [Utilization of Performance Evaluations](#)
- 4.36 [Probationary Employees](#)
- 4.37 [Evaluation Time Period](#)
- 4.38 [Signature on Performance Evaluation](#)
- 4.39 [Rated by Immediate Supervisor](#)
- 4.40 [Raters to be Evaluated](#)
- 4.41 [Retention Period](#)
- 4.41.1 [Appeal Process](#)
- 4.42 [Criminal Court Appearances](#)
- 4.43 [Civil Court Appearances](#)
- 4.44 [Civil Suits](#)
- 4.45 [Subpoenas Relating to Business/Operations](#)
- 4.46 [Committing or Condoning Illegal or Forbidden Harassment](#)
- 4.47 [Code of Conduct / Canons of Ethics](#)
- 4.48 [Discriminating or Establishing Patterns of Discrimination](#)
- 4.48.1 [Bias Based Policing](#)
- 4.49 [Committing Unsafe Acts or Endangering Self or Others](#)
- 4.50 [Conflicts of Interest](#)
- 4.51 [Bail Bonds and Attorneys](#)
- 4.52 [Neighborhood Disputes](#)
- 4.53 [Cooperation with Employees and Other Officials](#)
- 4.54 [Supervisors Shall Display Respect toward Others](#)
- 4.55 [Courteous/Respectful Behavior Toward Positions of Authority](#)
- 4.56 [Insubordination](#)
- 4.57 [Dishonesty or Untruthfulness](#)
- 4.58 [Displaying Competent Performance](#)
- 4.59 [Knowing, Observing, and Obeying Directives, Rules, Policies](#)
- 4.60 [Observance of Criminal and Civil Laws](#)
- 4.61 [Unbecoming Conduct](#)
- 4.62 [Investigative Contacts With Law Enforcement Officers](#)
- 4.63 [Duty to Report Criminal or Domestic Violence Related Conduct](#)
- 4.64 [Domestic Violence](#)
- 4.65 [Administrative Leave With Pay](#)
- 4.66 [Potential Impeachment Disclosure \(PID\)](#)
- 4.67 [Location Tracking Technology](#)

## **Chapter 5 Internal Affairs**

- 5.1 [Citizen/Employee/Agency Complaints](#)
- 5.2 [Complaints Against Agency and Officers](#)
- 5.3 [Investigations](#)
- 5.4 [Maintenance of Records of Complaints and Investigations](#)
- 5.5 [Harassment of Complainants](#)
- 5.6 [Disciplinary System](#)
- 5.7 [Disciplinary Responsibility for Supervisory and Command Staff](#)
- 5.8 [Involuntary Relief From Duty](#)
- 5.9 [Response To Crimes Or Domestic Violence Incidents That Involve Everett Police Department Employees Or Officers From Other Law Enforcement Agencies](#)
- 5.10 [Terminations](#)

- 5.11 [Maintenance of Disciplinary Records](#)
- 5.12 [Appeal Procedures](#)

## **Chapter 6 Equipment/Uniforms**

- 6.1 [Use and Care of Property and Equipment](#)
- 6.2 [Uniforms and Equipment](#)
- 6.3 [Uniform Attire](#)
- 6.4 [Protective Vests](#)
- 6.5 [Grooming/Appearance](#)
- 6.6 [Respect to the Colors](#)

## **Chapter 7 Public Information and Community Relations**

- 7.1 [Press Releases](#)
- 7.2 [Media Relations](#)
- 7.3 [Active Criminal Investigations](#)
- 7.4 [Community Relations Function](#)
- 7.5 [Emergency Telephone Network \(ETN\) Messages \(Reverse Calling\), Wireless Emergency Alerts \(WEA\)](#)
- 7.6 [Public Talks](#)
- 7.7 [Department Awards and Commendations](#)
- 7.8 [Police Officer Ride Along](#)
- 7.9 [Police Records/Dissemination](#)
- 7.10 [Sexual Offender and Kidnapping Offender Notifications](#)
- 7.11 [Uniform Crime Reporting](#)
- 7.12 [The Incident Reporting System](#)
- 7.13 [Participation in CHRI System](#)
- 7.14 [Release of Personnel Files or Professional Recommendations](#)
- 7.15 [Address, Telephone Numbers of Employees](#)
- 7.16 [Victim / Witness Services](#)

## **Chapter 8 Police Communications**

- 8.1 [Telephones](#)
- 8.2 [Long Distance Telephone Calls](#)
- 8.3 [Cellular Telephones](#)
- 8.4 [Facsimile Equipment \(FAX\)](#)
- 8.5 [Department Mail](#)
- 8.6 [Address of Residence](#)
- 8.7 [Telephone Requirement](#)
- 8.8 [Video/Audio Taping](#)
- 8.9 [Communication System](#)
- 8.10 [Mobile Data Computers \(MDC\)](#)
- 8.11 [Computers/Database Tools/ACCESS/Criminal Justice Information \(CJI\)/Telecommuting](#)
- 8.12 [Broadcast Codes](#)
- 8.13 [Criminal History Checks](#)
- 8.14 [Disposal of Physical and Electronic Media](#)
- 8.15 [Text Messaging](#)

## **Chapter 9 Operations**

- 9.1 [Communication, Coordination & Cooperation](#)
- 9.2 [Administrative Reports](#)
- 9.3 [Required Reports](#)
- 9.4 [Work Schedules](#)
- 9.5 [Patrol Area Assignments](#)
- 9.6 [On Scene Supervisor](#)
- 9.7 [Initial Response Investigations](#)
- 9.8 [Field Interviews](#)
- 9.9 [Informants](#)
- 9.10 [K-9 Patrol Units](#)
- 9.11 [24 Hour per Day Coverage](#)
- 9.12 [False Alarms](#)
- 9.13 [Domestic Violence Policy, Court Orders and Extreme Risk Protection Orders](#)
- 9.14 [Open/Unattended Buildings](#)
- 9.15 [Hate Crimes Investigations](#)
- 9.16 [Death Investigations](#)
- 9.17 [Property Impound and Property Receipts](#)
- 9.18 [Property and Evidence Audits](#)
- 9.19 [Building Security](#)
- 9.20 [Communicable Disease Control/Exposure Control](#)
- 9.21 [Drug Nuisances – Response](#)
- 9.22 [Vice/ Drugs and Organized Crime Investigations](#)
- 9.23 [Digital Cameras and Digital Multi-Media Evidence](#)
- 9.24 [Planned Operations, Warrant Service, Risk Analysis, and Deconfliction](#)
- 9.25 [MyState Quick Alert Paging System](#)
- 9.26 [Identity Theft Victim's File/Password](#)
- 9.27 [Wire Intercepts](#)
- 9.28 [911 Hang-up Calls](#)
- 9.29 [Registered Sex Offender Checks](#)
- 9.30 [Nasal Naloxone](#)
- 9.31 [Automatic External Defibrillation \(AED\) Program](#)
- 9.32 [Recording Police Activity](#)
- 9.33 [Body Cameras](#)
- 9.34 [Unmanned Aircraft Systems \(UAS\)](#)

## **Chapter 10 Vehicle Operations**

- 10.1 [Inspections/Repair](#)
- 10.2 [Response to Routine and Emergency Situations](#)
- 10.3 [Emergency Equipment](#)
- 10.4 [Vehicle Pursuits](#)
- 10.5 [Seat Belts](#)
- 10.6 [Emergency Vehicle Operation Training](#)
- 10.7 [Special Purpose Vehicles](#)
- 10.8 [Vehicle Parking](#)
- 10.9 [Cleanliness of City Vehicles](#)
- 10.10 [Tobacco Use in City Vehicles](#)
- 10.11 [LOJACK Tracking System](#)
- 10.12 [Tire Deflation Devices](#)

## **Chapter 11 Traffic Administration**

- 11.1 [Traffic Record System](#)
- 11.2 [Traffic Law Enforcement](#)
- 11.2.1 [Uniform Enforcement Policies](#)
- 11.3 [Issuing Citations](#)
- 11.4 [Contact with Violators](#)
- 11.5 [Speed Measuring Devices](#)
- 11.6 [Response to Collisions](#)
- 11.7 [Traffic Fatalities/Vehicular Homicide](#)
- 11.8 [Police Vehicle Collision](#)
- 11.9 [Traffic Direction and Control](#)
- 11.10 [High Visibility Clothing](#)
- 11.11 [Hazardous Highway Conditions](#)
- 11.12 [Vehicle Lockouts/Emergency Assistance](#)
- 11.13 [Civilian Vehicle Escorts](#)
- 11.14 [Impound of Vehicles](#)
- 11.15 [Removal of Unauthorized Vehicles/Towing](#)
- 11.16 [Inspection of Junk Motor Vehicles](#)
- 11.17 [Special Inspections](#)
- 11.18 [Automated License Plate Reader Technology](#)

## **Chapter 12 Arrests and Detention**

- 12.1 [Arrests](#)
- 12.2 [Processing Persons in Custody](#)
- 12.3 [Secure Waiting Area](#)
- 12.4 [Warrant Service](#)
- 12.5 [Search Warrants](#)
- 12.6 [Citizen Arrest](#)
- 12.7 [Mentally Ill, Developmentally Disabled, Senile, or Chronic Alcoholic](#)
- 12.8 [Special Group Violators](#)
- 12.9 [Enforcement of Immigration Laws – Inquiries Into Citizenship Status – Administrative Detainers and Warrants](#)

## **Chapter 13 Juvenile Operations**

- 13.1 [Release of Juveniles](#)
- 13.2 [Juvenile Intake](#)
- 13.3 [Protective Custody](#)
- 13.4 [Juveniles in Custody](#)
- 13.5 [Social Service Agencies](#)
- 13.6 [Fingerprints and Photographs](#)
- 13.7 [Missing/Abducted Children](#)

## **Chapter 14 Unusual Occurrences**

- 14.1 [Responsibilities](#)
- 14.2 [Hazardous Materials and Ecology Response](#)
- 14.3 [Clandestine Laboratories](#)

## **Chapter 15 Use of Force**

- 15.1 [Purpose](#)
- 15.2 [Principles of the Use of Force](#)
- 15.3 [Use of Force Policy](#)
- 15.4 [Use of Deadly Force](#)
- 15.5 [Use of Force – Miscellaneous Provisions](#)
- 15.6 [Conducted Electrical Weapon \(CEW\)](#)
- 15.7 [Summary](#)

## **Chapter 16 Reportable Use of Force**

- 16.1 [Definition: Incident Reports](#)
- 16.2 [Supervisory Notification, Response and Medical Assistance](#)
- 16.3 [Supervisor's Use of Force](#)
- 16.4 [Documenting the Use of Force](#)

## **Chapter 17 Officer Involved Shooting**

- 17.1 [Officer Involved Shooting – No Injury](#)
- 17.2 [Officer Involved Shooting – Injury](#)
- 17.3 [Post Traumatic Incident](#)

## **Chapter 18 Authorized Weapons**

- 18.1 [Firearms](#)
- 18.2 [Back-up and Off-Duty Firearms](#)
- 18.3 [Ammunition](#)
- 18.4 [Firearm Care/Maintenance](#)
- 18.5 [Shotguns](#)
- 18.6 [Long Rifles](#)
- 18.7 [Less Lethal Weapons](#)
- 18.8 [Baton/Impact Devices](#)
- 18.9 [Aerosol Agent: O.C. Spray](#)
- 18.10 [Firearms Proficiency](#)
- 18.11 [Specialty Unit Weapons](#)
- 18.12 [Conducted Electrical Weapon \(CEW\)](#)
- 18.13 [Training](#)

## **Glossary**



## INTRODUCTION TO THE MANUAL

This manual is an official publication of the Everett Police Department. It is issued with the authority of the Chief of Police and contains policy for this department. These policies are established to direct personnel in carrying out their duties and responsibilities. Violations of any of the policies contained in this manual will be grounds for disciplinary action.

“Employee” shall refer to all members of the Everett Police Department.

### **A. KNOWLEDGE OF THE MANUAL CONTENTS**

It will be the responsibility of every employee to have knowledge of, and abide by all policies contained in this manual.

Any electronic updates to the Policy or Procedures Manuals, or other written directives, will require all personnel to open and review these updates as issued. This acknowledgement will indicate a receipt and review of all material. It is the responsibility of the employee to request clarification if they do not understand any directive received in this manner. Any employee requesting clarification will contact the Training Division to ensure full understanding.

### **B. ISSUING THE MANUAL**

Every employee, upon being issued the manual will sign a dated form indicating that they have received the manual. The employee is required to read the manual within thirty days of receiving it. At the end of the thirty days, the employee will be required to sign a form indicating they have read, understood and will adhere to the provisions of the manual.

### **C. SECURITY OF THE MANUAL**

Employees will keep their manuals secure. Any information that could hamper the department’s operation will be kept strictly confidential. Strict confidentiality is especially important with regard to information on emergency response to criminal activity. Loss of a manual or any of its parts will be immediately reported to a supervisor.

### **D. MAINTENANCE OF THE MANUAL**

The official Manual is stored electronically, accessible through the Department Intranet. The Chief’s designee is responsible for tracking changes, archiving prior versions and maintaining the official manual. Printed copies of the current Policy and Procedures manuals will be kept in the Records Unit and the Office of Professional Standards (OPS).

### **E. UPDATING THE MANUAL**

Employees will be responsible for maintaining their manual in an up to date manner by making any changes or additions as directed. Upon being issued manual updates, officers will sign and date a form indicating they have received the updated material. Employees are responsible for familiarizing themselves with all changes and additions to the manual. Updates may be distributed electronically to all employees. All employees will be required to open the electronically distributed updates. Opening the

document provides an electronic signature acknowledging receipt. The OPS will update the printed copies as needed.

## **F. USE OF THE MANUAL**

Employees will consult this manual if they have any questions as to their responsibilities or as to proper policy. If, upon consulting the manual, the employee's question is still not resolved, a supervisor or other command staff should be consulted.

## **G. MECHANICS OF THE MANUAL**

This manual has been organized to assist employees in consulting its material easily and quickly. To find general subject areas consult the table of contents for the correct chapter and section. The table of contents will be updated as required.

## **H. POLICY CONCEPT, REVIEW AND IMPLEMENTATION**

Because the policies of this department are so important, it is essential to ensure that those department employees who are affected by the guidelines have the opportunity to participate in their development from all levels within the organization. Although participation is essential and desirable, the ultimate responsibility for policy development rests with the Chief of Police who must operate within the general guidelines set forth by the Mayor and City Council.

1. Policies will be assigned to Command Staff for formulation.
2. Draft policies will be distributed at Command Staff meetings. The developer of the proposed policy or procedure will briefly explain the proposed policy or procedure. The Everett Police Department Legal Advisor will provide:
  - Analysis of whether federal, state or local laws govern the topic in the proposed policy/procedure;
  - Review of proposed policy/procedure's consistency with legislative enactments, administrative rules and case law; and
  - Approval or suggested revisions (with reasons) to command staff.
3. Following approval of the proposed policy, each employee will be provided a copy as described in section E of this Introduction.

## **I. AGENCY FORMS**

All forms utilized by the Everett Police Department will be developed, modified and approved in the following manner in order to ensure that their format is consistent with all records maintenance, data processing and functional requirement.

1. Requests for the development of new forms and modifications of existing forms will be made in writing to Command Staff for review.
2. Development of approved drafts will be completed by administrative personnel for review and approval by Command Staff.

3. Final approval of all forms, new or modified, rests with the Chief of Police.
4. Administrative personnel will be responsible for the uploading of all forms to the department Intranet site.

#### **J. INTRA-DEPARTMENTAL INFORMATION SHARING**

Supervisors will utilize the RECAP process as described in Training Bulletin #2009-01 Recap Guidelines as a means to provide current, relevant information to Administrative Sergeants, Operations, Investigations and Services personnel. Neighborhood Meeting Reports will be used for the transmission of relevant information or regarding citizen and neighborhood concerns. Administrative Sergeants will utilize these forms for their quarterly reports to the Chief of Police.

It will be the responsibility of the Special Investigations Unit to prepare and disseminate all officer safety and crime information bulletins.

**Everett Police Department**  
**Mission Statement**

**Working in partnership with our community to enhance quality of life and reduce crime.**

**Everett Police Department**  
**Vision Statement**

**Recognized as a leader in law enforcement, respected by the community and tough on crime.**

**Everett Police Department**  
**Core Values**

**Integrity**

**We are morally and ethically aware, resolute, and above reproach, regardless of our duty status. We commit ourselves to the highest standards of trust, responsibility and discipline. We will promote justice in a fair and impartial manner. Whether observed or not, we will make the right decisions for the right reasons at the right time.**

**Professionalism**

**Professionalism is embodied in our commitment to proficiency, competency, reliability and excellence in all aspects of our performance and conduct. We reject complacency and are dedicated to pursuing the highest levels of knowledge, skill and expertise. We embrace the privilege of being community leaders and will lead by example through our commitment to duty and accountability to each other, our Department and our community.**

**Honor**

**We are committed to providing faithful and courageous police service to all. We have the courage to stand up for what we believe is right, and the courage to admit when we are wrong. We believe in placing duty before self and are willing to accept personal sacrifice for the greater good. Understanding what and who we represent, we take great pride in being part of the Everett Police Department.**

## Chapter 1 CODE OF PROFESSIONAL CONDUCT AND RESPONSIBILITY

WHEREAS, law enforcement employees, commissioned and civilian alike, are vested with a public trust which requires that they consistently demonstrate the highest degree of integrity and good moral character; and

WHEREAS, the need to maintain high standards of moral character, integrity, knowledge, and trust requires the establishment of a Code of Professional Conduct and Responsibility for law enforcement employees as a matter of the highest significance to the health, welfare, and safety of the citizens of this city,

BE IT RESOLVED that the need to maintain high standards of moral character, integrity, knowledge, and trust requires that law enforcement employees conform to a Code of Professional Conduct and Responsibility established by the Everett Police Department.

### GENERAL STATEMENT

Law enforcement employees are granted the public's trust, which requires that they consistently demonstrate the highest degree of integrity. To be worthy of this public trust, and to ensure that their professional conduct is above reproach, members of the law enforcement profession must not only conform to a Code of Ethics, but must also abide by the code of Professional Conduct and Responsibility as a means of internal regulation.

The essence of a profession requires that, in addition to prescribing a desired level of performance, it must establish minimum standards of ethical conduct. Accordingly, this Code of Professional Conduct and Responsibility is established for the Everett Police Department.

The Everett Police Department has a long and honorable history of providing the highest quality law enforcement services to the citizens of Everett based upon a relationship of trust and confidence. The Everett Police Department has established a record of professional, effective, fair and unbiased service to all persons.

The Everett Police Department does not teach, train, endorse, support, condone or tolerate law enforcement or public safety practices based upon arbitrary or random consideration of race, ethnicity, gender, age, lifestyle or other similar personal characteristics.

Each member of the Everett Police Department shall base every self-initiated enforcement or public safety contact with any citizen upon specific and articulable facts and circumstances exclusive of race, ethnicity, gender, age, lifestyle or other similar personal characteristics.

Every member of the Everett Police Department must not display any officious or overbearing attitude and shall not use any language that may belittle, ridicule or embarrass any person with whom they have contact in the course of their duties.

**Victims' Rights:** Every member of the Everett Police Department will strive to ensure that the rights of victims and witnesses are upheld in accordance with the Washington State Victim's Bill of Rights. Copies of the Victim's Bill of Rights are provided to every employee and will be prominently displayed at each precinct.

## DEFINITIONS

This Code of Professional Conduct and Responsibility for Everett Police Department employees is comprised of nine Canons of Ethics, with expository statements in the form of Ethical Standards. Following are definitions of these terms, as used in the context of the code.

“Peace Officer” means all commissioned police officer, regular or reserve.

“Law Enforcement Employee” means all commissioned police officers, regular or reserve, and all civilian employees, whether civil service or appointed.

“Canons” are statements of universally accepted truths, expressing in general terms the standards of professional conduct expected of peace officers in their relationship with the public, the criminal justice system, and the law enforcement profession. They embody the general concepts from which the Ethical Standards are derived.

“Ethical Standards” are directional statements that represent the objectives toward which all personnel shall strive. They constitute a body of principles that can be relied upon by all personnel for guidance in specific situations.

Each of the Canons and the Ethical Standards are directly linked to Policies contained within the Everett Police Department Policy Manual. By strictly adhering to the Department policies, all personnel are ensured to be abiding by the Canon of Ethics.

CANONS OF ETHICS  
WITH  
ETHICAL STANDARDS

**CANON ONE**

LAW ENFORCEMENT EMPLOYEES SHALL UPHOLD THE CONSTITUTION OF THE UNITED STATES, THE CONSTITUTION OF THE STATE OF WASHINGTON, AND ALL LAWS ENACTED OR ESTABLISHED BY THE CITY OF EVERETT.

**ETHICAL STANDARDS**

Peace Officers shall recognize that the primary responsibility of their profession and of the individual officer is the protection of the people within the jurisdiction of the United States through upholding of their laws, the most important of which are the Constitution of the United States and the Constitution of the State of Washington.

Peace Officers shall be aware of the extent and the limitations of their authority in the enforcement of the law.

Peace Officers shall apply themselves to the diligent study of the principles and new enactments of the laws they enforce.

Law Enforcement Employees shall be responsible for keeping abreast of current case law as applied to their duties.

Peace Officers shall endeavor to uphold the spirit of the law, as opposed to enforcing merely the letter of the law.

Law Enforcement Employees shall respect the dignity and the human rights of all individuals and shall uphold the Constitutional rights of all persons.

**CANON TWO**

LAW ENFORCEMENT EMPLOYEES SHALL BE AWARE OF AND SHALL UTILIZE PROPER AND ETHICAL PROCEDURES IN THE DISCHARGE OF THEIR OFFICIAL DUTIES AND RESPONSIBILITIES.

**ETHICAL STANDARDS**

Peace Officers shall be aware of their lawful authority to use that force reasonably necessary in securing compliance with their lawful enforcement duties.

Law Enforcement Employees shall truthfully, completely, and impartially report, testify, and present evidence in all matters of an official nature.

Peace Officers shall follow legally sanctioned practices in such areas as interrogation, arrest or detention, searches, seizures, use of informants, and collection and preservation of evidence.



Law Enforcement Employees shall follow the principles of integrity, fairness, and impartiality in connection with their duties.

### **CANON THREE**

LAW ENFORCEMENT EMPLOYEES SHALL REGARD THE DISCHARGE OF THEIR DUTIES AS A PUBLIC TRUST AND SHALL RECOGNIZE THEIR RESPONSIBILITIES TO THE PEOPLE WHOM THEY ARE SWORN TO PROTECT AND SERVE.

#### **ETHICAL STANDARDS**

Law Enforcement Employees, as professionals, shall maintain an awareness of those factors affecting their responsibilities.

Law Enforcement Employees, during their tour of duty, shall diligently devote their time and attention to the effective and professional performance of their responsibilities.

Law Enforcement Employees shall ensure that they are prepared for the effective and efficient undertaking of their assignment.

Law Enforcement Employees shall maximize the use of the equipment and material available to them.

Law Enforcement Employees shall be prepared to and shall respond effectively to the exigencies of their office.

Law Enforcement Employees, with due regard for compassion, shall maintain an objective and impartial attitude in official contacts.

Law Enforcement Employees shall not allow their personal convictions, beliefs, prejudices, or biases to interfere with their official acts or decisions.

Law Enforcement Employees shall recognize that their allegiance is first to the People, then to their profession and the City of Everett.

### **CANON FOUR**

LAW ENFORCEMENT PERSONNEL WILL SO CONDUCT THEIR PUBLIC AND PRIVATE LIFE THAT THEY EXEMPLIFY THE HIGH STANDARDS OF INTEGRITY, TRUST, AND MORALITY DEMANDED OF A MEMBER OF THE LAW ENFORCEMENT PROFESSION.

#### **ETHICAL STANDARDS**

Law Enforcement Employees shall refrain from consuming intoxicating beverages to the extent that it results in impairment that brings discredit upon the profession or the Everett Police Department, or renders them unfit for their next tour of duty.

Law Enforcement Employees shall not consume intoxicating beverages while on duty, except to the degree permitted in the performance of official duties, and under no circumstances while in uniform.

Law Enforcement Employees shall not use any narcotics, hallucinogens, or any other controlled substances except when legally prescribed. When such controlled substances are prescribed, officers shall notify their superior officer prior to reporting for duty.

Law Enforcement Employees shall maintain a level of conduct in their personal and business affairs that is in keeping with the high standards of the law enforcement profession. Law Enforcement Employees shall not participate in any incident involving moral turpitude.

Law Enforcement Employees shall not undertake any financial obligations which they know or reasonably should know they will be unable to meet, and shall pay all just debts when due.

Law Enforcement Employees shall not engage in illegal political activities.

Law Enforcement Employees shall not permit or authorize for personal gain the use of their name or photograph and official title identifying them as an Everett Police Department employee in connection with testimonials or advertisements for any commodity, commercial enterprise, or commercial service.

Law Enforcement Employees shall not engage in any activity that would create a conflict of interest or would be in violation of any law.

Law Enforcement Employees shall, at all times, conduct themselves in such a manner that does not bring discredit to the peace officer profession or the City of Everett.

Law Enforcement Employees shall not manifest disrespect or insolent, mutinous, or other insubordinate attitude or conduct, either by action, speech, or behavior.

Law Enforcement Employees shall conduct themselves in a courteous and respectful manner in their official dealings with the public, fellow officers, superiors, and subordinates.

Law Enforcement Employees shall not engage in any strike, work obstruction or abstention, in whole or in part, from the full faithful, and proper performance of their assigned duties and responsibilities, except as authorized by law.

Law Enforcement Employees shall maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration, while acting in an official capacity.

#### **CANON FIVE**

LAW ENFORCEMENT EMPLOYEES SHALL RECOGNIZE THAT OUR SOCIETY HOLDS THE FREEDOM OF THE INDIVIDUAL AS A PARAMOUNT PRECEPT THAT SHALL NOT BE INFRINGED UPON WITHOUT LEGAL, JUST, OR NECESSARY CAUSE.

**ETHICAL STANDARDS**

Peace Officers shall not restrict the freedom of individuals, whether by detention or arrest, except to the extent necessary to legally and reasonably apply the law.

Law Enforcement Employees shall recognize the rights of individuals to be free from capricious or arbitrary acts that deny or abridge their fundamental rights as guaranteed by law.

Peace Officers shall not use their official position to detain any individual, or to restrict the freedom of any individual, except in the manner and means permitted or prescribed by law.

**CANON SIX**

LAW ENFORCEMENT EMPLOYEES SHALL ASSIST IN MAINTAINING THE INTEGRITY AND COMPETENCE OF THE LAW ENFORCEMENT PROFESSION.

**ETHICAL STANDARDS**

Law Enforcement Employees shall recognize that every person in our society is entitled to professional, effective, and efficient law enforcement services.

Law Enforcement Employees shall perform in such a manner as to discourage the existence of double standards.

Law Enforcement Employees shall conduct themselves so as to set exemplary standards of performance for all law enforcement personnel.

Law Enforcement Employees shall maintain the integrity of their profession through complete disclosure of those who violate any of these rules of conduct, violate any law, or who conduct themselves in a manner which tends to discredit the profession.

Law Enforcement Employees shall have responsibility for reporting to proper authorities any known information that would serve to disqualify candidates from transferring within or entering the profession.

Law Enforcement Employees shall be responsible for maintaining a level of education and training that will keep them abreast of current techniques, concepts, laws, and requirements of the profession.

Chief executive employees shall accept the responsibility of utilizing all available resources and the authority of their office to maintain the integrity of their agency and the competency of their personnel. These Canons and Ethical Standards shall apply to all law enforcement employees of a duly constituted political entity, from the chief administrator to the most junior of personnel.

Law Enforcement Employees shall assume a leadership role in furthering their profession by encouraging and assisting in the education and training of other members of the profession.

**CANON SEVEN**

LAW ENFORCEMENT EMPLOYEES SHALL COOPERATE WITH OTHER OFFICIALS AND ORGANIZATIONS THAT ARE USING LEGAL AND ETHICAL MEANS TO ACHIEVE THE GOALS AND OBJECTIVES OF THE LAW ENFORCEMENT PROFESSION.

### **ETHICAL STANDARDS**

Law Enforcement Employees, within legal and agency guidelines, shall share with personnel within and outside their agency, appropriate information that will facilitate the achievement of criminal justice goals or objectives.

Law Enforcement Employees, whether requested through appropriate channels or called upon individually shall render needed assistance to any other employee in the proper performance of their duty.

Law Enforcement Employees shall, within legal and agency guidelines, endeavor to communicate to the people of their community the goals and objectives of the profession and keep them apprised of conditions which threaten the maintenance of an ordered society.

Law Enforcement Employees shall recognize their role in the criminal justice system and shall accept the responsibility for maintaining liaison, providing assistance, and striving to improve the effectiveness of that system.

### **CANON EIGHT**

LAW ENFORCEMENT EMPLOYEES SHALL NOT COMPROMISE THEIR INTEGRITY, OR THAT OF THEIR AGENCY OR PROFESSION, BY ACCEPTING, GIVING, OR SOLICITING ANY GRATUITY.

### **ETHICAL STANDARDS**

Law Enforcement Employees shall refuse to offer, give, or receive gifts, favors, or gratuities, either large or small, which can be reasonably interpreted as capable of influencing official acts or judgments. This standard is not intended to isolate peace officers from normal social practices, or to preclude gifts among friends, associates, or relatives, where appropriate.

Law Enforcement Employees shall not consider their employment status as a license designed to provide them with special favor or consideration.

### **CANON NINE**

LAW ENFORCEMENT EMPLOYEES SHALL OBSERVE THE CONFIDENTIALITY OF INFORMATION AVAILABLE TO THEM THROUGH ANY SOURCE, AS IT RELATES TO THE LAW ENFORCEMENT PROFESSION.

### **ETHICAL STANDARDS**

Law Enforcement Employees shall be aware of and shall meticulously observe all legal restrictions on the release and dissemination of information.

Law Enforcement Employees shall treat as confidential the official business of their employing agency and shall disseminate such information solely in an authorized manner.

Law Enforcement Employees shall treat as confidential that information confided to them personally. They shall disclose such information as required in the proper performance of their duties.

Law Enforcement Employees shall neither disclose nor use for their personal interest any confidential information acquired by them in the course of their official duties.

Law Enforcement Employees shall treat as confidential all matters relating to investigations, internal affairs, and personnel.

## **Chapter 2 LAW ENFORCEMENT ROLE AND AUTHORITY**

### **2.1 DEPARTMENT AUTHORITY AND JURISDICTION**

The authority of the Everett Police Department is established by Everett City Charter Article I Section 1.3. The authority of police officers derives from this article and section of the City Charter, and is conferred by the appointment from city council, by the Oath of Office Article IV, Sec. 4.10, the commission issued by the Chief of Police, and is enhanced by the Mutual Aid Peace Officers Powers Act of 1985.

### **2.2 PEACE OFFICERS POWERS ACT/ RCW 10.93 AND AGENCY JURISDICTION**

The Everett Police Department is responsible for the law enforcement services for the City of Everett. Commissioned personnel are sworn to enforce the ordinances of the City of Everett, State and Federal law, to protect the public peace and safety within the City of Everett, and to abide by the City of Everett Code of Ethics.

As a general authority Washington law enforcement agency, the City of Everett is authorized to commission its police so they may enforce the laws of the State of Washington and the ordinances of the City of Everett. The Washington Mutual Aid Peace Officer Powers Act of 1985 extends the authority to enforce state law throughout the State of Washington to all full-time commissioned officers of a General Authority Law Enforcement agency under specific conditions. This policy is intended to identify when an Everett Police officer may exercise his/her authority under the Act of 1985.

All persons hired as law enforcement officers for the Everett Police Department shall be commissioned as police officers for the City of Everett prior to being assigned to law enforcement duties.

Oath of Office - Prior to assuming a police commission, persons hired for a position that requires a commission will take an oath of office to enforce the law, uphold the Constitution of the United States, and the State of Washington, before the City Clerk in a scheduled City Council meeting.

Limited police commissions may be issued upon approval of the Mayor and Chief of Police to persons outside the department who have a need to have limited enforcement capabilities such as parking enforcement officers, park rangers and fire department arson investigators. These limited commissions will specifically state the authority of the holder to enforce specific identified ordinances.

Police commissions from other law enforcement agencies may be issued to Everett Police Officers from time to time when necessary or desirable. No officers may accept a commission from another agency without prior notice and permission from the Chief of Police.

Any abuse or unjustified use of any police commission or mutual aid peace officer powers may result in the officer's commission being withdrawn and may subject the offending officer to departmental discipline procedures.

Regular full-time officers acting within the scope and course of their duties for the City of Everett may enforce the traffic and criminal laws of this state throughout the territorial boundaries of this state, under the following enumerated circumstances:

- ❑ Where the written consent of the Sheriff or Chief of Police in whose primary jurisdiction the exercise of authority occurs;
- ❑ In response to an emergency involving the immediate threat to human life or property;
- ❑ In response to a request for assistance pursuant to a mutual law enforcement assistance agreement with the agency of primary territorial jurisdiction or in response to the request of a peace officer with enforcement authority;
- ❑ When the officer is transporting a prisoner;
- ❑ When the officer is executing an arrest or search warrant (this department requires notification to the agency whose jurisdiction the officer(s) are in); or
- ❑ When the officer is in fresh pursuit, as defined in RCW 10.93.120:
  - Any peace officer who has authority under Washington law to make an arrest may proceed in fresh pursuit of a person (a) who is reasonably believed to have committed a violation of traffic or criminal laws, or (b) for whom such officer holds a warrant of arrest, and such peace officer shall have the authority to arrest and to hold such person in custody anywhere in the state.
  - The term “fresh pursuit,” as used in this chapter, includes, without limitation, fresh pursuit as defined by the common law. Fresh pursuit does not necessarily imply immediate pursuit, but pursuit without unreasonable delay.

### **2.2.1 MUTUAL AID REQUESTS AND ASSISTANCE**

The purpose of this policy is to provide general guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

It is the policy of the Everett Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and requests that are consistent with the applicable laws and policies of this department.

Generally, requests for any assistance from another agency should be routed to the Shift Sergeant for approval. In some instances, a mutual aid agreement or other established protocol may exist that eliminates the need for approval of individual requests.

When another agency requests assistance from this department, the Shift Sergeant may authorize, if available, an appropriate number of personnel to assist. Officers are reminded that their actions while 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. Officers assisting other agencies should document their assistance in a case report.

If assistance is needed from another agency, the officer requesting assistance should, if practicable, first notify a supervisor. The supervisor or requesting officer should then direct assisting personnel to where they are needed and to whom they should report.

### **2.3 OFF-DUTY EXERCISE OF LAW ENFORCEMENT AUTHORITY**

Officers may exercise law enforcement authority or take law enforcement action within the city limits of Everett at any time. Officers should only do so when the action can be done safely and when properly equipped. An on-duty supervisor will be contacted immediately upon exercise of law enforcement authority when off-duty.

Officers may exercise law enforcement authority or take law enforcement action under RCW 10.93 while off-duty and outside of the City of Everett only in an emergency. An emergency is defined, in accordance with RCW 10.93.070 (2): In response to an emergency involving an immediate threat to human life or property and RCW 10.93.070 (3): In response to a request for assistance pursuant to a mutual law enforcement assistance agreement with the agency of primary jurisdiction or in response to the request of a peace officer with local authority.

In an emergency, if in the officer's discretion, taking action is not safe or appropriate, the officer shall report the emergency to the local jurisdiction. In all non-emergency situations, officers may, at their discretion, report observed violations of the law to the local jurisdiction. Officers are permitted to use City of Everett equipment (radios or cellular phones) to report observed violations of the law to the local jurisdiction.

Everett officers exercising peace officer powers under this act are subject to supervisory control of and limitations imposed by the Everett Police Department, unless delegated to another agency for a specific purpose.

Officers are required to submit a written report through the chain of command to their Bureau's Deputy Police Chief any time they exercise any authority under the Washington Mutual Aid Peace Officer Powers Act outside of the City of Everett.

### **2.4 CONTRACTUAL SERVICES**

By City Charter, only the Mayor, with City Council approval and direction, may contract for any services. The Police Chief or designee may request contracted services or products. If approved in concept by the Council, the Mayor may direct the City Attorney to develop a contract in appropriate legal fashion.

Employment rights for personnel assigned under contract to provide law enforcement services, will not be abridged by the providing agency.

### **2.5 LEGAL ADVICE AND LIABILITY INSURANCE**

Legal advice for Everett Police Department policy is provided by or through the Office of the City Attorney.

Pursuant to the Everett Municipal Code, the City of Everett shall provide the legal defense and payment of valid judgments and claims of employees and officials arising from their actions or conduct during the course of their official duties. Police officers are specifically covered by a law enforcement liability policy for wrongful acts that arise out of and are committed during the



course and scope of law enforcement activities. The Office of the City Attorney manages the tort liability fund.

## **2.6 TASK FORCES**

Association to RCW 10.93 - The Police Powers Act; and RCW 39.24 Interlocal Cooperation Act, governs the Everett Police Department's participation in Task Force agreements. The Chief of Police or designee guides management of the participation in Task Force agreements. The Chief of Police or designee will evaluate results from the Task Force with respect to the identified purpose, to determine the continuation of Everett Police Department's future participation. All written agreements for future participation in Task Forces will include: identified purpose of the investigative group, defined limits of authority, established clear guidelines of accountability and identified resources available from all participants.

## **2.7 DEPARTMENT ORGANIZATION**

The organizational chart for this department is kept on file in the office of the Chief of Police. Printed copies of the organizational chart are posted in the north and south patrol briefing rooms. The organizational subdivisions within the span of control of the agency's chief executive officer are grouped by function and depicted in the organizational chart.

Each organizational subdivision is under the direct command of one supervisor.

## **2.8 DIVISION RESPONSIBILITIES**

The Everett Police Department consists of the Operations, Investigations and Services Bureaus.

The Operations Bureau consists of officers assigned to the Sector Patrol Divisions, who are responsible for responding to calls, conducting preliminary investigations, traffic enforcement, accident investigations and for providing specialty units related to police operations.

The Investigations Bureau consists of officers assigned to follow up investigations of all type of crimes. This Bureau is also responsible for liaison relations with task force operations.

The Services Bureau consists of the Administrative Services Division and the Support Services Division. The Services Bureau provides services including departmental budgeting, fleet management, equipment procurement, police records systems, property and evidence processing, planning and research, recruiting, hiring and training.

## **2.9 SPECIALIZED UNITS**

Each of our department's specialized units is governed by identified Unit Standard Operating Procedures. All commissioned members of specialty units must be at least non-probationary officers. Each Unit SOP describes the specific requirements to be considered for a position. The Chief of Police determines the personnel selection process and training requirements for members of specialty units.

All qualified personnel are encouraged to compete for specialized units.

## 2.10 PLANNING AND RESEARCH

The Administrative Services Division is assigned the responsibility for the research and planning function. This function includes, but is not limited to the preparation of staff research studies of proposed programs and equipment, drafting general orders, applying for grants, and compiling statistical data regarding demand analysis (e.g., activity, location, time/date) and other issues relating to the agency administration. Such data will be distributed to affected units annually and more often as necessary.

The Administrative Services Division shall prepare an annual training plan that identifies training priorities and establishes the proposed curriculum for annual in-service training sessions.

## 2.11 CHIEF EXECUTIVE OFFICER AUTHORITY

The Chief of Police must necessarily limit the number of people who report directly to him. To ensure unity of command, clearly defined lines of authority must be drawn. There exists a structural relationship between all employees and the Chief of Police. Each employee must be aware of their relative position in this organization, to whom they are immediately responsible, and those people who are responsible to them. Employees will strive to operate within the Chain of Command. Employees deviating from the chain of command will provide justification to those affected.

In the absence of or in the event that the Chief of Police is incapacitated, the order of succession to the command of the Everett Police Department shall be the Senior Deputy Chief and continuing in descending order of rank.

The Chief of Police shall have the power and authority to discipline employees of the department for noncompliance with the rules, regulations, procedures and lawful orders issued by him or any supervisory or commanding officer.

By City Charter, the Mayor is charged with selecting a department head that is charged with the administration of the affected department. For the Police Department, the Chief of Police is designated as the Chief Executive Officer. The Chief of Police shall have the ultimate responsibility for the fiscal management of the police department. The Chief of Police or designee shall regularly review the agency budget and has the authority to spend funds in the approved budget for daily operations of the agency.

City Charter reserves all financial considerations in the operation of the City to the City Council with administration by the Mayor. The Chief of Police is responsible for budget preparation and presentation to the City Administration.

## 2.12 CHAIN OF COMMAND

**Chief of Police** - Appointed by the Mayor in accordance with provisions of the City Charter. The Chief of Police is the chief executive of the department, and is responsible for the general direction, administration, financial management, and efficient operation of the Police Department.

**Deputy Police Chief** - Appointed by the Chief of Police in accordance with city ordinance. Deputy Chief exercises general supervision of Division Commander(s) and through them, the personnel of their divisions.

**Captain** - Appointed by the Chief of Police from a certified civil service list from those officers of the department holding the rank of Lieutenant. Captains perform various administrative and supervisory duties in the Police Department with primary responsibility for the planning and direction of the assigned division.

**Lieutenant** - Appointed by the Chief of Police from a certified civil service list from those officers of the department holding the rank of Sergeant. The Lieutenant's primary responsibility is a mid-manager; i.e.: Patrol Lieutenant (Watch Commander), Investigations Lieutenant, Administrative Services Lieutenant, and/or in charge or responsible for special activities or sections. Supervises Sergeants or noncommissioned supervisors or other personnel as assigned.

**Inspector** – Appointed by the Chief of Police. The Inspector works directly under the direction of the Chief of Police and manages the Office of Professional Standards (OPS) of the department. The primary function of OPS is to conduct and coordinate the activities and duties associated with internal investigations, citizen complaints, use of force applications and damage to city-owned police property. The Inspector is not part of the normal chain of command.

**Sergeant** - Appointed by the Chief of Police from a certified civil service list from those officers of the department holding the rank of Police Officer. The Sergeant is a link between subordinate personnel and staff. The Sergeant performs the first line supervision of commissioned or noncommissioned personnel as assigned.

**Acting Sergeant** - If the need for a temporary supervisor becomes apparent, the assignment will be made at the discretion of a Patrol Lieutenant. The following guidelines should be used in making this assignment: A Master Patrol Officer (MPO) from the squad affected will normally be assigned as Acting Sergeant. If an MPO is not available, priority and considerations for assignments will be based on the presence on the current sergeant's eligibility roster, seniority, and job performance. If a disagreement should arise concerning the leadership of the shift, the matter will be referred to the Division Captain. Command Staff will make long-term acting appointments with approval of the Chief of Police.

**Police Officer** - Appointed by the Chief of Police from a certified civil service list. Officers will carry out such duties as indicated by their job description as directed by this manual and as ordered by higher-ranking personnel.

**Support Services Manager** - Appointed by the Chief of Police to manage the support services functions. This position is responsible for the activities including public disclosure, police records systems and the records unit manager. The Support Services Manager is responsible to ensure that practices and policies are established and followed pursuant to RCW.

**Record Unit Manager** - Appointed by the Chief of Police. This position is responsible for the immediate supervision of the records unit. The Records Manager is responsible to ensure that practices and policies are established and followed pursuant to RCW.

**Record Unit Shift Supervisor** – Appointed by the Chief of Police from a certified civil service list. This position is responsible for the immediate supervision of a particular shift of the Records Unit.

**Record Information Specialists** - Civil Service positions working in the records unit of the department.

**Parking Enforcement Officer** - A Civil Service non-sworn position responsible for the activities that include the enforcement of parking ordinances, as directed in the Parking Enforcement S.O.P.

**Police Specialist** - Civil service non-sworn position responsible for assisting members of the police department in completing their tasks effectively and efficiently. The Police Specialist should be utilized for non-emergency calls, or as directed in the Police Specialist S.O.P.

**Support Staff** – Includes, but are not limited to Police Planner, Coordinators, Administrative Assistants, Administrative Secretaries, Receptionists, Data Entry Operators and Day Laborers. These personnel perform a variety of functions in support of the department.

If a uniform is to be worn by non-sworn personnel, it will be clearly distinguishable from a regular Everett Police Department uniform.

Non-sworn personnel shall be assigned tasks by the Everett Police Department, but are not given sworn officer duties or status.

Personnel are given authority to make decisions necessary for the effective execution of their respective roles and responsibilities. Commensurate authority accompanies responsibility. Employees are accountable for their use of authority.

## 2.13 AUXILIARY PERSONNEL

### **Citizen Volunteers:**

Volunteers are civilians affiliated with the Everett Police Department in a part-time, unsalaried, non-sworn capacity because of their interest in contributing to the department's role in a support or research capacity.

Auxiliary personnel duties and scopes of authority are outlined in the Citizen Volunteer Program SOP.

Examples of volunteers are:

- a) College Interns
- b) Seniors Against Crime

## 2.14 COMMAND PROTOCOL

Whenever a senior officer, in the necessary performance of duty, gives an order to any subordinate officer not attached to his/her unit or assignment, that senior officer must exercise care that such an order does not unnecessarily conflict with those of the supervisory or commanding officer of that division to which the officer is assigned.

Whenever orders, so given, require the officer receiving same to leave his/her regular assigned post or duty, the senior officer giving such order will as soon as practical, inform such subordinate's supervisory officer of the action taken.

Each employee is accountable to only one supervisor at any given time.

### **2.15 SUPERVISOR ACCOUNTABILITY**

The Everett Police Department recognizes supervisory positions as the first level of supervision within this department. These supervisory positions have the responsibility to guide, direct, coach and counsel, motivate, evaluate and instruct all personnel under their supervision. It is the supervisors' responsibility to plan the work of personnel in an orderly manner, delegate authority and responsibility when appropriate and to follow the progress of task assignments to a satisfactory completion. All supervisors of all ranks and/or levels within the department shall be, at all times, responsible for the work performance of subordinate personnel under their immediate control.

A patrol supervisor will respond and take command of all situations of serious emergencies, felonies in progress, situations relating to or involving any civil unrest, injury to or by a police department officer, damage to any departmental equipment or city vehicle and any fire response outlined in the Fire Response and Unusual Occurrence sections of the Operations Procedures Manual.

### **2.16 DUTY TO OBEY LAWFUL ORDERS**

If an officer is given an order or instruction by his/her immediate supervisor or other ranking officer, and another senior officer gives an order or instruction that conflicts with the previous order given, the officer shall so inform the senior officer of the conflict. If the senior officer still desires that his/her order or instruction be carried out, the officer receiving the conflicting order will do so. The senior officer giving the conflicting order will immediately notify the officer's immediate supervisor of the action.

### **2.17 WRITTEN DIRECTIVES**

In addition to this manual, officers are expected to familiarize themselves with other official department publications. These publications are consistently formatted on departmental letterhead and bear the signature of the Chief of Police or designee from the command staff. The year and sequence of distribution uniquely number all of the above listed written directives. These publications will be distributed electronically to all employees. All employees will be required to open the electronically distributed publications. Opening the document provides an electronic signature acknowledging receipt.

Printed copies of the current Policy and Procedures manuals are kept on file in the following locations. One copy of the manuals will be located in the Office of Professional Standards (OPS) and one in the Records Unit. The OPS will update these manuals as needed.

Electronic copies of written directives and directive updates to include the Policy and Procedure Manuals, Training Bulletins and Personnel Orders are maintained on the Intranet and available to all personnel at all times.

Printed copies of written directives, training bulletins and other department publications will be maintained in the Chief's Administrative Assistant's Office.

It is the responsibility of all users of the departmental manuals and written directives to note any discrepancies, errors or omissions and to submit a notification through the chain of command to the Deputy Chief of Services.

**Operations Procedure Manual** – department manual describing procedures on how to handle the common tasks associated with the police department. This manual is intended to complement the Department Policy Manual and Unit Standard Operating Procedures.

**Unit Standard Operating Procedures** – describes the unique characteristics and responsibilities of each unit of the department.

**Special Orders** - directives that are of limited duration or to cover a specific event. The Chief of Police or designee within the command staff issues these orders.

**Personnel Orders** - changes in employment, rank or assignment will be announced by Personnel Order. The Chief of Police or designee within the command staff issues these orders.

**General Orders** - changes in policies or procedures that will be issued by the Chief of Police or designee within the command staff. General Orders will be reviewed at a regular scheduled command staff meeting prior to implementation, unless by emergency order of the Chief of Police.

**Training Bulletins** – alert personnel to changes in law, procedures and general information requiring department wide distribution. Issued after a review by command staff by the Chief of Police or designee within the command staff.

## **2.18 RECRUITMENT**

### **Personnel Responsibilities:**

It is the policy of the Everett Police Department to set minimum entry-level requirements for prospective employees. These requirements and the job descriptions of the Everett Police Department will be maintained in the City Human Resources Office.

### **Selection Process for Applicants:**

The Everett Police Department will adhere to City Human Resources Policy and Civil Service Rules when selecting officer applicants and non-commissioned applicants.

Pre-employment screening for the Everett Police Department shall include but is not limited to the following: Background investigation, polygraph examination, psychological examination (department designated doctor), physical/medical examination, credit history, driver's license

history, criminal history, drug screening. These examinations are provided at no cost to the applicant.

### **Equal Opportunity Employer:**

The City of Everett is an Equal Opportunity Employer. Being such, the Everett Police Department will enforce all federal, state and local laws, ordinances, rules, directives or advisories that pertain to Equal Employment Opportunity.

### **Minorities:**

The Everett Police Department is committed to the goals of the City of Everett Affirmative Action Plan.

### **Background Investigations:**

The Everett Police Department will conduct background investigations on all prospective police department personnel to ensure the integrity of the Department and to maintain the public's trust. Prospective personnel who have backgrounds that may jeopardize the integrity of the Department or damage the public trust will be disqualified.

Background investigations will include, but not be limited to, specific inquiry into any past contacts or convictions for incidents of:

- ❑ Stalking (RCW 9A.46.110)
- ❑ Unlawful Harassment, as defined by RCW 10.14.020,
- ❑ Domestic Violence, as defined by RCW 10.99.020,
- ❑ Sex Offenses, as enumerated by RCW 9A.44.

The inquiry will include a criminal history review, a review of all civil orders, an interview with the prospective employee, and interviews with select past and current family and household members as defined by RCW 26.50.010. Convictions for such offenses, or information that supports a reasonable conclusion that a person would have been convicted of such an offense if a case had been charged, will preclude the prospective employee from employment. This restriction exists regardless of any case dismissal in lieu of treatment or counseling or any expunging of a conviction for any reason.

The polygraph will also include, but not be limited to, specific inquiry into such contacts or convictions as well as any other criminal contacts or convictions. Polygraphs will be used as an investigative aid and as such, the results will not be utilized as the single determinant of employment status. Candidates will be provided with a list of areas from which polygraph questions will be drawn, prior to any examination.

The psychological examination will also include, but not be limited to, specific screening for indicators of violent, abusive, harassing, or inappropriate sexual behaviors. The results of this screening will be used as a factor when making employment decisions.

### **Background Investigation Reports and Records:**

All background investigation reports and records will be retained in accordance with Washington State Records Retention Schedule. These records are strictly confidential and the Chief of Police must authorize access to the records except as noted:

- ❑ The training section may review background records (not medical) while the officer is on probation as it pertains to training issues and concerns or recommendations for retention.

- ❑ Command staff may review background records (not medical) as it relates to pending disciplinary issues and recommendations.
- ❑ Other law enforcement agencies may view, but not copy, background records (not medical) with a release from the officer as it relates to officer's testing with other agencies.

In all other cases background records may only be released as directed by the Chief of Police or as directed by a competent court with jurisdiction. Background investigation records will be maintained in a locked cabinet, accessible only to Administrative staff, and shall be retained in accordance with the Washington State Records Retention Schedule.

### **2.19 COACHING AND COUNSELING AUTHORITY FOR SUPERVISORS AND MANAGERS**

Any supervisor may counsel an employee under her/his command. Coaching and counseling is any non-disciplinary, interactive communication between the supervisor and the employee. Coaching and counseling may be used for the purpose of addressing misconduct or poor work performance through a specific action plan as directed by the supervisor, or may be used to acknowledge or re-enforce desired or exceptional performance on the part of the employee.

Please refer to the Everett Police Department Procedures Manual, Section 31, COACHING AND COUNSELING, for a more detailed explanation of the coaching and counseling process.



## **Chapter 3 TRAINING**

### **3.1 BASIC ACADEMY TRAINING**

It is the policy of the Everett Police Department that every sworn officer successfully complete the Basic Law Enforcement or Equivalency Academy, as certified by the Washington State Criminal Justice Training Commission (WSCJTC) prior to exercising authority as a law enforcement officer and within six months of their date of hire. Officers who have not yet received certification will be assigned to and supervised by the Administrative Services Unit.

### **3.2 FIRST LEVEL SUPERVISOR TRAINING**

It is the goal of the Everett Police Department that every employee appointed or promoted to a first level supervisory position successfully complete the basic supervisory training approved by the WSCJTC, according to RCW 43.101.350.

### **3.3 MID-MANAGEMENT TRAINING**

It is the goal of the department to have every employee appointed or promoted to a mid-management position to successfully complete the mid-management training approved by the WSCJTC, according to RCW 43.101.350.

### **3.4 EXECUTIVE MANAGEMENT**

It is the goal of the department to have executive managers successfully complete the executive training class sponsored by the WSCJTC, according to RCW 43.101.350.

### **3.5 ANNUAL TRAINING**

In-service training each year will be provided to each officer and sergeant having the responsibility for the enforcement of the criminal laws. This training will include legal updates. This training will be in addition to any training routinely provided at roll call briefings. All training records are maintained in the Administrative Services Division. Attendance at annual In-service training and all other scheduled training is mandatory. Excused absences will be authorized for mandatory court appearances. Missed in-service training will be made up within the calendar year.

Additional training is available upon request or upon identified core training requirements, depending upon assignment, as approved through the chain of command.

The department will provide, as recommended and approved by the unit supervisor, training of non-sworn personnel as recommended. Each unit supervisor shall coordinate this training and ensure all non-sworn personnel have received training on department policies and procedures, inclusive with unit standard operating procedures.

The Everett Police Department Administrative Services Division maintains all department training records. Departmental training files will reflect the completion of all training required by the department and the Washington State Criminal Justice Training Commission. These records

are maintained in the Training Unit and submitted to the WSCJTC for inclusion in their record system.

All sworn personnel will meet or exceed the WAC required number of training hours each calendar year (WAC 139-05-300).

### **3.6 SUPERVISOR TRAINING**

The Administrative Services Division will coordinate quarterly supervisors' training for all sergeants, lieutenants, captains and deputy chiefs. This training will include legal updates, agency rules and regulations and specialized management and supervisory programs.

#### **3.6.1 EXTENDED ABSENCE TRAINING**

An employee returning to a work assignment after an extended absence (ninety [90] days or more) shall ensure he/she is prepared to perform all associated job functions. Refresher training should occur if the employee or supervisor feels it is necessary.

When an employee returns to a work assignment after an extended absence, the supervisor will review the employee's knowledge, skill and ability to perform all associated job functions. The supervisor, in conference with the mid-level manager, will determine any required refresher training. The supervisor will note this process in the employee's working file. If the employee is assigned to Patrol, the employee shall complete refresher training with an appropriate trainer, the supervisor or FTO will complete the Patrol Refresher Form and forward it to the Training Unit.

### **3.7 REMEDIAL TRAINING**

Remedial training may be utilized where documented deficiencies have been noted by an officer's supervisor or chain of command and initial efforts to show improvement have failed. Remedial training programs will be developed by the Administrative Services Division, with all training records maintained in the employees training file. Participation in the remedial training program may be mandated for all affected employees. Failure to participate may result in disciplinary actions. Remedial training will be provided in areas that include, but are not limited to, firearm skills, Taser re-certifications, officer safety/ defensive tactics skills and defensive driving. Instructional length will be determined by the training instructor and the Administrative Services Division.

### **3.8 BRIEFING TRAINING**

The Administrative Services Division will oversee monthly roll-call training and all additional training programs to include non-resident in-house instruction to members of the Everett Police Department. Roll-call training will address agency policy and procedure changes and may also include topics in evidence collection, use of force, less-lethal use of force, emergency fire suppression, cultural diversity, domestic violence and other topics as needed. Sergeants and Master Police Officers will instruct monthly roll-call training.

All training will require a statement of performance and objectives, completed lesson plans detailing the content and instructional techniques, and identification of any proposed tests to be administered. Department-sponsored training will require Briefing Authorization forms (PD-

344) approved through the Chain of Command, prior to the instruction. Completed lesson plans, course objectives and course attendance rosters will be maintained in the Administrative Services Division.

### **3.9 DOMESTIC VIOLENCE TRAINING**

The Everett Police Department recognizes the critical importance of providing education to employees and their families regarding domestic violence in law enforcement families. It is the intention of the Everett Police Department to provide employees and their families information about domestic violence, counseling resources, and means of assistance in order to:

- Prevent domestic violence incidents from occurring,
- Increase career and family stability, and
- Reduce victimization.

Everett Police Department employees will be provided annual training through in-service training and/or roll call training. Such training may include:

- General domestic violence investigation and evidence collection,
- Domestic violence in police families,
- Domestic violence response protocol,
- Ethical considerations,
- Criminal vs. administrative investigations,
- Command notification and reporting procedures,
- Availability and accessing confidential counseling services, and
- Everett Police Department domestic violence policies.

Said training will be made available to new employees during new hire orientation.

The Everett Police Department will distribute annually to every employee and mail to the employee's family or household member a letter describing, but not limited to:

- Domestic violence laws,
- Everett Police Department domestic violence policies and investigative response,
- Availability and accessing confidential counseling services,
- Reporting domestic violence to law enforcement, and
- The confidential contact person within the department (Inspector, Office of Professional Standards) for questions, concerns, or responses to domestic violence issues, or to file a domestic violence police report outside of the 911 system (uniformed patrol).

The Everett Police Department may conduct meetings for employees and for the employee's family or household members to discuss and provide information regarding the topics above. Employees and the employee's family or household members will be notified of the meeting by the aforementioned letter to the employee's residence.

The official bulletin boards of the Everett Police Department will contain a posting describing the means of contacting confidential counseling services, including peer support and domestic violence counseling services.

The Everett Police Department Peer support team will be provided annual training to include, but not limited to:

Availability and accessing domestic violence counseling services, and  
Exceptions to peer support confidentiality (admissions of current and continuing acts of physical domestic violence, threats of physical harm to self or others, and admissions of committing any serious crime are not protected communications and require immediate notification).

## **Chapter 4 COMPENSATION, BENEFITS AND CONDITIONS OF WORK**

### **4.1 BENEFITS**

It is the responsibility of each bargaining unit representing the employees of this agency to provide a current Labor Agreement to those employees identifying benefits provided.

The Human Resources Department of the City of Everett will provide those employees not covered by a bargaining unit information about benefits.

The City of Everett Human Resources Department provides information regarding insurance and retirement benefits for city employees.

### **4.2 COLLECTIVE BARGAINING**

Department members may be represented by one of three unions:

Everett Police Officers Association  
AFSCME Local 113 – Non-uniformed personnel  
Everett Police Management Association

Certain employees designated “appointive” are not represented by a union.

A mayoral designated team carries out collective bargaining with the unions. The City Administration establishes a collective bargaining team. The Chief of Police will be responsible for administering negotiated contracts and for designating one person as the principal representative. The agency representative is committed to participating in “good faith” bargaining with the duly recognized bargaining units representing its members. They are further committed to abide by the ground rules for collective bargaining that arise out of the collective bargaining process or labor arbitration. They are to abide by the negotiated labor agreement that has been signed by all parties. Final contract approval is reserved to the City Council.

### **4.3 DISSEMINATION OF AGREEMENT**

Respective unions are responsible for furnishing copies of the bargaining agreement to their respective members.

### **4.4 FAMILIARITY OF AGREEMENT BY SUPERVISORY PERSONNEL**

The Chief of Police or his designee will obtain a written, signed copy of the labor agreement and will review or amend, if necessary, all written directives and procedures to coincide with the terms of the labor agreements. The Chief of Police or his designee will disseminate information relative to the new labor agreement, including any modifications to existing agreements to managers and supervisors of bargaining unit employees. The Chief of Police or designee will inform and train supervisory and management personnel of collective bargaining agreements affecting personnel under their supervision.

#### **4.5 COMPLIANCE**

There are no written directives necessary to ensure compliance with bargaining agreements. Each agreement stands alone and includes a process for reaching a determination should the two parties to the agreement be at odds as to any meaning of the language. Each party to the agreement has the obligation and duty to ensure the other party of the agreement is in compliance.

#### **4.6 GRIEVANCE PROCEDURES**

Collective bargaining agreements address the grievance procedures for each bargaining unit and the members of those units that are employed by the Everett Police Department. AFSCME, EPOA, and EPMA officers will consult their Collective Bargaining Agreements for grievance procedures. The Office of the Chief of Police maintains a file for each grievance filed. The Deputy Chief of the Services Division will conduct coordination of the grievance procedures. The Deputy Chief of the Services Division will conduct a documented annual analysis of all grievances filed.

#### **4.7 RESIGNATION**

Resignation by any employee of this department will be submitted in writing to the Chief of Police before leaving service.

#### **4.8 RETIREMENT**

Notification of retirement of any employee of the department will be submitted in writing to the Chief of Police before leaving service. Terms of the retirement will comply with applicable LEOFF and PERS provisions and other agreements.

#### **4.9 CALL BACK**

In unanticipated emergency situations, officers may be called back to active duty even if they have completed their assigned shift. In these situations, officers will be required to report back to duty and to carry out duties assigned by supervisory officers. Compensation will be based on the applicable labor agreement or city ordinances.

#### **4.10 SHIFT TRADES**

It is the policy of the Everett Police Department to allow shift trading of workdays between officers. All shift trades will be documented on departmental forms and be approved by the officers' Sergeant and Lieutenant prior to the trade(s) taking place.

#### **4.11 STANDBY STATUS**

Officers may be placed on "standby" status when it is anticipated that they may be called back to duty. When placed on standby status, officers will be prepared to respond for duty immediately upon being notified to do so. A command staff member must approve "standby" status. Compensation will be based on the applicable labor agreement or city ordinances.

#### **4.12 PAYROLL**

All employees are required to enter exceptions from their normal work schedule into the electronic timekeeping software TeleStaff/WebStaff. Supervisor approval is required prior to being accepted for payroll finalization. Refer to the TeleStaff/WebStaff manuals located on the S: drive for detailed procedures.

#### **4.13 OVERTIME**

Officers may, under certain circumstances and conditions, be required by a supervisor to remain past the regular end of shift or to work in excess of full-time weekly hours. Supervisory approval is required prior to working overtime. Compensation will be based on applicable labor agreement or city ordinances.

#### **4.14 COMPENSATORY TIME**

Compensatory time may be earned according to applicable labor agreements, city ordinance or departmental directive. Employees electing to take time off on compensatory time must request the leave through their supervisor for approval. Employees must ensure that they are not scheduled for other departmental duties on the requested days off. Any cash-out of compensatory will be based on the applicable labor agreement of city ordinances.

#### **4.15 MINIMUM STAFFING**

Minimum staffing for patrol is established by labor contract to help provide adequate patrol response to calls for service.

#### **4.16 REPORTING FOR DUTY**

Officers will be properly equipped for the full performance of their duties on their shift at their scheduled start time.

Reporting Late - if an employee cannot report for duty at the assigned time, the employee will immediately notify or cause their supervisor to be notified. An Exception Report will be completed, reviewed and signed by a supervisor.

Officers shall report to work and while working, remain mentally, physically, and emotionally ready to assume and completely perform all their responsibilities, duties, and tasks.

#### **4.17 FAILURE TO REPORT DUE TO ILLNESS/INJURY**

When absenteeism is inevitable due to illness or injury, departmental employees will log into the Telestaff system and make the appropriate entry documenting their absence using either the web based system or the phone system. For Operations Division staff, if the entry into Telestaff is made within one hour of the employee's shift start time the employee will also make a notification to an on-duty patrol supervisor by phone. Any employee who fails to report via Telestaff or an on-duty supervisor and who does not have a bona fide excuse will be subject to disciplinary action. A supervisor has the responsibility and the right to take whatever reasonable

steps are necessary to confirm the nature and extent of such illness or incapacity. The employee will complete and turn in a Shift Exception Notice immediately upon their return to work.

#### **4.18 ABSENTEEISM – SICK LEAVE ADMINISTRATION**

The ability to work regularly is a requirement for continued employment. The purpose of this policy is to provide for consistent administration of the use of sick leave by commissioned members of the Everett Police Department, to seek causes and solutions for absenteeism and to establish methods to check and correct excessive use of sick leave and prevent possible abuse.

It is recognized that employees may from time to time have a significant number of legitimate, unpreventable sick leave incidents. It is also recognized that employees may have a significant number of preventable incidents. This policy is intended to address the multiple abuses of sick leave by ensuring that prevention is addressed when necessary.

Section 7 of the Everett Police Department Procedures Manual establishes the procedure for monitoring employees who are repeatedly absent or whose absences precede or follow regular days off, holidays, or some other pattern, or who use sick leave excessively. The administration of this policy becomes effective at such time as an employee has had three incidents or 42 hours of Sick Leave usage in a year.

An employee whose sick leave has been determined to be abusive or excessive in nature may be subject to discipline, up to and including termination.

Except for doctor appointments or related activities, employees absent because of personal illness or injury must remain at their residence during hours of assigned duty unless approved by the Chief of Police or his/her designee.

This policy shall apply only to commissioned officers of the Everett Police Department. Appointive and AFSCME members of the Everett Police Department shall abide by the City of Everett Sick Leave Administration policy.

#### **4.19 EXTENDED SICK/DISABILITY LEAVE**

Extended sick/disability leave for Commissioned and Appointive employees is defined as a medical condition that requires continuous time away from an employee's normal work assignment that exceeds five (5) regular workdays. Extended sick/disability leave for AFSCME employees is considered continuous absence that exceeds three (3) regular workdays. Written certification from a physician is required detailing the reasons and prognosis of the extended sick/disability leave.

When the employee is released from medical care and the appropriate medical release documentation is furnished to the department, a determination will be made for the employee's re-entry into the workforce.

Refer to the Extended Sick/Disability Procedures for more details.



#### 4.20 PERSONNEL LEAVE

Personnel leaves are governed by City Policy. Other forms of leave, to include funeral leave, holidays, vacation and Association leaves are included in applicable labor agreements or city ordinance.

Washington Family Care Act  
Family and Medical Leave  
Jury Duty  
Leave Without Pay  
Military Reserve Leave  
Maternity Leave  
Sick Leave Administration

#### 4.21 LIMITED DUTY ASSIGNMENTS

The department recognizes the occasional need for temporarily assigning an employee who is experiencing a short-term disability to a "limited duty" assignment in which an employee will not be required to perform all of the normal functions of the rank or job classification to which the employee belongs. The employee so assigned will be expected to perform all of the duties of the limited-duty assignment. The Administrative Services Division will monitor this assignment. Normal hours of assignment will be Monday through Friday, 8 and 8.5-hour shifts.

**Short Term Disability** - A physical or mental disability incurred by an employee whom a qualified physician has determined will temporarily prevent the employee from performing all of the duties of his or her normal assignment.

**Limited Duty Assignment** - An assignment that may not require the employee to perform all of the duties normally required by the Department for the employee's particular rank or classification. The temporary assignment of an employee with a short-term disability to limited duty is project specific and for a period which will normally not exceed sixteen (16) weeks.

#### 4.22 FITNESS FOR DUTY

Employees are required to maintain a level of physical and mental fitness that will allow them to perform their duties effectively. If a question arises as to an employee's ability to perform regular duties due to an apparent low level of physical and mental fitness, the employee may be required to submit to a psychological or medical examination and, to bring his or her health or fitness level to an acceptable level.

#### 4.23 USE OR UNLAWFUL SALE OR POSSESSION OF ILLEGAL OR UNAUTHORIZED DRUGS

Employees shall not unlawfully possess, sell, consume, use or assist in the use of any illegal or unauthorized drugs or medications on duty or off duty. Nor shall any member consume any unauthorized drug or medication in proximate time to his or her reporting time for duty, nor shall he or she report to duty with evidence of having consumed such drugs or medication.

Note: Unauthorized means any substance, drug or medication that is illegal to possess as well as any legal substance, drug or medication that is used without medical approval as well as drugs used without the knowledge of management.

#### **4.24 USE OF ALCOHOL, DRUGS AND MEDICATIONS**

It is the policy of the Everett Police Department to protect the individual freedoms of the members while also providing a safe work environment, and protecting the public by ensuring a drug-free police department.

Employees must not consume an intoxicating beverage while wearing any part of the issue uniform except with the express permission of a supervisor.

Employees must not consume an intoxicating beverage while on duty except while acting under proper and specific orders from a supervisor.

While off duty, employees should refrain from consuming intoxicants to the extent that it could constitute unbecoming conduct as described in this publication, or that it could render them unfit to report for their next regular tour of duty.

Employees must not possess, use, nor store alcoholic beverages in any departmental facility or vehicle, except for those instances involving such beverages held as evidence or as provided by law.

No employee shall use or possess, outside of duty requirements, any narcotic, dangerous drug, or controlled substance, whether on or off duty, except at the direction of a physician, dentist, or other medical authority for medicinal purposes.

Employees who are directed by a competent medical authority to use such a narcotic, dangerous drug, or controlled substance must not use such medication to the extent that their performance may be affected while on duty.

An employee who is directed by a competent medical authority to use such a narcotic, dangerous drug, controlled substance, or prescribed drug while on duty must submit a memo to their immediate supervisor identifying the type of medication taken and noting any probable side effects that may be caused. Any limitations to duty that may result from a medication must be noted on the memo to the immediate supervisor.

The supervisor must determine whether the employee may be allowed to perform regular duties, be assigned to limited duties or placed on sick leave.

#### **4.25 SUSPECTED INTOXICATION: MUST SUBMIT TO TESTS**

If a supervisor has reasonable grounds to believe that an employee is adversely affected by having used intoxicating drugs and/or beverages while on duty, that employee may, at the direction of the supervisor, be required to submit to tests for intoxication.

The results of such a test shall be documented in a memo and shall be supplemented by a chemical test report.

If a blood sample is to be tested, the supervisor must take the employee to a medical facility for the extraction of such a sample by competent personnel.

The time lapse between the initial report of the condition of the employee and the tests for intoxication must be accurately recorded.

The Chief of Police may order an employee to submit to a lineup, photographs, medical, ballistics, chemical or other tests related to a departmental internal investigation. This excludes a polygraph test, except as specified in the RCW.

#### **4.26 MEDICAL EXAMINATIONS**

Physical, medical, and psychological examinations ordered by the Everett Police Department for determination of “fitness for duty” shall be at no cost to the employee. This specifically applies to department-ordered examinations and not normal sickness or injury-driven examinations. Continued treatment or therapy as directed by the examining professional will be the responsibility of the employee, through their health insurance, once the employee has been released to return to full-duty status.

#### **4.27 MEAL PERIODS/BREAKS**

Employees will take meal breaks consistent with their contractual guidelines or state law.

Unless permission from a Shift Supervisor (Sergeant) is obtained, no more than two uniformed officers will occupy an establishment while on break or lunch.

#### **4.28 OFF DUTY (SECONDARY) EMPLOYMENT**

The primary employment of each employee is the Everett Police Department; all secondary employment and/or self-employment must conform to the following regulations and restrictions:

- The Chief of Police must approve any job site requesting the services of off-duty police officers;
- Such employment must not interfere with an employee’s performance of duties for the Department;
- Employees must report for duty when scheduled or directed regardless of any off-duty employment commitments;
- Employees must not participate in any off-duty employment, which, by its nature, could possibly involve a conflict of interest with the duties, responsibilities, or functions of the Department;
- Employees will conduct themselves in accordance with all Everett Police Department Policies and Procedures while performing any off-duty law enforcement employment;
- Employees will ensure that off-duty work hours will not interfere with their ability to report for duty when scheduled, with sufficient rest in between;
- Employees are authorized to utilize department-issued uniforms and gear while working in an off-duty law enforcement capacity.

Approval from the Chief of Police to work off duty in secondary employment is required. Permission to work off duty may be revoked by the Chief of Police. The Chief of Police or designee will review all off-duty employment performance issues.

#### **4.29 GIVING A FULL DAY'S WORK FOR A FULL DAY'S PAY**

Employees shall give a full day's work for a full day's pay and not establish patterns of non-productive work time.

Employees are required to remain on duty for their entire shift unless excused by their supervisor or higher-ranking personnel. During the shift, employees will carry out their duties to the best of their ability. If any employee must leave duty before the end of shift due to illness or other circumstances, the employee must inform their supervisor before leaving. Leaving early without authorization will be deemed neglect of duty and will be grounds for disciplinary action.

#### **4.30 PERSONAL BUSINESS WHILE ON DUTY**

Employees will not conduct personal business during duty hours. Exceptions will be considered on a case-by-case basis by the employee's supervisor.

#### **4.31 CLASSIFICATION AND ASSIGNMENT**

Most special assignment openings will be announced agency-wide in writing. The announcements will include all pertinent information and any required applicant response. The Chief of Police has the right to assign qualified officers to any assignment without announcing the opening. Assignments to certain special assignment openings are covered within applicable labor agreements. Job classifications are completed by the City of Everett Human Resources Department. The Everett Police Department Administrative Services Division works with Human Resources to provide current duties and responsibilities for various classes, to ensure up-to-date information to complete the classifications. Job descriptions are maintained in the HR division and available to all personnel.

#### **4.32 TRANSFERS**

All transfers within the department will be made on the basis of the department's needs. In all transfers to specialized assignments, the requirements of the department will be the priority consideration. Assignments and disassociation for operational reasons shall rest in the sole discretion of the Chief of Police.

Personnel will not request the aid of any person outside the department in influencing a transfer to another assignment or unit.

All requests for transfer will be submitted through the chain of command and will state the reason the transfer is requested.

In the case of requests for transfer within division assignments, the Division Captain will make the decision as to who is assigned where and for what period of time.

### **4.33 PROMOTIONAL PROCESS FOR CIVIL SERVICE POSITIONS**

All promotional opportunities, if applicable, will be announced in accordance with existing civil service rules and regulations.

The rules governing written announcements for promotional examinations are governed by Civil Service Rules of the City of Everett.

The responsibility and authority for administering the promotional process for the agency is the responsibility of the City of Everett Human Resources Department.

The procedures that are used by the Everett Police Department for promotions to positions in this department are governed by City of Everett Civil Service rules and city ordinance.

The Deputy Chief of Services will be responsible for overseeing the Police Department's role in all promotional processes.

### **4.34 ANNUAL PERFORMANCE EVALUATIONS**

All police department employees shall be evaluated by their immediate supervisor annually. Employees will be evaluated using the evaluation system designated by the Chief of Police. The performance evaluation form will include measurement definitions. All supervisors will be provided training to include procedures for the use of this form and rater responsibilities.

All department supervisors shall maintain an "employee working file" for each employee assigned to them. This "employee working file" is to provide supervisors the opportunity to maintain pertinent documentation throughout the employee's performance evaluation rating period. At the conclusion of the employee's evaluation rating period, the "employee working file" should only contain a copy of the most recent performance evaluation.

It will be the responsibility of each supervisor to transfer the "employee working file" to the new supervisor when an employee is transferred. An employee will be able to review their "employee working file" upon request. The employee should not be "surprised" by the contents of their "employee working file".

The current supervisor of an employee is responsible for completion of the scheduled annual performance evaluation for that employee. The current supervisor is responsible to obtain input and signatures from all other supervisors of that employee during the rating period.

Any employee receiving an overall rating of "Needs Improvement" will be evaluated quarterly until they receive a "Meets Standards" rating. Any non-probationary employee receiving an unsatisfactory rating will be notified of this prior to their annual evaluation. This notification is completed through the supervisor's working file, with documented coaching and counseling for all unsatisfactory rating categories. Employees have access at any time to their working file, to ensure that they are aware of any performance issues. The working file includes defined actions that should be taken for the employee to improve his or her performance. If no improvement is made, the unsatisfactory rating will be included in the employee's annual evaluation.

Employees will be provided with a copy of their completed performance evaluation for review.

### **4.35 UTILIZATION OF PERFORMANCE EVALUATIONS**

The performance evaluation system is used to assist in personnel decisions, for maintenance and improvement of performance. It provides a medium for personnel counseling and facilitates proper decisions regarding probationary employees. It provides an objective and fair means of recognizing individual performance, and identifies training needs. Criteria used for performance evaluations are specific to the assignment of the employee during the rating period. Those performance criteria not applicable, will be noted as such.

Each evaluator will familiarize themselves with the performance dimensions to be assessed, and will be prepared to counsel and comment on the employee's performance. The employee receiving the evaluation will be counseled on the results of their evaluation, the level of performance expected and rating criteria utilized. They will also be counseled on goals for the next rating period to include any specific training or specialization requested for career advancement.

### **4.36 PROBATIONARY EMPLOYEES**

City of Everett Civil Service Rules and current Collective Bargaining Agreements determine probationary periods for all department employees.

Probationary employees shall be evaluated in writing by their immediate supervisor as required by the City.

The City's written performance evaluation of probationary employees will be coordinated through the Office of the Chief of Police.

### **4.37 EVALUATION TIME PERIOD**

Evaluations will be based solely on job performance occurring during the specified evaluation period.

### **4.38 SIGNATURE ON PERFORMANCE EVALUATION**

Each employee shall sign their performance evaluation, noting they have read it. It is mandatory for employees to make comments concerning the rating or narrative received. These comments will be included with the performance review. The performance evaluation will be forwarded for review and signatures, up the chain of command. Following Command staff review and comments, the evaluation will be sent down the chain to the employee.

### **4.39 RATED BY IMMEDIATE SUPERVISOR**

An employee's immediate supervisor is responsible for completion of an annual evaluation.

### **4.40 RATERS TO BE EVALUATED**

All supervisory evaluations shall contain, as a performance dimension, the ability to successfully conduct performance reviews in compliance with department policy. All raters will be evaluated by their immediate supervisors regarding the quality and uniformity of ratings issued.

## **4.41 RETENTION PERIOD**

The retention period of performance evaluations will be in compliance with city policy and state law.

### **4.41.1 APPEAL PROCESS**

Any employee may appeal in writing their performance evaluation. This appeal must be submitted within two weeks of their receiving the evaluation, and will include specific citations as to the areas contested. Command Staff will make a review of the appealed evaluation with a final decision rendered within 30 days of the appeal.

## **4.42 CRIMINAL COURT APPEARANCES**

Employees who are required to appear in court in connection with their official duties will appear and testify as directed by the court or prosecutor's office even though the time of appearance falls when they are off shift. Employees are responsible for confirming their need to appear in court using the procedures detailed in the Procedures Manual. Meetings with prosecutors and/or defense attorneys or their representatives on an overtime basis are to be pre-approved by the Division Commander.

Employees who are sick must notify the court if their illness precludes attendance at court. Employees on extended sick leave or disability leave who are assigned to the Services Division will be required to attend court if their illness or disability does not preclude court attendance. The employee must provide a written notation from the doctor indicating the restriction. Employees attending court while assigned to the Services Division will report to that division prior to court so that an armed escort officer can be assigned if needed.

Employees shall not take part or be concerned either directly or indirectly in making or negotiating any compromise or arrangement for any criminal or person to escape the penalty of law. Employees shall not seek to obtain any continuance of any trial in court out of friendship for the defendant, or otherwise interfere with the court process. This section shall not be construed as preventing an employee from cooperating with the City Attorney or the Prosecuting Attorney in determining appropriate plea bargaining of a charge.

Compensation will be based on the applicable labor agreement or city ordinances.

## **4.43 CIVIL COURT APPEARANCES**

Employees who are to appear in civil cases that arise out of the performance of their official duties are to be under subpoena. Employees should contact their Division Commander upon receipt of the subpoena. If they are on duty, they will appear on city time, and will request witness fees that will be turned over to the city. If the officer is to appear on off-duty time, he/she will obtain pre-approval from their Division Commander for submission of a request for overtime.

Compensation will be based on the applicable labor agreement or city ordinances.

#### **4.44 CIVIL SUITS**

If an employee initiates a civil suit for damages sustained in the line of duty, or if an employee is being sued for any action arising from action taken in the line of duty, the department has an interest in the progress and outcome of that suit. For this reason this department requires employees to inform the department before they initiate a civil suit, and/or if they are named as respondent in a civil suit arising out of incidents related to the employee's action as a police department employee.

Before filing a civil suit for damages incurred while on duty for this department, the employee must first notify the Chief of Police in writing of his/her intention to do so. No action shall be taken before the Chief of Police has been advised.

Any employee who becomes aware that he/she will be named as a respondent in a civil suit growing out of the employee acting in an official capacity whether on or off duty shall immediately notify the Chief of Police.

Any employee initiating or is a party to any legal action against the city is doing so on their own time and expense.

#### **4.45 SUBPOENAS RELATING TO BUSINESS/OPERATIONS**

Any employee who is served with a subpoena or other legal process relating to the business, operations, policies, or procedures of the department will inform the Chief of Police immediately. This requirement does not apply to subpoenas relating to the prosecution of a routine criminal case.

#### **4.46 COMMITTING OR CONDONING ILLEGAL OR FORBIDDEN HARASSMENT**

Illegal or forbidden harassment (e.g., sex, race, religion, national origin, ethnic, disability or age) is prohibited as a basis for conduct, behavior, or decisions affecting another employee's or potential employee's terms or conditions of employment. Employees shall not use sex, race, religion, national origin, ethnic background, disability or age in their words, actions, gestures, conducts or behaviors that could reasonably be construed or perceived by another employee or potential employee as hostile, offensive or intimidating. Also see the City of Everett Harassment Policy.

#### **4.47 CODE OF CONDUCT / CANONS OF ETHICS**

All personnel will abide by the Everett Police Department Policies and Procedures Manuals and in doing so will, by their actions, adhere to the Canons of Ethics. The Administrative Services Division will conduct ethics training on at least a biennial basis for all personnel.



#### **4.48 DISCRIMINATING OR ESTABLISHING PATTERNS OF DISCRIMINATION IN THE PERFORMANCE OF DUTIES**

In words, deeds, gestures, performance of jobs, duties, tasks and delivery of services, employees shall not discriminate; nor shall they establish a pattern of adverse impact in the delivery of services when such discrimination has a basis in such areas as a person's sex, ethnic background, race, color, national origin, lifestyle, preferred sexual orientation, religion, criminal history, age, disability or social status.

##### **4.48.1 BIAS BASED POLICING**

In addition to [Policy 4.48](#), employees are prohibited against bias based policing when making decisions regarding traffic contacts, field contacts, criminal investigations, arrests, searches and asset seizures and forfeitures. The Everett Police Department is committed to enforcement actions that are based on a person's conduct or specific suspect information or behavior and that are not based on common traits of a group, including but not limited to those associated with race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, persons who ride motorcycles or wear motorcycle-related paraphernalia, or any other identifiable group.

Any concerns, complaints or occurrences of bias based policing will be thoroughly investigated in accordance with [Chapter 5](#) of this manual. A determination of bias based policing will result in corrective measures, which may include remedial training, coaching and counseling or disciplinary action.

The Administrative Services Division will conduct annual roll-call training on bias based policing issues, including legal aspects.

In addition to regular monitoring of bias based policing, an annual review will be conducted by the Deputy Chief of Operations and the Deputy Chief of Investigations and Services, with final approval of the review by the Chief of Police.

#### **4.49 COMMITTING UNSAFE ACTS OR ENDANGERING SELF OR OTHERS**

Employees shall not unlawfully commit acts or behave in such a manner that has the potential for endangering or injuring themselves, property, or another person.

#### **4.50 CONFLICTS OF INTEREST**

Employees shall not create conflicts of interest or potential conflict of interest with the duties and obligations of their positions within this Department. Public service work requires that employees do not compromise the authority, integrity, trust, or confidence inherent in their offices.

Employees shall not compromise their integrity or that of the department by accepting, giving, or soliciting gratuities.

Public safety officials have easy, uncensored and unquestioned access to people, information, resources and positions of trust not easily available to the general citizen. This “freedom of office” must be governed and controlled if the public trust is to be preserved. Failure to do so will severely restrict the ability of this Department to provide its services in an effective and efficient manner.

Employees are not authorized to participate or represent the Department in any political activity during working hours. Employees must not be photographed in EPD uniform for any political campaign unless approved by the Chief of Police.

Employees, while on duty or as representatives of the Department, must not engage in political or religious discussions to the detriment of good discipline; and must not speak disparagingly of the nationality, color, creed, or belief of any person.

Employees must not use their official authority or influence for the purpose of interfering with or affecting the result of an election or nomination of office.

#### **4.51 BAIL BONDS AND ATTORNEYS**

Employees of the Everett Police Department shall not under any circumstances, solicit or recommend attorneys or bail bond services for any person in custody.

#### **4.52 NEIGHBORHOOD DISPUTES**

Employees shall not intentionally become involved in quarrels or disputes with their neighbors at any time, except in emergency situations.

#### **4.53 COOPERATION WITH THE PUBLIC, EMPLOYEES AND OTHER OFFICIALS**

Employees are required to seek affirmative ways to cooperate and work with the public, other employees, other public officials, and employees of any organization to deliver lawful, effective, efficient, and safe services.

Employees shall conduct themselves in a courteous and respectful manner in their official dealings with the public, fellow employees, supervisors and subordinates.

#### **4.54 SUPERVISORS SHALL DISPLAY RESPECT TOWARDS SUBORDINATES**

Supervisors shall treat subordinates with the same courtesy and respect that is required of subordinates to display to supervisors. Criticisms of an employee for his/her performance will be made directly to the subordinate and in a private setting, when practical.

#### **4.55 COURTEOUS AND RESPECTFUL BEHAVIOR TOWARD POSITIONS OF AUTHORITY**

Employees shall be subordinate and display courtesy and respect in words, deeds, gestures, and actions towards personnel holding higher levels of official authority.

#### **4.56 INSUBORDINATION**

Employees shall willfully observe and obey the lawful verbal and written rules, duties, policies, procedures, and practices of the Everett Police Department and the City of Everett. They shall also 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 to the lawful orders and directives of supervisors and superior command personnel of this department. Employees shall willfully perform all lawful duties and tasks assigned by supervisory and/or superior-ranked personnel. Direct, tacit or constructive refusal to follow an order is insubordination.

#### **4.57 DISHONESTY OR UNTRUTHFULNESS**

Employees shall not lie, give misleading information, or falsify written or verbal communications in official reports or in their actions with another person or organization when it is reasonable to expect that such information may be relied upon because of the employee's position or affiliation with this department. Employees shall truthfully, completely, and impartially report, testify, and present evidence in all matters of an official nature.

Any employee who, after being provided due process, is found to have purposely lied in an official document, or in an official report, or in an official interview or official investigation, is subject to immediate termination. Substantiated untruthfulness on the part of an employee outside of these circumstances may be corrected by the employee either voluntarily or by inquiry and therefore possibly lessen the sanctions to be imposed.

Unsubstantiated rumors or allegations of untruthfulness, such as "he said/she said" incidents, will not result in disciplinary action.

#### **4.58 DISPLAYING COMPETENT PERFORMANCE AND ACHIEVING COMPETENT PERFORMANCE RESULTS**

Employees shall willfully display competent performance and consistently achieve competent performance results on all assigned or assumed job responsibilities, duties and tasks.

#### **4.59 KNOWING, OBSERVING, AND OBEYING ALL DIRECTIVES, RULES, POLICIES, PROCEDURES, PRACTICES AND TRADITIONS**

Employees shall display an affirmative and consistent effort to observe and comply with the directives, rules, policies, procedures, practices and traditions established for the effective, efficient, and safe operations of this department. This standard applies to policies, procedures, and practices that are written as well as those established by past patterns or practices.

#### **4.60 OBSERVANCE OF CRIMINAL AND CIVIL LAWS**

Employees shall obey the constitutional, criminal and civil laws of the city, state and federal government.

#### **4.61 UNBECOMING CONDUCT**

Employees shall not engage in conduct which may bring discredit upon the Department or the City of Everett, or which would cause a lessening of public confidence in the ability of the Department to perform its functions.

#### **4.62 INVESTIGATIVE CONTACTS WITH LAW ENFORCEMENT OFFICERS**

Employees contacted by law enforcement officers of the Everett Police Department or of any other law enforcement agency regarding the employee being:

- A suspect in a criminal offense, or
- A party, either victim or suspect, to a domestic violence incident as defined by RCW 10.99.020;

will immediately notify or cause a notification to be made to an on-duty supervisor of the Everett Police Department. The notification will include the identification of the employee, the employee's current location, the name of the responding law enforcement agency if applicable, and a phone number for a return call.

When an on-duty supervisor of the Everett Police Department has been given such a notification, the supervisor will initiate a notification to the Chief of Police through the chain of command or the Command Duty Officer. If the investigation involves the Chief of Police, final notification will be made to the Mayor.

Any employee that is a petitioner or a respondent in a court order, violation of which would be punishable under RCW 26.50.110, must immediately provide a copy of that order to their supervisor for forwarding to the Chief of Police. If the Chief of Police is the petitioner or respondent to the order, the copy of the order must be forwarded to the Mayor. Orders, violations of which would be punishable under RCW 26.50.110, include, but are not limited to: no contact orders, restraining orders, temporary restraining orders, ex-parte temporary orders for protection, protection orders, foreign protection orders, and protection of vulnerable adult orders.

An employee investigating a law enforcement officer from another law enforcement agency, where the law enforcement officer from the other agency is:

- A suspect in a criminal offense, or
- A party, either victim or suspect, to a domestic violence incident as defined by RCW 10.99.020;

will immediately notify their Everett Police Department on-duty supervisor. The supervisor will ensure a notification is made through the Everett Police Department chain of command. The involved law enforcement officer's employing agency will be notified of the incident by the Chief of Police or designee. The notification will include a description of the incident, the current location, and a return contact number. The notification will be documented.

#### **4.63 DUTY TO REPORT CRIMINAL OR DOMESTIC VIOLENCE RELATED CONDUCT**

If an employee has reasonable suspicion to believe that another employee is or has been involved in criminal activity, or that another employee is either a victim or a suspect in a domestic violence incident as defined by RCW 10.99.020, the employee is required to immediately report

such allegations to their supervisor. The supervisor will forward information regarding such allegations to the Chief of Police through the chain of command. If the allegations involve the Chief of Police, the information will be forwarded to the Mayor.

Peer Support Team members and Police Chaplains will not have privileged communications for admissions of current and continuing acts of physical domestic violence, threats of physical harm to self or others, or admissions of committing any serious crime.

Employees who are victims of domestic violence are not required to report, but they are encouraged to contact a domestic violence advocacy group for assistance.

#### **4.64 DOMESTIC VIOLENCE**

Domestic violence committed by an employee of the Everett Police Department violates the confidence, expectations, and trust placed on employees by the public.

Federal law (USC Section 922) and state law (RCW 9.41.040) prohibit possession of firearms by individuals convicted of assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence; when the offense has been committed against a family or household member as defined by RCW 10.99.020. Federal law (USC Section 922) and state law (RCW 9.41.800) may prohibit possession of firearms by persons subject to court orders relating to domestic violence as defined by RCW 10.99.020.

The Everett Police Department does not tolerate acts of domestic violence by its employees. Employees found guilty in a court of law of acts of domestic violence that would prohibit possession of firearms, or prohibit possession of firearms under federal law as it relates to court orders, will be subject to a departmental internal investigation review. In the event such a review finds sustained violations of City or Department policies, the employee may be subject to discipline up to and including termination. Employees found guilty of any other acts of domestic violence will be subject to a departmental internal investigation review.

The Department will conduct an internal investigation to determine whether or not allegations of domestic violence and violations of policy occurred. If the investigation substantiates a violation of policy, the Chief of Police will determine the appropriate discipline, up to and including termination, regardless of whether an arrest is made or criminal charges are filed.

#### **4.65 ADMINISTRATIVE LEAVE WITH PAY**

Police Administration may use administrative leave with pay as a means of placing officers in an off-duty capacity during times that they are otherwise scheduled to be on duty. Examples where administrative leave with pay may be used, if appropriate, would include, but not be limited to:

Involuntary relief from duty (See [Everett Police Department Policy 5.8](#))

Fitness for duty review (See [Everett Police Department Policy 4.22](#))

There are occasions when officers have to work beyond their normal shift and, as a result, have less than eight hours between the end of the extended shift and the beginning of the next

scheduled shift. The department recognizes that adequate rest between shifts or at the end of a shift is a desirable norm. Therefore, under certain conditions, the Police Administration may alter the work shift of an officer by placing the officer in an administrative leave with pay status at the beginning of the new work shift or at the end of the work shift in order to provide adequate rest for the officer. If the extended shift ends four (4) or more hours before the beginning of the next shift, then taking administrative leave at the end of the next scheduled shift would not apply. The department recognizes the ideal administrative leave period is between 6-8 hours, whether taken at the beginning or the end of the work shift. This policy will not be applied to hours worked at any off-duty detail, and it does not imply eight hours of sleep. Approval for administrative leave with pay to be used in the manner articulated in this paragraph rests with the office of the Deputy Chief.

This policy will be applied on a case-by-case basis. There will continue to be circumstances that will require officers to work their shift and may not be granted administrative leave with pay. This policy does not affect payment for any appropriate overtime worked.

#### **4.66 POTENTIAL IMPEACHMENT DISCLOSURE (PID)**

Federal courts, including the U.S. Supreme Court held that in a criminal case the prosecutor has an affirmative duty to learn of and disclose any potentially exculpatory information that would be favorable to the defendant at trial or sentencing. *See, e.g., U.S. v. Olsen*, 704 F.3d 1172 (9<sup>th</sup> Cir. 2013) (records related to active investigation should have been disclosed). This duty is a due process requirement and violations can potentially lead to suppression of evidence, dismissal of criminal charges, reversal of criminal convictions, and civil liability. Prosecutors are also subject to additional court rules and practices to disclose information that tends to negate the defendant's guilt. These requirements extend to any information that a reasonable person could view as significantly impairing the credibility of a law enforcement witness that will or may testify in a particular criminal proceeding. The prosecutor's disclosure requirement is referred to as "Potential Impeachment Disclosure" or "PID" information and consists of any knowledge of law enforcement employee misconduct relating to:

- Truthfulness
- Bias
- Criminal conviction
- Recurring performance deficiencies of an officer/employee that testifies as an expert witness
- Other behavior that could be considered exculpatory to the defendant

The prosecutor relies on the facts developed during the internal investigation or fact-finding process of each law enforcement agency to make a PID determination, but may require additional information from the Department and/or from the employee. The prosecutor may make disclosure even if the Department and/or the prosecutor's office believe no misconduct occurred.

When an officer is listed on the PID list, this does not mean any PID information will automatically be admissible in any trial where the officer testifies. Even when the prosecutor is required to disclose the information to defense, the prosecutor may be able to still prevent defense counsel from introducing the information. Admissibility will be decided on a case-by-case basis so officers scheduled to testify should discuss this issue with the prosecutor in that particular case.

The City will not initiate or take any disciplinary action or any other adverse personnel action against an employee solely because that employee's name has been placed on a list maintained by a prosecuting attorney's office of witnesses for whom there is known potential impeachment information.

#### **4.67 LOCATION TRACKING TECHNOLOGY**

The purpose of location tracking technology (LTT), including the Automatic Vehicle Locating System and the technology in City issued mobile devices, is to allow for coordination and resource management during tactical situations, improve response times to radio calls, increase situational awareness and enhance officer safety by providing the ability to locate personnel who have lost contact with dispatch or other officers. LTT is integrated within the software of the Mobile Data Computer (MDC), the Computer Aided Dispatch (CAD) systems, and City issued mobile devices. LTT uses data to locate and track field personnel units through CAD mapping.

LTT equipment/data may be used for computer-aided dispatch, mapping, proximity-based routing, incident/accident investigation, training, service planning, system performance monitoring, complaint resolution, criminal investigations, and as part of follow-up to corrective action. LTT data shall not be used to randomly monitor employee performance or for disciplinary investigations or actions without cause. Preserved LTT data will not be used solely to generate complaints against bargaining unit employees. Supervisory review of preserved LTT data will be limited to cases where a written complaint or verbal complaint has been received and documented and such information is relevant to the complaint, a criminal investigation or an internal investigation. Employees will have the right to review preserved LTT data prior to responding to a complaint against the employee or being questioned/interviewed about an internal complaint where the LTT information is relevant to the investigation.

Preservation and destruction of LTT data will be in accordance with the Washington State Records Retention Schedule. Any request for LTT data made under the Public Records Act will be responded to in compliance with RCW 42.56.250(3), including the redaction of the residential address or location of any employee or volunteer of a criminal justice agency as defined in RCW 10.97.030(5). Officers are also authorized to log on to their MDC away from their residence at the beginning of work/shift and log off of their MDC away from their residence at the end of work/shift disabling the GPS capability of their vehicle.

## **Chapter 5 INTERNAL AFFAIRS**

### **5.1 CITIZEN/EMPLOYEE/AGENCY COMPLAINTS**

The Everett Police Department recognizes the critical importance and absolute necessity of a relationship of trust and confidence between members of our Police Department and the community that we service. In order to preserve that relationship it is crucial that public and employee confidence be maintained through the ability and willingness of the Police Department to investigate and adjudicate allegations of misconduct made against its employees in a fair, consistent and timely manner. In order to accomplish this, there must be a competent system of review that is responsive to both internal and external sources of concerns, e.g., concerns from other agencies, from department supervisors, from department employees and from private citizens.

It shall be the policy of the Everett Police Department to establish and maintain the highest possible standards of conduct and performance, and to establish and maintain a fair, consistent and timely system of disciplinary management to protect and ensure integrity of the department and its employees. The Office of Professional Standards is established for these purposes. All investigations conducted, coordinated or monitored by the Office of Professional Standards shall be at the direction of and under the authority of the Chief of Police. In addition to regular monitoring of internal investigations, an annual review will be conducted by the Deputy Chief of Operations and the Deputy Chief of Investigations and Services, with final approval of the review by the Chief of Police.

The Office of Professional Standards will be the point of contact for confidential inquiries from employees and their family or household members, and law enforcement officers from other agencies and their family or household members when they reside in Everett, regarding questions or concerns about domestic violence issues or to file a domestic violence report outside of the 911 system (uniformed patrol).

### **5.2 COMPLAINTS AGAINST AGENCY AND OFFICERS**

It is the policy of the Everett Police Department to accept and investigate all complaints of officer misconduct or wrongdoing from any citizen or employee. Any departmental employee may accept complaints. Complaint forms are also available on the Department website. The Office of Professional Standards is to be responsible for the centralized control of the recording and investigation of complaints involving Everett Police Department personnel or procedures.

An anonymous complaint will be accepted if it alleges:

- Serious misconduct,
- Criminal or constitutional violations, or
- Domestic Violence, as defined by RCW 10.99.020.

No investigation will be made to determine the origin of an anonymous complaint. However, if during the course of an investigation into the allegations the anonymous complainant is contacted and identified, the complainant will be expected to cooperate with the investigation just as any other party with knowledge about the incident would be.



## 5.3 INVESTIGATIONS

The Office of Professional Standards will log, review and assign each complaint for the appropriate investigation. Investigations are classified as Criminal Investigations, Level 1 Investigations or Level 2 Investigations:

**Criminal Investigations** – allegations of criminal conduct by a departmental employee will be assigned for investigation by the Chief of Police. The appropriate investigations unit of the Everett Police Department (Detectives) will conduct the investigation, except that the Chief of Police will request another law enforcement agency to conduct the investigation if:

- The criminal conduct is believed to have occurred in another jurisdiction, in which case the law enforcement agency with jurisdiction will be notified and should conduct the investigation, or
- The incident is of such a nature that the objectivity of the investigation may be impaired or called into question, or
- The incident is of such magnitude to involve the investigation units, or the investigators are so closely involved with the officers in the incident that the objectivity of the investigation might be called into question, or
- The incident involves allegations of criminal conduct by any senior member of the Everett Police Department, or any senior member of City of Everett Staff, such that the objectivity of the investigation might be called into question, or
- The incident under investigation involves allegations of criminal conduct by the Chief of Police or the Mayor.

The Office of Professional Standards will never conduct criminal investigations involving employees. However, in all cases where a criminal investigation is initiated against an employee by either the Everett Police Department or another law enforcement agency, the Office of Professional Standards will conduct an administrative internal investigation.

At the direction of the Chief of Police, the administrative internal investigation may be conducted concurrent with the criminal investigation, or it may be conducted at the conclusion of the criminal investigation. If the investigations are conducted concurrently, the Office of Professional Standards will ensure that their investigation does not compromise the integrity of the criminal investigation (specifically concerning the acquisition of statements under the Garrity rule) and that the criminal investigation takes precedence.

Information resulting from the criminal investigation will be incorporated into the administrative internal investigation. Information resulting from the administrative internal investigation will not be incorporated into the criminal investigation.

**Level 1 Investigations** – will be conducted by the Office of Professional Standards or as directed by the Chief of Police. Level 1 Investigations are administrative internal investigations involving allegations of serious misconduct, which if substantiated would logically or reasonably result in disciplinary action.

**Level 2 Investigations** – will normally be referred to and conducted by the immediate supervisor of the involved employee(s). Level 2 Investigations involve complaints of minor violations or

misconduct which, if substantiated, would logically or reasonably result in a non-disciplinary outcome, such as coaching and counseling or remedial training.

Interviews of employees concerning an act, which, if proven, could reasonably result in disciplinary action, shall be conducted in accordance with the applicable collective bargaining agreement.

The Chief of Police may determine that the administrative internal investigation should not be conducted by the Office of Professional Standards, but should instead be conducted by an outside agency or firm. Examples of when this may be appropriate are:

- The incident involves an area of expertise outside that held by the Office of Professional Standards, or
- The incident is of such a nature that the objectivity of the investigation may be impaired or called into question, or
- The incident involves the Office of Professional Standards, or the office is so closely involved with the officers in the incident that the objectivity of the investigation might be called into question, or
- The incident involves a senior member of the Everett Police Department or the Chief of Police, such that the objectivity of the investigation might be called into question, or
- The Office of Professional Standards is, for some other reason, unable to conduct the inquiry.

If both criminal and administrative internal investigations are conducted outside of the Everett Police Department, the Police Department will ensure that different investigators conduct those investigations and that the investigations are conducted separately in order to maintain the integrity of the investigation.

#### **5.4 MAINTENANCE OF RECORDS OF COMPLAINTS AND INVESTIGATIONS**

The Office of Professional Standards will maintain a record of all complaints and internal investigations against the Everett Police Department and its employees.

Police reports generated as a result of a criminal investigation will be created, retained, and disclosed just as any other police report and in accordance with state law. All criminal investigations must be documented through a police report. All administrative investigation reports will be retained in accordance with Washington State Records Retention Schedule and subject to disclosure through the Support Services Manager's office.

#### **5.5 HARASSMENT OF COMPLAINANTS**

No employee shall harass, threaten, stalk, keep under surveillance, abuse, intimidate, coerce, or retaliate against any person who files or is witness to a complaint of administrative or criminal misconduct. This policy applies both to employees that are the subject of the complaint and to fellow employees associated with the employee that is the subject of the complaint. Employees will not accompany an employee subject to an administrative or criminal complaint to any related court proceedings while on duty unless subpoenaed to appear or ordered to do so by their chain of command. If appearing while off duty they will not carry or display any Department identification, equipment, or insignia; even if concealed. Individuals that violate this policy will be subject to investigation, disciplinary action, and potential criminal charges.

All employees will be aware of the possibility of such behaviors designed to interfere with investigations and shall immediately report any observations of any officer engaging in such behavior to the Chief of Police through the Chain of Command. If the observations relate to the Chief of Police, the mayor will receive the report.

### **5.6 DISCIPLINARY SYSTEM**

The City of Everett Disciplinary Policy governs the disciplinary system of the Everett Police Department. Disciplinary action is defined as “any adverse personnel action imposed upon an employee at the direction of the Chief of Police including: letter of reprimand, suspension without pay, any loss of pay or privilege, demotion in rank or termination”.

### **5.7 DISCIPLINARY RESPONSIBILITY FOR SUPERVISORY AND COMMAND STAFF**

Any supervisor may counsel an employee under his/her command and issue a coaching and counseling document. Coaching and Counseling is defined as “a documented, non-disciplinary course of action or training recommended to an employee by any supervisor in that employee’s chain of command in direct response to a finding of improper conduct contained in a complaint.”

### **5.8 INVOLUNTARY RELIEF FROM DUTY**

Any supervisor may immediately relieve a subordinate from duty for violation of any part of the Everett Police Department Policy Manual, Procedure Manual or City Policy Manual, or violation of law, if continuation of duty by that subordinate would cause dissension in or embarrassment to the department. A supervisor, upon relieving a subordinate from duty, may also cause that subordinate to surrender the badge, official identification, firearm, and any property of the City of Everett that was issued to that subordinate.

An employee arrested or under investigation by the Everett Police Department or any other law enforcement agency for domestic violence offenses, as defined by RCW 10.99.020, will surrender his or her badge, official identification, and firearm and be placed on administrative assignment or on administrative leave with pay.

The Chief of Police, through the chain of command, must be immediately notified of the circumstances surrounding the relief from duty. A written report is required from the supervisor initiating the action.

Upon receipt of a court order in which an employee is the respondent, and violations of the order would be punishable under RCW 26.50.110, the Chief of Police will determine if the order effectively prohibits possession of firearms by the employee and, if so, cause the employee to surrender his or her badge, official identification, and firearm, and place the employee on administrative assignment or leave.

If it is determined that the court order does not prohibit possession of firearms, the Chief of Police will further evaluate the potential risk to the petitioner or others and, if appropriate, cause the employee to surrender his or her badge, official identification, and firearm, and be placed on administrative assignment or leave.

An employee placed on administrative assignment or leave or otherwise relieved from duty will only be returned to full duty when criminal and administrative investigations are completed to the degree that such reassignment is reasonable and appropriate, as determined by the Chief of Police. The Chief of Police may assign an employee relieved from duty to an administrative assignment without police powers pending administrative and criminal investigations. The Chief of Police will consider the need for fitness for duty evaluations, risk assessments, retraining, counseling, and community interests prior to a full return to duty.

The Mayor will be responsible for the relief and return to duty of the Chief of Police using similar criteria.

### **5.9 RESPONSE TO CRIMES OR DOMESTIC VIOLENCE INCIDENTS THAT INVOLVE EVERETT POLICE DEPARTMENT EMPLOYEES OR OFFICERS FROM OTHER LAW ENFORCEMENT AGENCIES**

When criminal conduct or incidents of domestic violence are alleged to have been committed by an Everett Police Department employee or by an employee of any other law enforcement agency if the incident occurs in this jurisdiction, the Department will, within its means and authority, move quickly to protect any victims, arrest suspects, and conduct thorough criminal and administrative investigations. All employees will comply with the procedures outlined in the Everett Police Department Procedure Manual Section 15.01, Response to Crimes or Domestic Violence Incidents that involve Everett Police Department Employees or Officers from other Law Enforcement Agencies or Other Persons of Influence.

### **5.10 TERMINATIONS**

Upon the termination of any officer, the Department will provide the officer with a statement that cites the reasons for termination; the effective date of the action, and any rights the officer may have for appeals and/or hearings. This will be in addition to any exit interview, or documentation provided by the City of Everett Human Resources Department, with respect to status of the employee's fringe and retirement benefits after dismissal.

In cases of termination relating to domestic violence incidents, the Department will ensure that the victim is notified prior to the dismissal. Upon dismissal, the officer will be given information regarding available support resources. The Washington State Criminal Justice Training Commission will receive notice of the termination for certification review.

In the case of discharges of probationers or other officers not covered by contractual agreement or Civil Service, a pre-termination meeting with the departmental hiring authority is required to explain the reason for discharge and to allow the officer an opportunity to respond. It is the policy of this Department to ensure that officers who are discharged for poor performance are advised of their deficiencies through the Performance/Evaluation system before discharge, whenever possible.

### **5.11 MAINTENANCE OF DISCIPLINARY RECORDS**

The maintenance of records relating to disciplinary actions is the responsibility of the Chief of Police in accordance with City Policy. Release of reports of investigations shall be in accordance with the law and any applicable collective bargaining agreement.

## **5.12 APPEAL PROCEDURES**

Disciplinary appeal procedures are found in Chapter 6 of the Everett Civil Service Rules and applicable Labor Agreements.

## **Chapter 6 EQUIPMENT/UNIFORMS**

### **6.1 USE AND CARE OF PROPERTY AND EQUIPMENT**

Employees are responsible for the proper use and care of all uniform items and all other property or equipment assigned to the employees by the Department. Loss, damage or destruction of assigned equipment will be immediately reported in writing, using a Vehicle/Equipment Notification Report, to the employee's supervisor detailing the circumstances.

The loss, damage or destruction of any uniform item, property or equipment assigned to the employee which requires repair or replacement as a result of the employee's negligence or improper use shall be repaired or replaced at the employee's expense and may also result in disciplinary action. The repair or replacement will be from a supplier designated by the Department. Equipment damaged, lost or destroyed in the course of official police duties will be the responsibility of the department.

City property or equipment will not be loaned for personal use but may be loaned to another law enforcement agency with written permission by member of the command staff.

Employees shall not place Department issued equipment on the roof of assigned or personally owned vehicles. Mobile Data Computers (MDC), cameras, phones, etc. should be placed inside of the vehicle or on the hood where the equipment is within view of the driver.

Employees of this department shall not make or cause to be made any duplicates of departmental keys. Employees will possess only those Police Department and City of Everett keys which they are authorized to have. Loss of departmental keys or electronic keying devices will be reported immediately by the Employee to their supervisor. A 'Vehicle/Equipment Notification Report' will be submitted detailing the circumstances surrounding the loss. This memo will be addressed to the Employee's immediate supervisor.

**NOTE:** Employees will not possess keys to business establishment(s) unless they have received prior permission from the Chief of Police or a designee.

### **6.2 UNIFORMS AND EQUIPMENT**

The purpose of a uniform is to identify the person wearing it as a police officer. The uniform helps citizens in need of law enforcement services to identify departmental personnel. It also indicates to those being detained or arrested that a law enforcement officer is taking the action. Finally, it provides a high level of law enforcement visibility. Officers are responsible for wearing the proper and complete department uniform in the prescribed manner except when working in an assignment that requires them to be out of uniform.

Employees will report to duty with the necessary items that are needed to accomplish their tasks. No employee shall use departmental equipment unless he/she has been trained in its operation and is authorized to use it in the performance of duty.

Only qualified personnel may use specialized equipment (videos, radar units, and surveillance devices); use of such equipment by unqualified personnel may result in disciplinary action against those persons.

Items of uniform apparel or equipment which are furnished by the Department may be replaced due to wear and use. Any uniform apparel or equipment request must be approved by the requesting employee's supervisor.

### 6.3 UNIFORM ATTIRE

**DRESS UNIFORM:** worn as appropriate for ceremony at direction of Chief of Police or designee. The dress uniform is **NOT** required below the rank of Lieutenant. A protective vest is not required with a dress uniform. The dress uniform consists of:

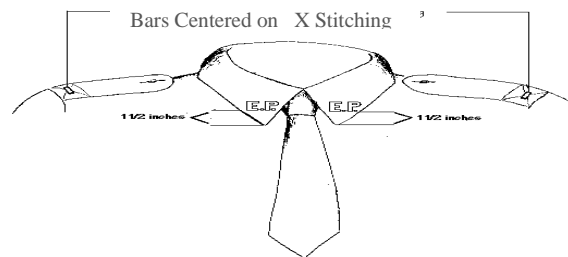
Current issue dress blouse with "EP" collar brass (gold or silver as appropriate)  
Collar insignia on the dress jacket must be placed 1/2 inch above and parallel to the notch of the top part of the collar  
White long sleeve shirt  
Current issue uniform trousers  
Current issue uniform tie  
Current issue metal badge  
Metal rank insignia, large size (large Lt.'s, Capt.'s & 1" D/C's, Chief) worn on blouse epaulets, centered. Sergeants, current issue cloth insignia sewn on both sleeves, centered on the sleeve between elbow and shoulder  
Two silver stripes for MPO specialty assignment sewn on blouse centered on the sleeve between elbow and shoulder  
Black well shined plain toe shoe  
Metal buttons (gold or silver as appropriate)  
Name plate (as issued by the department)  
Service stars as appropriate (gold or silver as appropriate, one star for each five years of civilian law enforcement service) on the left sleeve slightly above the colored cuff band.  
Cuff bands as appropriate for rank (gold or silver as appropriate).  
Current issue officer's hat (round with visor and ornamentation, gold or silver as appropriate), hat to be worn as directed, only with the class "A" or dress uniform.

**CLASS "A" UNIFORM:** worn as appropriate at direction of Chief of Police or designee for special occasions, all commissioned officers shall have one complete uniform available at the station for wear. This uniform is **NOT** for daily duty wear. The class "A" uniform will be worn for attendance at Superior Court, if the officer is attending in uniform.

Current issue long sleeve shirt, with shoulder patches, service bars and metal "EP" (gold or silver as appropriate). Collar insignia, on the uniform shirt, must be placed 1 1/2 inch above the point of the collar and in a horizontal position  
Current issue protective vest, both front and back panels  
Current issue tie  
Current issue metal badge  
Metal rank insignia (large size Lt.'s, Capt.'s & 5/8" D/C's, Chief) worn on epaulets, centered;  
Sergeants, stripes sewn on shirt centered on the sleeve between elbow and shoulder  
Two silver stripes for MPO specialty assignment sewn on shirt sleeve centered on the sleeve between elbow and shoulder

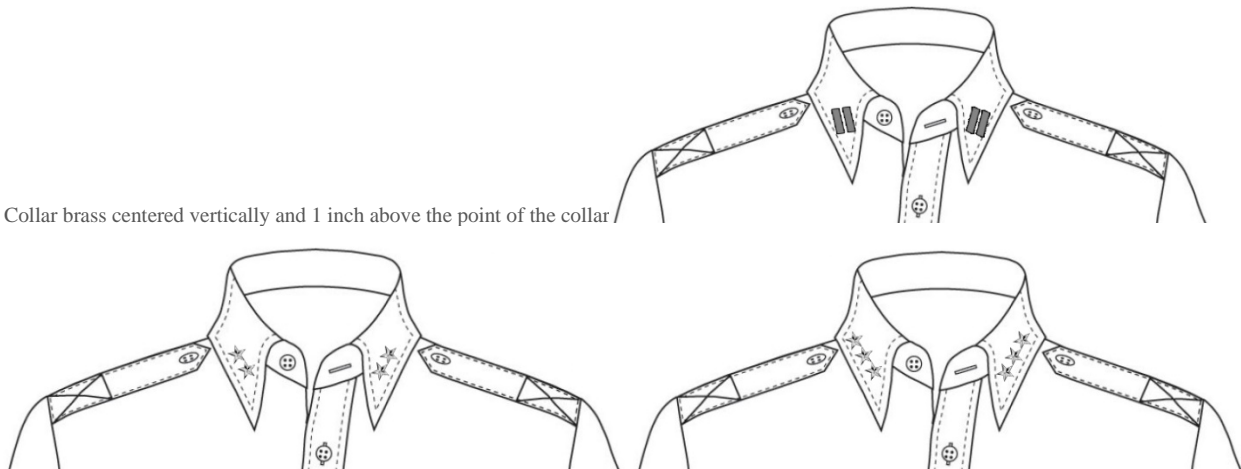
- Embroidered officer name and personnel number (gold or silver as appropriate) after completion of Phase 4 of the field training program
- Plastic engraved name tag with officer name and personnel number for new hire officers through Phase 4 of the field training program
- Service bars (gold or silver as appropriate one for each three years of civilian law enforcement service) on the left sleeve slightly above the cuff
- Service bars shall be worn upon completion of probation
- Current issue officer's hat (round with visor and ornamentation, gold or silver as appropriate), hat to be worn as directed, only with the class "A" or dress uniform
- Current issue uniform trousers
- Black well-shined plain toe shoe or boot
- Current issue duty gun belt with accessories

### Class "A" Shirt



### Class "B" Shirt (Long or Short Sleeved)

Collar brass centered vertically and 1 inch above the point of the collar



**CLASS "B" UNIFORM:** working uniform for the department, will be worn as the daily working uniform of the Patrol Division and specialty units that do not require job-specific clothing or equipment. Commissioned officers working in plain-clothes assignments will have the class "B" uniform immediately available in the event of an emergency mobilization of resources.



Current issue short sleeve shirt, with dark blue or black "T-shirt", No metal buttons, No metal "EP"

Current issue long sleeve shirt with large shoulder patches and service bars (gold or silver as appropriate), with dark blue or black "T-shirt" or dark blue or black "Turtle Neck" NO metal buttons, No "EP" on shirt collar, NO tie.

Metal collar insignia (small Lt.'s, Capt.'s & 5/8" D/C's, Chief) on the uniform shirt, must be placed 1 inch above the point of the collar and in a vertical position, and centered. \* These will not be embroidered.

Sergeants, stripes sewn on shirt centered on the sleeve between end of sleeve and shoulder  
Two silver stripes for MPO specialty assignment sewn on shirt centered on the sleeve between end of sleeve and shoulder

Current issue protective vest, both front and back panels

Current issue metal badge, (gold or silver as appropriate)

Embroidered officer name and personnel number (gold or silver as appropriate) after completion of Phase 4 of the field training program

Plastic engraved name tag with officer name and personnel number for new hire officers through Phase 4 of the field training program

Current issue uniform trousers

Baseball cap as provided by the department, embroidered baseball hat (with employee personnel number) can be worn at officers' discretion, while wearing the class "B" uniform. The issued baseball cap is for on-duty uniform wear only. No further modification to the issue cap is allowed. The department provided baseball cap will not be worn with the class "A" or the dress uniform

Black plain toe shoe or boot

Current issue duty gun belt with accessories

Individual purchase "Woolly Pulley" sweater, with cloth badge (gold or silver as appropriate), large shoulder patches, and embroidered name tag (gold or silver as appropriate) and approved by the Chief of Police or designee, can be worn at officer's discretion, may be worn with either class "B" shirt

**JACKETS:** Current issue jacket or coat with cloth badge and embroidered name tag and large shoulder patches, metal rank insignia (large size Lt.'s, Capt.'s & 5/8" D/C's, Chief) worn on jacket epaulets, centered; Sergeants, stripes sewn on jacket centered on the sleeve between elbow and shoulder.

Two silver stripes for MPO specialty assignment sewn on jacket centered on the sleeve between elbow and shoulder

Jacket style may vary based upon specific job assignment or task

The issued uniform jacket may be worn with either the class "A" or the class "B" uniform

Departmental shoulder patches, to be located on both sleeves and one inch below the shoulder seam, must be worn on the following uniform components: Class "A" uniform shirt, Class "B" uniform shirt, Specialty Unit Uniforms, Jacket, Dress jacket

Specialty unit shoulder patches, as approved by the Chief of Police or designee, shall be worn on the right shoulder, one inch below the shoulder seam, of the appropriate specialty unit coveralls

Specialty Unit uniform is worn as appropriate for special unit functions and tasks. Uniforms to be approved by the Chief of Police, or designee

Officers up through the rank of Sergeant while performing uniformed services will have on their duty belts the following department issued or approved items:

Issued pistol and approved holster

Spare magazines (2) for pistol and approved or issued magazine carrier

Issued or approved handcuffs and approved or issued carrier

Issued radio and approved or issued holder

Issued or approved OC spray and approved or issued holder

Issued or approved collapsible baton and issued or approved holder

Issued protective vest (both front and back panels must be worn with Class "A", Class "B" plus

Specialty Unit uniforms assigned to "street" and/or patrol (excluding harbor patrol) duty

All commissioned officers will have stored equipment necessary for immediate use during an emergency, readily available at all times. These items will include a fully stocked duty belt, assigned weapon and ballistic vest.

#### SERVICE STARS/BARS

Service stars must be worn slightly above the cuff band on the left sleeve of the dress jacket, and must be the same color as the collar insignia. One service star will be awarded for every five years of civilian law enforcement service.

Service bars must be worn slightly above the cuff band on the left sleeve of the uniform shirt (long sleeve only), and must be the same color as the collar insignia. One service bar will be awarded for every three years of civilian law enforcement service.

PINS/MEDALS-All pins and/or medals shall be approved by the Chief of Police.

FTO pins shall be worn by all current/active Field Training Officers that are not assigned as Master Police Officers.

The following pins are allowed:

Specialty Unit Pins

Meritorious Service and Medal of Valor medals

Other pins as approved by the Chief of Police or designee

OPTIONAL EQUIPMENT: (officer expense)

- Folding knife: Blade shall not exceed four inches. Folding knife will be carried, folded, in a uniform pocket or on the duty uniform gun belt.
- T-Handle Knife: Blade length shall not exceed four inches. One T-handle knife may be carried. Knife will be carried in a concealed sheath protected from access by anyone other than carrying officer (boot, duty uniform gun belt, vest). T-handle knife brands/models require approval by the Chief of Police or designee. Currently approved brands/models are:  
COLD STEEL SAFE MAKER I  
COLD STEEL SAFE MAKER II

- Flashlight ring or holder for flashlights- Color black to match gear of issued gun belt and accessories.
- Key holder- Color black to match gear of issued gun belt and accessories.
- Pouch for protective gloves.
- Black leather gloves for warmth or officer protection during high risk situations.
- Dark blue or black knit cap for inclement weather at the discretion of the Chief of Police or designee.
- Personal footwear for protection during times of extremes in weather at the written discretion of the Chief of Police or designee.
- Additional handcuffs. Black, chrome or silver in color.

Personnel assigned to plain-clothes duty shall wear clothing that is professional in appearance as described below.

Male employees – a business suit or slacks and shirt with tie and a sports coat or a light sportswear jacket.

Female Employees - a similar class of apparel for women as outlined for men above will be appropriate.

The Chief of Police may allow for more casual attire at designated times. The casual attire would include casual slacks and a collared shirt without a tie.

For officer safety reasons, it is recommended that officers wearing plain clothes conceal firearms when out of the office. Officers opting not to conceal their firearms shall have their badge prominently displayed to minimize public alarm.

The wearing of utility clothing, e.g. T-shirts, sweatshirts, flannel shirts, Levi's, tennis shoes, etc., for special assignments and extraordinary situations will be at the discretion of the Division Captain.

All non-uniformed Officers will be reimbursed up to 60% of the current clothing allowance for the first 6 calendar months of the year and the balance for the last 6 calendar months. The total amount of clothing allowance is prorated as determined by the length of the plain-clothes assignment each calendar year. Clothing allowance will be determined by current contractual agreements.

When appearing in Superior Court or other formal hearing, officers must wear one of the following sets of clothing:

#### Male Officers

Regulation Police Class "A" Uniform,  
Business suit with dress shirt and tie,  
Sport coat, trouser, and appropriate shirt and tie.

#### Female Officers

Regulation Police Class "A" Uniform,  
Woman's business or pantsuit,

Attire limited to business-like dress or skirt with appropriate accessories.

**Note:** On-duty officers may wear the class “B” uniform to court proceedings. This is to include both male and female officers.

## **6.4 PROTECTIVE VESTS**

Officers assigned to administrative and investigative duty (primarily plain clothes) are encouraged to wear the protective vest but it is at the discretion of the immediate supervisor; it must be available at the department for instant use if necessary.

The protective vest shall be worn when executing search warrants and making planned arrests. It is the policy of the Everett Police Department that all officers in uniform will wear a protective vest with both front and back panels.

**EXCEPTION:** Medical conditions may preclude the wearing of a vest but must be verified in writing by a physician submitted through the Chain of Command.

**EXEMPTION:** Officers assigned to the Marine Unit are exempt from this policy while engaged in on the water activities.

Officers wearing the ceremonial dress uniform are exempt from this policy.

## **6.5 GROOMING/APPEARANCE**

Employees will maintain a neat, professional appearance while on duty. Employees will keep their uniforms and clothes clean, pressed and in good condition. Employees wearing civilian attire will wear clothing that is professional in appearance and appropriate for the workplace. All leather, brass, or chrome accessories and shoes shall be kept polished and shined. The police uniform shall not be worn for any reason other than assigned duties except as authorized by the Chief of Police or designee (e.g., approved off-duty work). All employees will comply with the following standards except as authorized by the Chief of Police or designee (e.g., officers assigned plainclothes duties involving “undercover” or “cover” operations).

### **Hair Grooming Standards**

All Employees’ hair will be neat, clean and well groomed.

- Style hair so as not to touch the shirt collar while standing at attention (male employees).
- Style hair so that it is above the ears (male employees)
- Style hair so that it does not extend more than three (3) inches outward from the head. Hairstyles which may be in fashion but present a non-professional, ragged or unkempt appearance are prohibited. Non-professional styles include, but are not limited to: Mohawk cuts, carvings, dreadlocks, oil-slicked hair, and ducktails.
- If using hair dye, dye the hair in a natural shade and not unnaturally shaded or multi-colored. For example, lime green, blue, and pink hair are prohibited.
- If wearing wigs or hairpieces, wear wigs and hairpieces that conform to the standards for natural hair.

- Not allow the sideburns to extend below a horizontal plane from the bottom of the ear. The forward edge is to be a vertical line from the top of the ear downward (no “Mutton Chops”).
- Not allow moustache hair to extend more than one-half (1/2) inch beyond the lip juncture either vertically or horizontally, and the mustache must be trimmed so as not to extend beyond the crease between the upper and lower lip. No other facial hair is permitted.

All commissioned personnel shall:

- Maintain and style hair so as not to interfere with wearing the uniform hat, helmet or gas mask.
- Style hair so as to be worn up or limited to a reasonable length so as not to compromise safety (female uniformed officers).

### **Body Art, Tattoos, Other**

The Everett Police Department permits employees to display appropriate body art while representing the department. For the purpose of this Policy, the term body art includes but is not limited to tattoos and brands.

Employees wishing to display new or existing body art while representing the department must receive preapproval from the Chief of Police or designee. For approval, employees will submit photograph(s) or renderings of the body art with a written description of its meaning through their chain of command.

The Chief of Police makes the final decision regarding the appropriateness of any visible body art, regardless of whether it falls into one of the categories listed below.

Employees shall cover any unapproved visible body art while representing the department. Options for covering body art include work attire, make-up, or skin-tone sleeves/patches.

The Everett Police Department prohibits the following forms of body art:

1. **Body art located on the:**
  - Head (except facial cosmetic tattooing).
  - Neck.
  - Hands (except ring tattoo on one finger, or other exceptions as approved by the Chief of Police).
  - Wrists, below the wrist bone.
2. **Extremist** – Body art affiliated with, depicting, or symbolizing extremist philosophies, organizations, or activities, including those advocating racial, gender, ethnic, sexual orientation hatred or intolerance, or illegal discrimination based on race, color, gender, ethnicity, religion, sexual orientation, or national origin and/or tattoos advocating violence or other unlawful means of depriving individual rights under the U.S. Constitution, and Federal or State law.

3. **Indecent** – Body art grossly offensive to modesty, decency, propriety, or professionalism, including but not limited to, vulgar images, nudity, or sexually implicit images, words, or phrases.
4. **Sexist** – Body art advocating a philosophy that degrades or demeans a person based on gender.
5. **Racist** – Body art advocating a philosophy or depicting images or acronyms (KKK, SS, WP, etc.) that degrade or demean a person based on race, ethnicity, or national origin.
6. **Contrary to the purpose of law enforcement** – Depictions symbolizing or indicative of violence, advocating commission of a crime, contempt for the United States, alcohol or narcotics, illegal or gang-related activity, obscene or profane language, or symbols suggestive of activity that undermines the purpose of law enforcement or reflect poorly on the professional image of the police department.

Visible display of tongue bifurcation (splitting), ear gauging (enlarged holes in the lobe of the ear), mutilation, scarification or dental ornamentation using gold, platinum, silver or other veneer caps that are ornamented with designs, jewels, etc., is prohibited.

### **Jewelry, Earring/Piercing Regulations**

Employees will only wear jewelry that is professional in appearance and appropriate for the workplace.

No employee will:

- Attach jewelry of any kind to their uniform or work attire (commissioned officers, civilian employees in uniform). Civilian employees in civilian attire (non-uniform) may attach jewelry to their attire as long as it remains appropriate to the workplace. Jewelry worn on the body shall be limited to watches, rings, close-fitting identification type bracelets, and necklaces which are of sufficient length to be hidden under the employee's clothing. Choker type necklaces and loose-fitting bracelets are prohibited.
- Display piercings in any location other than the ears

Earring/piercing regulations are as follows:

- Male employees are prohibited from wearing earrings while on duty.
- Uniformed female employees, commissioned and civilian, may wear one round-shaped stud, post earring, centered on and against the ear lobe of each ear while on-duty. Matching earrings shall be no larger than 6 mm. or 1/4" in diameter with a white pearl-like, gold, or silver finish. Screw-on backs are prohibited for safety reasons.
- Non-uniformed female employees, commissioned and civilian, may wear earrings appropriate for the professional workplace.
- Non-uniformed civilian female employees may display a single nose piercing no larger than 1 mm in diameter.
- Small puncture piercings, such as multiple ear piercings or nose piercings, are not prohibited from display and need not be covered as long as the piercing is void of any jewelry while at work, (except as noted in the jewelry section of this policy).

## Contact Lenses, Eye Tattooing, Cosmetics, Fragrance

No employee will:

- Wear contact lenses that are not of a natural eye color. Lenses which are red, orange, silver, or any unnatural-looking color (any color which when worn creates an unnatural appearance to the eye), and any lenses with a visible graphic design and marking are prohibited. Any display of any injectable dye in the eye (eye tattooing) is prohibited other than for verified medical purposes.
- Wear cosmetics that do not comply with the following guidelines:
  - Only female employees may apply cosmetics, except when worn by males for the purposes of covering scars, tattoos, etc and in such a way that the cosmetic covering blends naturally with the skin and is otherwise undetectable.
  - If worn, makeup shall be applied conservatively, to complement the individual's complexion, skin tone, and clothing. Exaggerated or faddish cosmetic styles are prohibited.
  - Lipstick and nail polish are to be pale or subtle shades. Unnatural colors such as purple, gold, blue, black, multiple colors, and decorative nail ornamentation are prohibited when in uniform.
- Wear fragrances to such a degree that they cause a lingering odor even when the employee is no longer present, or when the wearing of fragrances causes irritation to others sharing the general work area.

### 6.6 RESPECT TO THE COLORS

The proper professional stance during the presentation of the colors or the playing of the National Anthem, when in Class A uniform, will be for officers to stand at attention and give a military hand salute. Officers will salute the first flag during a parade. An officer will only salute the flag if that officer is "covered" (when wearing a hat).

## **Chapter 7 PUBLIC INFORMATION AND COMMUNITY RELATIONS**

It is the policy of the Everett Police Department to provide the media and the public with timely information concerning appropriate police matters, in the interest of public safety and education. It is further recognized that media coverage of police activity is a basic requirement for an informed public. Cooperation with the media, within the constraints of existing law and the needs of the department, is necessary and expected by departmental personnel.

### **7.1 PRESS RELEASES**

The release of information to members of the news media is a function of the Chief of Police.

The Chief of Police or designee will routinely provide news media personnel such information as contained in police and traffic collision reports.

Information will be provided according to the Washington Bench/Bar Press guidelines and in compliance with state and federal disclosure laws.

The Chief of Police is the official spokesperson on matters of the department's policy, rules, and regulations, and on other such matters so designated.

No employee of subordinate rank shall issue a statement on any matter of departmental policy, rules, and regulations unless directed to do so by the Chief of Police. It is acknowledged that there are protected concerted activities and statements allowed under the Public Employees Relations Act.

Employees of the department must refer all requests for information or interviews from news media personnel to the Chief of Police or designee. The source of information for news releases shall be identified by name, and rank or title as Police Spokesperson or Public Information Officer for the Everett Police Department, or such similar identification.

In the absence of the Chief of Police, designee or the Public Information Officer, departmental supervisors may release information to news media personnel. Information released by supervisors is in regards to their immediate area of responsibility and not on any other matter.

In the event of an unusual occurrence, all requests for information by news media personnel must be referred to the Chief of Police or designee.

During unusual occurrences, no information shall be released on the extent of personnel strength and equipment nor operational tactics and strategy.

The Chief of Police or designee may release statements regarding the following matters:

Property damage

Injuries

Arrests

General stage of operation and the effect of the event on the community

Ongoing criminal investigations



The overriding consideration governing the release of any information is whether or not an ongoing investigation will be compromised and to ensure the release will not interfere with the administration of justice.

## **7.2 MEDIA RELATIONS**

This department will strive to maintain a good working relationship with representatives of the media. Employees will treat bona fide representatives of the press and broadcast media in a courteous, professional manner. Any request by the media for confidential information or access to restricted areas shall be referred to the Chief of Police.

Employees who are confronted by representatives of the media with questions or probes of a controversial nature or which might compromise any department operation will immediately refer the matter to a supervisor or commanding officer.

No employee of the police department will knowingly permit the media to contaminate a crime scene or to destroy evidence. It is necessary that the media remain outside of all police barrier lines unless escorted by a staff officer. No media personnel will be allowed to enter an area where such entry would endanger life. Employees of this department will not aid the media in breaking the law, nor can we knowingly allow the media to break it. At scenes of major fires, natural disasters, and catastrophic events, patrol will establish police barrier lines. Unless escorted by an officer, the media will not be allowed to cross the barrier. It is the responsibility of the Incident Commander to establish a press area away from the fire line and command post to ensure that personnel are totally free to perform their jobs.

## **7.3 ACTIVE CRIMINAL INVESTIGATIONS**

Any information that is being considered for release that relates to an active criminal investigation must be cleared through the Chief of Police or designee. It is the policy of this department to refrain from releasing any information about an active investigation that would be detrimental to the case or that would place any person involved in jeopardy.

## **7.4 COMMUNITY RELATIONS FUNCTION**

Regular authority and accountability for development and coordination of the community relations function shall be incorporated in the duties and responsibilities of the position of Public Information Officer. If, for any reason, the person designated as Public Information Officer becomes unable to fulfill the duties of that position, the Chief of Police may temporarily delegate these duties to another position within the department. Community relations involves providing information to the citizens about the department and its activities. This is accomplished through personal contacts, printed, televised and Internet resources.

## **7.5 EMERGENCY TELEPHONE NETWORK (ETN) MESSAGES (REVERSE CALLING), WIRELESS EMERGENCY ALERTS (WEA)**

The City of Everett utilizes AlertSense to communicate public emergency broadcasts through the Integrated Public Alert and Warning System (IPAWS). The police department may utilize Emergency Telephone Network (ETN) Messages to landline phones within pre-identified

geographic sections of the city. The police department may utilize Wireless Emergency Alerts (WEA)/Commercial Mobile Alert System (CMAS) to send 90 character alert messages to commercial wireless devices (cell phones) in targeted geographical areas. AlertSense is managed by the Snohomish County Department of Emergency Management (DEM). Snohomish County 911 and City of Everett Emergency Management both utilize AlertSense through DEM. Snohomish County 911 prepares and initiates all ETN notifications for the Everett Police Department. City of Everett Emergency Management prepares and initiates all WEA/CMAS messages for the Everett Police Department. Patrol supervisors are responsible for evaluating a given situation and determining whether or not the use of the ETN or WEA/CMAS is appropriate. Prior to sending out a community message using the ETN or WEA/CMAS, the patrol supervisor must obtain approval from a police captain or higher.

Other references:

City of Everett Comprehensive Emergency Management Plan (CEMP)

Everett Police Procedure Section 34.04 Emergency Telephone Network (ETN) Message Initiation (Reverse Calling)

Everett Police Procedure Section 34.05 Wireless Emergency Alerts (WEA)/ Commercial Mobile Alerts System (CMAS), Integrated Public Alert and Warning System (IPAWS)

## **7.6 PUBLIC TALKS**

While employees of the Department are encouraged to participate in community activities, including public speaking events, the Chief of Police has the ultimate responsibility for formulating and/or interpreting department policies and procedures.

## **7.7 DEPARTMENT AWARDS AND COMMENDATIONS**

Fundamentally, law enforcement service awards publicly recognize and reward extraordinary, exceptionally meritorious or conspicuously outstanding acts of heroism and other acts that are above and beyond those normally expected. It shall be the policy of this department to encourage the documentation of acts of exceptional performance involving extraordinary thoroughness, conscientiousness, determination, initiative or personal risk and bravery by department employees, citizens, groups, or individual citizens. Submission is for review and award to those qualified individuals as determined by the Department Awards Board. Each report of meritorious service will be considered under specific criteria for an appropriate award. To qualify for any award, the nominee must have utilized proper procedures and displayed professional judgment in accomplishing the act, neither performing in a reckless manner with regard to his/her own safety nor unnecessarily endangering the safety of another.

Department members who retire in good standing, with a minimum of 20 years of service to the City of Everett Police Department are eligible to receive a plaque honoring their years of service to the citizens of Everett.

Department members recognized at the annual awards ceremony are eligible to receive a framed certificate, medal, plaque and/or a badge honoring their actions, service or work performance.

## 7.8 POLICE OFFICER RIDE-ALONG

In the interest of providing an opportunity for citizens to learn more about the operations of the police department it is the policy of the Everett Police Department to have a ride-along program. The citizen must complete an application and waiver form with an approved records check. The request must have the approval of a supervisor. General guidelines for participating in the ride-along program are outlined in the Ride-Along Procedure, Chapter 20.

## 7.9 POLICE RECORDS/DISSEMINATION

Access to and dissemination of the Everett Police Department's police records are restricted to Everett Police Department personnel working in their official capacity as a criminal justice agency employee as described in this policy. The Administrative Support Services Manager is responsible for dissemination of records in response to public records requests that are beyond the scope of standard, routine requests for police reports. The EPD Records Unit is responsible for responding to standard, routine police report requests. The Administrative Support Services Manager and Records Unit Supervisor are responsible for maintaining the integrity of all Everett Police Department records.

Officers are specifically prohibited from taking police reports home to work on them or to store. This includes e-mailing documents home or taking documents home via memory stick, CD or other media. All police reports will be completed on police department computers, while on duty. Officers utilizing memory sticks (thumb-drives) will use extreme caution in safeguarding their security. Completed reports will be erased from the memory stick when the initial report has been completed and approved by the officer's supervisor. Any further retention of police reports in this electronic format is not authorized.

Overtime to work on reports outside of a regular shift must be authorized by the officer's supervisor. Reports not completed by the end of the shift must be left in a pre-designated location at the officer's precinct, so if a question comes up or there is a development in the case, the responding officers can track down the initial pending report.

All public disclosure requests for police records are processed under the direction of the Administrative Support Services Manager as described above.

There are two exceptions to this rule:

An officer may give an interested party, e.g., passenger, pedestrian, property owner, etc. a copy of the traffic collision report on site. No witness, driver's statements or investigative reports are to be released on site. The requester must make a public records request through:  
the Washington State Patrol Collision Records website  
the City of Everett Records Request website  
the Records Unit

In the event an officer is detailed to process a mental health evaluation, the primary officer may give a copy of his/her report to hospital or triage center staff or the Mental Health Professional. The report can be either the EPD Incident Report or the county Mental Health Contact Report.

Department staff may refer anyone that is making a request for public records to the City website and Public Records Request system. However, if a citizen requests that the staff member take the request on their behalf, the staff member should obtain the information necessary to start the request and forward the request to the Records Unit.

### **7.10 SEX OFFENDER AND KIDNAPPING OFFENDER NOTIFICATIONS**

RCW 4.24.550 authorizes a public law enforcement agency to release “relevant” and necessary information regarding sex offenders and kidnapping offenders to the public when the release of the information is necessary for public protection. Once information relating to a sex offender is received from the state or any other source, several levels of dissemination should be considered depending upon the risk that the offender poses to the community.

The Special Assault Unit is responsible for gathering information in order to assess the risk level of registered sex offenders and kidnapping offenders living in the community and making notification to the community when it has been deemed relevant and necessary to public safety. All community notifications will be initiated by the Special Assault Unit through an established account with WatchSystems LLC, a private company contracting with Everett Police Department.

The department will normally conduct periodic compliance checks at the residence of the registered sex offender.

### **7.11 UNIFORM CRIME REPORTING**

The police department participates in the National Incident Based Reporting System (NIBRS). The Records Unit Manager is responsible for ensuring that NIBRS reports are provided to the Washington Association of Sheriffs and Police Chiefs (WASPC) as required.

### **7.12 THE INCIDENT REPORTING SYSTEM (REQUIREMENTS)**

The Everett Police Department has an established policy on the reporting system and its use. It defines when officers are expected to write reports, what type of reports are to be written, documentation of reports, and flow process of reports.

Officers in the field are responsible for the decision as to whether reports concerning a particular event are required. It is generally up to the judgment of the officer if a report need be written: usually, if an officer takes some action or gives advice in an incident, the officer must make a written notation of it. This can vary from a brief note in the notebook of the officer to writing an incident report. When in doubt – WRITE.

Shift supervisors will closely monitor these decisions. The shift supervisor may direct an officer to write a report on any matter.

In most instances the officer making the preliminary investigation can and shall complete the initial case report. All reports, notices of infractions and citations must be submitted before the end of each shift (unless there is an exceptional circumstance and the supervisor has given approval to complete the report the next day). The supervisor shall review all documents for completeness and accuracy. Supervisors shall approve completed reports the same day submitted. Any incomplete or rejected reports must be completed the next calendar day.

The report must be accurate and present a clear picture of the incident and allow for easy reading and reproduction.

The Statewide Electronic Collision and Ticketing Online Records (SECTOR) is the primary system used by patrol staff to create, issue and submit tickets, citations and collision reports. Officers initiate the documents electronically in the field and submit them electronically for supervisor review and approval. After being approved by a supervisor, the documents are then submitted electronically to the State where they are available to the department Records Unit. Both the Records Unit and Municipal Court are able to pull the completed/approved report for document retention and case management. The Washington State Patrol and Washington State Department of Information Services administer the SECTOR program and supporting infrastructure (servers, websites, and networks). Additional information such as the SECTOR manuals, procedures and training resources can be accessed via the SECTOR website portal. Handwriting these reports is only approved when SECTOR is off-line or the officer does not have access to SECTOR (administrative cars, for example).

### **7.13 PARTICIPATION IN CHRI SYSTEM (CRIMINAL HISTORY RECORDS INFORMATION SYSTEM)**

This agency maintains full participation within the state fingerprint/criminal history records system.

### **7.14 RELEASE OF PERSONNEL FILES OR PROFESSIONAL RECOMMENDATIONS**

All requests for background or job reference information concerning current or previous officers will be directed to the Deputy Chief of Services. No information will be released without a signed authorization to release information.

### **7.15 ADDRESS AND TELEPHONE NUMBERS OF EMPLOYEES**

Employees will not divulge the home address or home telephone number of any other employee to representatives of the media.

### **7.16 VICTIM / WITNESS SERVICES**

All members of the Everett Police Department will strive in their daily performance, to serve the community to the best of their ability. Victim/witness support will be provided in accordance with EPD Procedures, Chapter 33: Victim / Witness Assistance, and consistent with current case law.

## **Chapter 8 POLICE COMMUNICATIONS**

### **8.1 TELEPHONES**

All emergency calls for service within the city are accessed through an area wide Enhanced 911 communications network.

The telephone is the primary means by which the public requests the services of this department. For this reason, all incoming calls will be answered promptly and prudently to determine if there is a need for department services.

### **8.2 LONG DISTANCE TELEPHONE CALLS**

All long distance calls shall be direct-dialed unless a person-to-person call is necessary.

No employee will charge personal long distance telephone calls to the city.

### **8.3 CELLULAR TELEPHONES**

It is the policy of the Everett Police Department to provide cellular telephone access to those individuals and/or units that the department considers essential or by nature of the position are necessary to perform their duties.

Cellular telephones are issued to department employees when their current job justifies receiving or making calls away from their office or work base. Responsibilities of employees assigned city cellular phones are detailed in the City of Everett Cellular Telephone Policy.

It is the responsibility for each employee to reimburse the City for personal calls that are made on City-issued cellular phones.

### **8.4 FACSIMILE EQUIPMENT (FAX)**

Facsimile equipment that is owned by or assigned to the Everett Police Department will be operated only by those employees authorized to use the equipment and shall be used only for official business.

### **8.5 DEPARTMENT MAIL**

All official mail from this department will be sent on our letterhead paper under the name of the Chief of Police, while containing the title and signature of the sender.

All employees are assigned a department mailbox. The box is to be checked each day at the beginning of shifts, and again before going off duty. This mailbox will be kept cleared out and not used as a storage box. Employees shall not receive personal mail at the department, nor to use a city facilities address for correspondence that would otherwise be received at the employee's residence.

The Everett Police Department's address and telephone numbers are for business use only and not for personal use (personal checks, vehicle registrations, etc.) by department employees in any way unless authorized by the Chief of Police.

Employees should check voice mail messages at the beginning of shifts and throughout the shift when practical. Employees shall promptly return phone calls received via voice mail messages and empty reviewed messages from the voice mail box. Employees are responsible for maintaining an updated voice mail message.

Employees assigned with access to the City Network E-mail, CAD mail, and other messaging systems shall check for messages each work shift.

Employees will not use personal tag lines, quotes or slogans as part of their signature block language in department e-mail messages. The only authorized signature block language, beyond employee contact information, shall be:

*This email message, including any attachments, is for the sole use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient you are hereby notified that any unauthorized review, use, disclosure or distribution is prohibited.*

## **8.6 ADDRESS OF RESIDENCE**

All employees are responsible for seeing that their current address is on file with the department. Employees will promptly inform (within seven days) the department of any change in address. This requirement applies even when a change of address is of a temporary nature. Note: This address will be the employee's address where he or she resides, not a mailing address or post office box.

## **8.7 TELEPHONE REQUIREMENT**

All employees must have a telephone at their residence so that they may be contacted in emergency situations. Employees are responsible for seeing that the telephone number is on file with the department and shall inform the department within seven days of any change in telephone number.

When an employee's telephone number is changed, that officer will immediately deliver the new telephone number information to the Administrative Services Secretary.

## **8.8 VIDEO/AUDIO TAPING**

The Constitution of the United States and Washington State Law provides all citizens with the right to reasonably expect privacy, and this protection extends to recording on videotape. Video pictures can be taken without permission as long as they are in a public place and do not fall under the provisions of the Fourth Amendment to the Constitution.

Any audio/voice recording, with or without video must comply with the requirements and restrictions of RCW 9.73.090.

Consult the procedures for taped statements and the crime prevention cameras for more detail.

## **8.9 COMMUNICATION SYSTEM**

Snohomish County 911 is a centralized communication center providing dispatch services to the Everett Police Department. The service is provided through an Interlocal Agreement.

The departmental communications system is essential to the police department's accomplishment of its mission. The effective and rapid delivery of service to the public is the shared goal of all officers.

Effective communication systems are essential to law enforcement. Communications systems are only as effective as the people who operate them are. For this reason it is essential that all employees comply with established Snohomish County 911 Radio Procedures Manual.

## **8.10 MOBILE DATA COMPUTERS (MDC)**

Employees of the Everett Police Department who have access to Mobile Data Computers or other department computers that have access to CAD/RMS (or any computer database) will comply with all policies and procedures governing the proper use of that equipment as described in the Everett Police Department Policy and Procedure Manual, the Snohomish County 911 Radio Procedure manual, and the City of Everett Electronic Communication and Network policies.

Any introduction of unauthorized software programs or other files are strictly prohibited.

Employees are prohibited from the manipulation or alteration of current software running on agency-owned mobile, desktop or handheld computers.

The use of CAD/RMS for personal reasons is prohibited.

## **8.11 COMPUTERS/DATABASE TOOLS/ACCESS/CRIMINAL JUSTICE INFORMATION (CJI)/TELECOMMUTING**

Any unauthorized entry into files or computer programs by any employee is grounds for immediate disciplinary action.

Employees have access to open-sourced database tools (such as FirstTwo) that can identify phone and address information through web searches. While these databases may include open source information, employees will use them on City issued equipment and for law enforcement purposes only.

The introduction of outside disks or software into agency-owned computers is generally prohibited. Such an introduction could result in a virus infection and as such, any outside software must be inspected and approved by Information Technology, prior to installation. All employees will be trained on and comply with the City of Everett Electronic Communications and Technology Resources Policy.



## Criminal Justice Information (CJI)

ACCESS (A Central Computerized Enforcement Service System) is a computer controlled statewide law enforcement telecommunications system operated and maintained by the Washington State Patrol (WSP). The system operates on all department electronic devices that have the capability to conduct inquiries with NCIC (National Crime Information Center), WACIC (Washington Crime Information Center), WASIS (Washington State Identification Section), DOC (Department of Corrections), DOL (Department of Licensing), CPIC (Canadian Police Information Centre), and Interpol. Additionally, the system provides a means of transmitting point-to-point teletype messages to other law enforcement agencies both in and out of state through NLETS (National Law Enforcement Telecommunications System). Operation of the system is conducted under the rules outlined by FBI standards as administered by WSP. Criminal Justice Information (CJI) is defined as any data that resides in, is displayed from, or is printed or copied from ACCESS. The ACCESS system and CJI shall only be used for official law enforcement business and shall be secured as mandated by the FBI and WSP and in accordance with their standards.

The Records Manager or designee is appointed as the ACCESS Terminal Agency Coordinator (TAC) to act as the point of contact for the WSP and the FBI. This individual is responsible for:

- ensuring compliance with state and federal standards;
- background checks (fingerprint based), certification, training, proper operator performance, and strict adherence to regulations;
- ensuring that all recertification (users, security awareness) is completed before such certifications expire;
- maintaining a list of all authorized personnel, validating all users and their certifications annually, and providing written documentation to the Chief's office confirming annual validation;
- removing all access to CJI when access is no longer needed (transfer, end of employment); and
- prompt notification of misuse or security incidents to the WSP ACCESS Section.

Each user must observe all restrictions placed on the use or dissemination of CJI received through ACCESS. Information obtained through ACCESS must only be used for criminal justice purposes. Users shall not use any information obtained through the ACCESS system, including DOL and DOC information, for private business or personal reasons, or furnish any information so obtained to any other person for such use.

Any suspected misuse of ACCESS will be fully investigated. Violations of ACCESS rules, regulations, policies, or procedures or any other misuse or abuse of the ACCESS system may result in agency disciplinary measures and/or criminal prosecution. If an agency initiates an internal investigation for ACCESS misuse, an ACCESS Violation Incident Report must be filled out and sent to the ACCESS Manager. Where an incident involves legal action, either civil or criminal, evidence shall be collected and retained. If misuse allegations are founded, the investigating agency will choose the level of discipline. WSP will work in conjunction with EPD to impose additional sanctions if warranted, which may include, but are not limited to, additional training, revocation of individual certification, or termination of system access to the department. The ACCESS Violation Incident Report is located on the ACCESS website at <http://www.wsp.wa.gov/secured/access/resources.htm>.

Use of the ACCESS system is continuously reviewed and analyzed through Snohomish County 911 by an automated system. The TAC is the point of contact for any inappropriate, suspicious, or unusual activity in the audit logs. Snohomish County 911 will notify the TAC as soon as possible when such activity occurs. The TAC will verify once each year with Snohomish County 911 that the automated system is in use and that the TAC is the point of contact and will send written documentation of the confirmation through the chain of command to the Chief's office.

## Security and Physical Protection

Maintaining security of electronic devices using ACCESS and any CJI received from ACCESS is the responsibility of agency personnel using ACCESS, the TAC, and the agency head. Electronic devices using ACCESS must be secure from unauthorized access, and all employees authorized to use the system shall be instructed on the proper use of equipment and the dissemination of information received. Federal and state laws protect the CJI provided by ACCESS.

A **security incident** is any incident other than misuse where CJI has been the subject of a malicious attack, unauthorized CJI access has occurred, security weaknesses have been identified, ACCESS security has been compromised, there has been a facility access violation, CJI has been lost (printouts, etc.), there has been a loss of control of an electronic device with access to or containing CJI, or an electronic device with access to or containing CJI has been lost or compromised. To ensure protection of CJI, agency personnel will immediately report any security incident to the Deputy Chief of Services and the Information Technology department (Help Desk). Mobile electronic devices will be immediately:

- locked by IT to prevent unauthorized access if there has been a loss of control (misplaced), or
- wiped by IT to prevent unauthorized access if the electronic device is lost or stolen.

The Records Manager or designee will report security incidents to the Access Information Security Officer (ISO) by email to [Access@wsp.wa.gov](mailto:Access@wsp.wa.gov) using the FBI Security Incident Reporting Form available at [http://www.wsp.wa.gov/secured/access/docs/access\\_cjis\\_security\\_incident\\_report.pdf](http://www.wsp.wa.gov/secured/access/docs/access_cjis_security_incident_report.pdf).

Employees with access to CJI or secure areas where CJI is accessed must protect and not share keys, access devices, passwords, etc. Loss or compromise of such items/areas must be reported to the Deputy Chief of Services or designee immediately.

CJI may not be transmitted by email or stored on electronic devices. If stored on electronic devices or printed out in hardcopy, CJI must be maintained in a secure location or under constant control to prevent data compromise and/or unauthorized access.

Printouts of CJI should not be included with police reports and they should be placed in a shred bin in a secure location when no longer needed. Printouts may only be shared with authorized personnel and based on "need to know."

Physical security of facilities with CJI or CJI access must be maintained. Doors must be secured and not propped open, and employees should ensure they are properly locked when used.

Windows may not be left open when unattended if access to the secure area of the facility is possible.

Physical security includes assuring that screens and computer monitors are not viewable by those that are not authorized for CJI. This includes monitors that are located near public areas (desk officers, Records customer service windows), MDC screens in patrol cars (protecting from view of anyone secured in back seat, or civilian riders in passenger seat), and MDC or other device screens when they are being viewed in public areas (protecting screen view when MDC is removed from the vehicle, protecting screen view of other portable devices being used in public).

### **Certification and Visitors**

All EPD employees and IT personnel who have access to CJI, and those responsible for configuring and maintaining computer systems and networks with direct access to CJI, will be subject to a full fingerprint based background check prior to employment or assignment to a position enabling access to CJI, and must complete all required certification and training prior to CJI access (including Security Awareness Training when required), and must maintain certification as required.

Support staff, private contractors/vendors, custodial workers, and others with access to secure locations or controlled areas during CJI processing are subject to a full fingerprint based background check prior to having access to such locations unless escorted by authorized personnel at all times. A security addendum is required with private contractors/vendors that have frequent unescorted access to restricted areas.

A visitor is an individual not employed by the City and who is at the agency on a temporary basis. Visitors are not allowed any unescorted access to the physically secure locations where CJI and associated information systems are located, or to remain or be left unattended in such locations. Visitors include delivery or service personnel. An escort (an authorized agency member) must accompany visitors at all times.

Employees accessing CJI must maintain awareness of visitors before and while accessing CJI and take appropriate action to protect all confidential data, to include protecting monitors and screens from viewing by the public or escorted visitors. Escorts must announce the presence of visitors in secure areas so staff can secure CJI from view. Electronic devices should have their displays locked whenever the employee is away from the display screen (breaks, etc.) to prevent the inadvertent compromise of CJI.

Electronic devices and cameras may not be used by visitors while in secure areas without permission from the escort, and only when the escort has ensured CJI will not be captured by any photo or recorded/captured by any electronic device.

Strangers observed in physically secure areas without an escort should be challenged. A visitor that no longer has legitimate business in a secure area must be escorted to a public area. A visitor may not sponsor (escort) another visitor.

## Telecommuting

Telecommuting (work from home or other unsecure locations) may be authorized in certain circumstances and must be approved by the Chief of Police. Any employee authorized to telecommute must comply with City Policy 200-19-10.

All City of Everett Police Department staff that have received approval for telecommuting must comply with all requirements of this policy section as well as the city policy.

## 8.12 BROADCAST CODES

Policy and procedures for dispatch and clearance codes are in the Snohomish County 911 Radio Procedures Manual. The Administrative Services Division assigns department radio call numbers.

The complete radio unit number for Everett Police Units is prefaced with a “D.” CAD unit numbers will always show the complete radio unit number (ex: D101, or DD101 for off duty assignment). Everett officers may eliminate the use of “D” in radio broadcasts on Everett radio channels, but will use their complete radio unit number with the “David” designation when on other agency radio channels. Two-person units will follow their unit number with an “Adam” for the officer normally assigned that unit number and “Boy” for student officers or other officers working with the officer normally assigned that unit number when necessary (when units are separated from one another or need to differentiate between one another).

Radio call numbers for the Everett Police Department are assigned as:

### Police Administration

101	Chief of Police
102	Deputy Chief of Operations
103	Deputy Chief of Investigations/Services
104	Reserved future Command
105	Captain- North Precinct
106	Captain- South Precinct
107	Captain- Investigations
108	Captain- Services
830	Inspector- OPS
831-839	Detectives, Background Investigations- OPS
841	Public Information Officer

### Administrative Services

870	Lieutenant
820	Training Sergeant
821-828	Department Training Officers
829	Range Master
630	Admin Services Sergeant
631-639	Admin Services Officers
810-819	Property Room
291-299	Crime Prevention Officers

**Operations Division**

170	Lieutenant- North Days
270	Lieutenant- South Days
370	Lieutenant- North Nights
470	Lieutenant- South Nights
670	Lieutenant- Special Operations
180	North Administrative Sergeant
280	South Administrative Sergeant
150	ACT Sergeant
151-159	ACT Officers
160-169	Desk Officers
190-199	Downtown Officers
260-269	Code Enforcement Officers
610	COET Sergeant
611-617	COET Officers
618-619	COET Social Workers
621-629	Parking Enforcement Officers
641-649	Traffic Cars
650-659	Traffic Safety Unit
660	Gang Response Unit Sergeant
661-668	Gang Response Unit Officers
669	Gang Education and Prevention Officer
690-699	Marine Operations
850	Youth Services Sergeant
851-859	School Resource Officers
K971-K972	Canine Drug Dogs
K973-K979	Canine

## A Platoon- Days

## North

110	Sergeant
111-114	Beat Cars
121-129	Cover Cars (125 MPO)

## Central

130	Sergeant
131-134	Beat Cars
135-139	Cover Cars (135 MPO)

## South

140	Sergeant
141-142, 144	Beat Cars
145-149	Cover Cars (145 MPO)

## B Platoon- Days

## North

210	Sergeant
211-214	Beat Cars
221-229	Cover Cars (225 MPO)

Central  
230 Sergeant  
231-234 Beat Cars  
235-239 Cover Cars (235 MPO)

South  
240 Sergeant  
241-242, 244 Beat Cars  
245-249 Cover Cars (245 MPO)

#### C Platoon- Nights

North  
310 Sergeant  
311-314 Beat Cars  
321-329 Cover Cars (325 MPO)

Central  
330 Sergeant  
331-334 Beat Cars  
335-339 Cover Cars (335 MPO)

South  
340 Sergeant  
341-342, 344 Beat Cars  
345-349 Cover Cars (345 MPO)

#### D Platoon- Nights

North  
410 Sergeant  
411-414 Beat Cars  
421-429 Cover Cars (425 MPO)

Central  
430 Sergeant  
431-434 Beat Cars  
435-439 Cover Cars (435 MPO)

South  
440 Sergeant  
441-442, 444 Beat Cars  
445-449 Cover Cars (445 MPO)

#### **Investigations**

770 Lieutenant- General Investigations  
790 Lieutenant- Special Investigations  
748-749 Crime Analysis  
700-709 Police Specialists

## Property Crimes

710 Sergeant  
711-719 Detectives

## Persons Crimes

720 Sergeant  
721-729 Detectives

## Financial Crimes

760 Sergeant  
761-769 Detectives

## Special Assault

750 Sergeant  
751-759 Detectives

## Special Investigations

740 Sergeant  
741-746 Detectives  
747 Computer Forensics  
781-789 Digital Forensics

## Narcotics

TFxxx Detectives use “Task Force” before their Task Force Numbers

## Off Duty

DDxxx In CAD as “DD” and personnel number as unit identification, on Everett radio channels as “Off Duty (Personnel Number).” Use “Everett Off Duty (Personnel Number)” when on any other radio channel or when communicating with other agencies.

## Miscellaneous

520-529 Animal Control Officers  
680-689 Police Volunteers  
800-809 Police Chaplains  
910-919 Watershed Patrol  
920 Burlington Northern Police Command  
921A-Z Burlington Northern Police  
922A-Z Amtrak Police  
930-939 Boeing Security  
940-949 Navy Security

950-959	Transit Security
960-969	School Security
970-979	Everett Muni Court Security
980-989	Street Lights/Facilities
990-999	Port Security
5800's	Park Rangers
250	Reserved Operations (ACT South)
730	Reserved Investigations
860	Reserved Admin
880	Reserved Admin
890	Reserved Services
1000 series	Reserved Emergency Incident Support for Everett PD

### **8.13 CRIMINAL HISTORY CHECKS**

Officers that need to check criminal history through ACCESS can call records and make the request. All inquiries need to have a law enforcement nexus and need to be submitted for official purposes only, per ACCESS rules. Officers do not need supervisor pre-approval to make the request.

Officers will let the Records Specialist know the subject's name and the reason for the inquiry. Records Specialists are experienced at reading these reports and can advise the officer of any past offenses of interest. The Records Specialist can also scan and e-mail or fax the report to the officer. Because the criminal history documents contain sensitive information, officers should shred them after review and should not include them with police reports.

While the use of the Records Unit is encouraged because of their ability to understand the criminal history document, Officers can run the criminal history check themselves. Officers wanting to run their own criminal history checks must take a short tutorial with a Records Specialist. The tutorial includes an instruction sheet for the criminal history inquiry procedures. Employees having reoccurring errors with criminal history inquiry procedures may be required to use a Records Specialist for their inquiries.

Employees interested in attending a tutorial should contact the Records Manager to schedule it.



## **8.14 DISPOSAL OF PHYSICAL AND ELECTRONIC MEDIA**

The purpose of this policy is to outline the proper disposal of media (physical or electronic). Inappropriate disposal of Everett Police Department and FBI Criminal Justice Information (CJI) and media may put employees, the Department and the FBI at risk.

This policy applies to all department personnel with access to FBI CJI systems and/or data, sensitive and classified data, and media. All equipment provided by the Department that processes, stores, and/or transmits FBI CJI and classified and sensitive data is subject to this policy.

When no longer usable, hard drives, diskettes, tape cartridges, CDs, ribbons, hard copies, print-outs, and other similar items used to process, store and/or transmit FBI CJI and classified and sensitive data shall be properly disposed.

Physical media (print-outs and other physical media) shall be disposed of by one of the following methods:

- 1) Shredded by using department provided shredders.
- 2) Placed in locked shredding bins for a department contracted shredding company to come on-site and shred.

Electronic media (hard-drives, tape cartridge, CDs, printer ribbons, flash drives, printer and copier hard-drives, etc.) shall be disposed of by destruction, which consists of physically dismantling by methods of crushing, disassembling, etc., ensuring that the device or disc has been physically destroyed so that no data can be pulled.

Information Technology (IT) systems that have been used to process, store, or transmit FBI CJI and/or sensitive and classified information shall be sanitized and all stored information cleared by the City of Everett IT Division by overwriting, degaussing or destruction methods in compliance with IT disposal procedures.

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination.

## **8.15 TEXT MESSAGING**

Generally copies of all text messages that are sent or received on City cell phones are retained to comply with the Public Records Act. In some cases an employee may receive or send a work related text message that is not copied (personal cell phones, cell phones not configured to the City server, server not in service, etc.).

In such cases, if the text message has a “retention value” the employee must immediately archive the text message in their department e-mail by forwarding either a screen shot of the message(s) or the text message itself. The forwarded message or screen shot must include the senders name or phone number and the date and time the message was sent/received.

All work related text messages will be immediately deleted from any phone, except that text messages with retention value will be deleted only after the message has been archived to e-mail.

“Retention Value” is understood to mean any message that, if written as a note or letter, would have been retained, forwarded, attached to reports or other documents, or otherwise kept in any form as part of the normal business practice.

## **Chapter 9 OPERATIONS**

### **9.1 COMMUNICATION, COORDINATION & COOPERATION**

All patrol shifts will hold a briefing at the beginning of scheduled duties. Information that is to be passed on to patrol shifts will be accomplished by an oral briefing from the shift supervisor(s) and/or Patrol Lieutenant. The briefing room will for the most part be used for briefings.

Personal contact or a written format or electronic mail will usually accomplish communications with the other units of this department. This is not intended to discourage any authorized employee of the department from attending a briefing and communicating information in person.

Patrol sergeants will complete rolling RECAP entries, relaying information to various investigative units, administrations and patrol platoons.

Sergeants will complete ODO notifications as required for incidents of major significance. Lieutenants will complete CDO notifications per established protocols.

An employee who wishes to make a suggestion for the good of the department should do so by means of a written communication through the chain of command to the respective Bureau Deputy Chief.

### **9.2 ADMINISTRATIVE REPORTS**

The management team of the Everett Police Department is accountable for the preparation of reports of our department's activities. Statistical and data summaries are based on these reports.

### **9.3 REQUIRED REPORTS**

Management team members of this department are responsible for the following reports:

Daily information bulletin: Patrol Sergeants will be responsible for updating the daily information bulletin prior to shift briefings, providing updated, accurate and timely information on wanted subjects, stolen vehicles and extra watch locations. The daily information bulletin will be archived in the Records Division.

Daily strength report: Patrol Sergeants will be responsible for the completion of the printed daily strength report, which documents patrol manpower allocations. Records specialists will maintain all archived reports.

Quarterly CompStat Report: The Police Planner/Analyst is responsible for this quarterly report which is utilized for manpower allocations and assignments.

Uniform Crime Report: The Records Unit Manager is responsible for the monthly National Incident Based Reporting System (NIBRS) submission which is uploaded to the WASPC NIBRS Repository. These statistics document Part A and B crime reports and officers injured or killed in the line of duty. The statistics are archived and searchable within the Repository.

Payroll reports: The payroll reports are completed by the Administrative Assistant and in their absence, the Administrative Secretary. Originals are forwarded to Human Resources for payroll purposes. Copies will be maintained and archived by the Administrative Assistant.

## **9.4 WORK SCHEDULES**

Employees of the Everett Police Department will work scheduled shifts in association to department needs and applicable Labor Agreements. Official work schedules are published for a 28-day period. Schedules are normally distributed 7 days prior to the date of a new schedule.

## **9.5 PATROL AREA ASSIGNMENTS**

It is important to exercise beat integrity to assure prompt response to calls for service. If another officer volunteers for a call due to his/her close proximity or is familiar with the facts of the case, the supervisor may decide which officer will respond to the call.

## **9.6 ON SCENE SUPERVISOR**

Any officer in charge of a situation may request the presence of a Sergeant/Shift Supervisor. The supervisor will assess the situation and assume command as he/she deems necessary. The supervisor may further request the assistance and/or response of command personnel.

## **9.7 INITIAL RESPONSE FOR INVESTIGATIONS**

It is the policy of this department that the Patrol Divisions will generally make all initial investigations of all crimes and calls for assistance unless directed otherwise. Any other unit within this department can make an initial investigation as approved by that unit's supervisor.

Patrol officers are generally required to complete misdemeanor investigations to their logical conclusion.

Felony cases will be submitted to the Investigations Bureau for further investigation, case preparation and review by the appropriate unit supervisor.

The Patrol Divisions will be expected to do follow-up investigations when assigned the follow-up by their immediate supervisor or when an Investigative Lieutenant has made a specific request in writing via the Sector Patrol Lieutenant.

## **9.8 FIELD INTERVIEWS**

Field interviews are a valuable investigative tool. Where practical officers of this department will conduct and record field interviews. These interviews will be conducted in a professional manner.

## **9.9 INFORMANTS**

The Everett Police Department anticipates and encourages its officers to cultivate informants that will assist the department in its efforts to solve crime and gather intelligence.

Informants often must be compensated for their service. The appropriate investigative unit will manage paid informants. It is required that officers get prior approval from their immediate supervisor before spending investigative funds. The Investigation Units' Sergeants control these funds.

Before investigative funds are spent the informant will be registered with the appropriate Investigations Unit. The expenditure of funds will be recorded in the appropriate ledger books.

### **9.10 K-9 PATROL UNITS**

The Everett Police Department K-9 assisted patrol units are used to locate persons and evidence and to provide physical or psychological protection and backup for line officers. An on-duty supervisor must approve use of the K-9 outside of the city limits.

Handlers will apply their dog with proper restraint at all times, using the same philosophy applied to any other tool or device used for maintaining law and order.

All procedures, tasks and restrictions required of dogs and handlers are outlined in the K-9 Unit SOP. The SOP will be the regulatory text for the K-9 unit of this department.

### **9.11 24-HOUR PER DAY COVERAGE**

Law enforcement response to emergencies is available 24 hours per day, every day of the week, within the Everett Police Department service area.

### **9.12 FALSE ALARMS**

This policy will implement the city ordinances on false alarms by establishing a record keeping, billing and notification process for alarms that turn out to be confirmed false.

Upon responding to a reported alarm, officers will handle the situation in accordance with the information available and provide the proper disposition code.

### **9.13 DOMESTIC VIOLENCE POLICY, COURT ORDERS AND EXTREME RISK PROTECTION ORDERS**

The Everett Police Department has adopted the policies and procedures in the *Snohomish County Model Policy for Domestic Violence Response, DV Related Court Orders, & Extreme Risk Protection Orders*. The Model Policy is incorporated into this Policy Manual as EPD Policy. Procedures in the Model Policy are incorporated into the EPD Procedure Manual.

The current Model Policy that EPD staff will reference for department policy and procedure is: July 2019 ver. (Draft)

The copy of the current Model Policy that guides Everett Police staff is located at: <https://www.everettconnect.org/426/Administrative-Manuals>

## Exceptions:

### Extreme Risk Protection Orders

In accordance with Model Policy, except that when seeking an ERPO EPD staff will:

- During court hours (regular business hours), when seeking an ex parte temporary ERPO, contact the city prosecutor. The city prosecutor will represent the City in the ex parte ERPO hearing;
- During court hours, when appearing before the court for a full ERPO hearing (Superior Court), contact the city prosecutor. The city prosecutor will represent the City in the full ERPO hearing;
- Outside of court hours (evenings, weekends, and holidays), when there is an immediate need for a temporary ex parte ERPO, EPD officers will utilize the after-hours procedure for obtaining ERPOs electronically in the Model Policy. The city prosecutor need not be contacted for electronic orders, but should be advised on the next business day so as to prepare for the full ERPO hearing if necessary.

### DV Cases Involving Law Enforcement Officers or Other Special Circumstances

In accordance with Model Policy, but additionally when a DV case involves a law enforcement officer or any other person of influence, EPD officers will also follow guidance in EPD Procedure 15.0.

## 9.14 OPEN/UNATTENDED BUILDINGS

It is the policy of the Everett Police Department to provide building security as time allows through aggressive patrol by the officers of this department.

When an establishment is found to be open and unattended, the discovering officer will notify dispatch of the incident and give the location. Under no circumstances will an officer enter a building alone prior to the arrival of assistance.

## 9.15 HATE CRIMES INVESTIGATIONS

This policy has been developed to provide members of the Everett Police Department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias. It is the mission of this department to investigate all violent crimes, including crimes and threats against persons because of their race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression or identity, or mental, physical or sensory handicaps.

The primary “hate crime” statute in Washington is Hate Crime, RCW 9A.36.080, a class C felony. In addition, the victim may bring a civil cause of action for a hate crime offense against the person who committed the offense.

Washington’s Hate Crimes statute punishes the defendant’s criminal conduct in choosing a victim because of, or in a way that is reasonably related to, associated with or directed toward

perceived membership in a protected category. The intent is not to punish bigoted speech or thought, but rather the act of victim selection. A Hate Crime offense is a separate substantive crime.

For the elements of Hate Crime, a description of “prima facie” (presumed by law) acts of hate and definitions, see RCW 9A.36.080.

The other criminal act commonly considered to be a “Hate Crime” is Threats to Bomb or Injure Property, RCW 9.61.160, a class B felony.

See Procedures Manual Section 3.30 for a Hate Crimes investigative checklist.

## **9.16 DEATH INVESTIGATIONS**

Any time a dead body is discovered it will be approached as a homicide until proven otherwise.

In all cases where officers are called to the scene of a death, and paramedics are not present, they will be summoned to the scene unless there are obvious signs that confirms a death.

Suspicious and unknown caused deaths will be investigated until the cause of death can be determined. A field supervisor should be called to the scene to determine involvement of detectives. Protect the location as a “crime scene”. Contact the Medical Examiner. Do not remove any identification from the body.

If the death is determined to be from natural causes and was attended by a physician, no police involvement is required.

If the death is determined to be from natural causes, but was unattended:

- Gather as much information about the victim and the situation and notify the Medical Examiner; they may or may not respond to the scene.
- If they do not respond, the ME will issue the officer a NJA number (no jurisdiction assumed), this number is to be included in the body of the police report.
- The ME will release the body to a family member to make arrangements for a funeral home to pick up the body.
- If a family member is not available, the ME will contact a funeral home to pick up the body.
- The officer may be required to stay and assist the family or call a police chaplain to assist.

## **9.17 PROPERTY IMPOUND AND PROPERTY RECEIPTS**

When a police department employee, in the course of duty, determines that certain property should be held for evidence, safekeeping or found property, they shall impound the property at department-designated locations.

The North Precinct evidence drop is restricted to small 6 inch by 9 inch “A” size envelopes and currency envelopes, and the medium 9 inch by 12 inch “B” size envelopes. No other sized

envelope or item may be placed in the precinct evidence drop. Officers will verify after each use that the envelope has cleared the drop shelf and is securely in the impound box.

Property receipts will be issued in the following circumstances:

- A citizen is turning in found property and wants to claim the property if the owner is not located or does not claim it
- Stolen/Recovered property is being taken for impound and the person in possession of the property at the time it was recovered did not criminally possess the items, and wants to claim the property if the owner is not located or does not claim it
- Property is being released to a third party with permission of the owner and the police department needs to document the authorization of the owner to release the property to that person
- Safekeeping: items are being taken from the owner or person legally possessing and impounded for safekeeping
- Evidence: items are taken from the owner, person legally possessing, or person claiming legal possession
- An individual requests a receipt
- The officer believes a receipt is appropriate under the circumstances

Items should be listed on the receipt as necessary to document cash and valuables. In the case of a container with numerous items (backpack) cash and valuables should be specifically described and other contents generally described. Other items may be specifically described at the discretion of the officer.

Property receipts are not required in the following circumstances:

- An individual is in criminal possession of the item and is not the actual owner, or does not have standing to legally claim the item (stolen property recovered from the suspect, for example)
- Firearms that are impounded for safekeeping under a court order when a receipt for the surrender of those weapons is issued at the time the weapons are surrendered.
- Items are being taken following service of a search warrant, and the items are listed in the Inventory and Return of Service being left with the person the items are taken from.

When the Evidence/Property Field Receipt is required/needed, it will be completed by the officer. The top copy will be turned in to Records, the second copy will be submitted to the property room with the impounded item, and the third copy with instructions on the back will be given to the person the property was taken from. If items are not being impounded (released to third party) the second copy may be destroyed.

A receipt is necessary if a custody transfer is occurring (one agency to another). Individuals may refuse to sign the receipt acknowledgement, but the officer should still issue a receipt if it is apparent that the individual is the owner or person in legal possession of the items and a receipt is otherwise required/needed.



When property is impounded for safekeeping and the person in possession of the property is being booked or custody is transferred to another agency, the officer will obtain a signature on the form by the arrestee (citizen signature) acknowledging the information on the back of the "Owner/Possessor/Claimant" copy of the receipt. If the arrestee cannot or refuses to sign the document, the officer will advise the person of the information, specifically that the person has 60 days to claim the property or it will be destroyed, or to request additional time to hold property if the subject stays in custody. Officers will note in their report that the 60 day warning was given to the arrestee.

### **9.18 PROPERTY AND EVIDENCE AUDITS**

At least annually, an unannounced, random audit of the Property/Evidence Room shall be conducted by a Command Staff supervisor not routinely or directly connected with the control of property. The purpose of audits of evidence and property is to ensure that items or articles placed in the Everett Police Department evidence control facility are entered, recorded, maintained, and ultimately are provided a disposition in accordance with departmental procedures and in compliance with state law.

All other audits or inspections will be conducted as directed by the Chief of Police.

### **9.19 BUILDING SECURITY/EMPLOYEE IDENTIFICATION**

Upon hire, all employees sworn and civilian will be provided with 2 forms of identification (2-photo ID cards). One card is for the employee's wallet and the second is for immediate identification purposes. Each card includes a picture of the employee, with one card embedded with an entry door access code unique to that employee.

All employees will have on their person, or available, their department issued identification card for display upon request. If a citizen requests confirmation that a police department employee is in fact a city employee, they will be granted an opportunity to view this identification at a reasonable and appropriate time during the contact. The only exception will be that of Detectives /Officers working in an undercover capacity (e.g., Narcotics, Vice, Intel.).

All Employees, Interns, Volunteers and all visitors are required to wear an accepted department ID or visitor ID card while in any secure area. The ID/Visitor card will be worn on the outer most garments and on the upper 1/3 of the body, so it is highly visible at all times.

#### **Acceptable Identification:**

- Everett Police Department official ID cards
- Everett Police Department Badge
- City of Everett official ID card
- Other local, state, and federal government law enforcement ID cards
- Department Visitor ID card

All visitors must report to the receptionist or desk officer. If it is determined that the visitor has a need to be admitted to secure areas of the police department, a visitor ID card will be issued to them. An Everett Police Department employee must escort the visitor.

All employees upon retirement, resignation or termination must turn in all forms of identification and access devices to the Administrative Services Division. Qualified retired officers may be issued retired officer photo identification cards. The lieutenant of the Administrative Services Division is responsible for issuing identification cards to qualified retirees. Retired officer identification cards will only be issued to officers who retire in good standing from the Everett Police Department for service or physical disability.

A retired officer identification card alone is not sufficient to prove that the retired officer is qualified to carry a concealed firearm, either in Washington or any other state. It is the responsibility of the retired officer to ensure that he or she is in compliance with both federal law, Title 18 USC 926C (Law Enforcement Officer Safety Act, or LEOSA) and state RCW's 9.41.050 and 9.41.060, if they wish to use the retired officer identification card to carry a concealed firearm. The Everett Police Department will not provide LEOSA firearms training certificates, nor will retired officers be allowed to utilize the Everett Police range for firearms training certification purposes. The Everett Police Department will also not provide criminal history conviction records to satisfy RCW 9.41.060.

## **9.20 COMMUNICABLE DISEASE CONTROL/EXPOSURE CONTROL**

In the performance of their duties, police department personnel may have the potential of being exposed to communicable diseases or blood borne pathogens. The department observes the practice of "Universal Precautions" to prevent contact with blood and other potentially infectious materials. Please see Communicable Diseases in Section 4 of the Procedures Manual for reporting and preventing exposure.

## **9.21 DRUG NUISANCES – RESPONSE**

The Everett Police Department, in an effort to protect residents' use and enjoyment of their property, anticipates and encourages a unified response to drug nuisances. All resources that can be made available to respond to drug nuisances will be utilized, including proactive traffic enforcement of the traffic code with respect to all motorists in established nuisance areas.

## **9.22 VICE/DRUGS AND ORGANIZED CRIME INVESTIGATIONS**

Patrol officers will at times take initial reports involving vice, drugs and organized crime complaints. All such reports or allegations of these crimes will be documented in an initial report, forwarded to the appropriate investigative unit for follow up as needed. Those specialized units will follow established protocols for receiving, processing and recording all complaints, per their SOPs. As with any other crime investigated, these complaints will be investigated to the fullest extent possible.

Members of these investigative units will participate with the R.I.G. (Regional Intelligence Group), to ensure an appropriate exchange of information with outside agencies.

Patrol officers and investigators who are working on cases involving marijuana, where the suspect is raising a defense that it is for medical use, shall refer to the EPD Procedure Manual Section 3.41.1.

### **9.23 DIGITAL CAMERAS AND DIGITAL MULTI-MEDIA EVIDENCE**

For the purpose of this policy, the term “image capturing devices” includes, but is not limited to, cameras and cell phones. The term “Digital multi-media evidence” includes audio files, digital photographs, digital video and text message information.

The Everett Police Department will supply all patrol officers and investigators with department issued digital cameras in order to document photographic evidence and process crime scenes. Officers and investigators should only take photographs of items related to the crime they are investigating. Members will not take crime scene, collision scene or investigative photographs with personally owned image capturing devices unless it is in an emergency situation where no department issued camera is available.

All digital multi-media evidence captured by Everett Police Department employees at any crime scene, collision scene, or to further the investigation of any police-related matter:

- 1) Will be handled according to departmental policy and procedure;
- 2) Will remain the property of the Everett Police Department;
- 3) May not be taken, printed, downloaded, or distributed for any officer’s personal use without specific, prior, written approval of the Chief of Police or his designee;
- 4) May not be stored and/or duplicated on any departmental or personal computer or thumb drive without prior supervisory approval;
- 5) May not be stored by and/or transmitted to other individuals without prior supervisory approval;
- 6) May not be posted on the Internet without specific, prior, written approval of the Chief of Police or his designee.

### **9.24 PLANNED OPERATIONS, WARRANT SERVICE, RISK ANALYSIS, AND DECONFLICTION**

Planned operations are activities that require deployment of staff and resources at predetermined locations (the planned service of search warrants, arrest warrants, sting operations, undercover operations, strikes, major civic events, etc.).

The Everett Police Department requires that for any planned operation, a written operations plan will be completed for the event unless the operation is of such urgency that time constraints prevent it.

Deconfliction is the process of notifying a central monitoring agency of a planned operation so that the monitoring agency can make sure that no other law enforcement operations conflict with the planned operations. All planned operations by the Everett Police Department will report details of the operation to the Western States Intelligence Network Watch Center (1-800-952-5258). (Procedure 3.11)

Any planned operation involving the service of a search warrant or arrest warrant, or any other situation where the incident commander deems it is appropriate, will require that a risk analysis is completed.

### **9.25 MYSTATE QUICK ALERT SYSTEM (GROUP PAGING/NOTIFICATION)**

Due to the nature of police work, it may be necessary to call employees into work in emergency situations or disseminate information to a large group of department employees in a timely fashion. The Everett Police Department utilizes the MyState USA Quick Alert notification system, which enables the department to initiate a text, voice or e-mail message and simultaneously send this message to any number of pre-identified police department employee home, business or cellular telephone numbers in an emergency situation. The MyState Quick Alert message system will be used to disseminate important information to all department employees where it is important to get the information to a large group in a timely manner. The MyState Quick Alert system will also be used to conduct specialty unit callouts.

For instance, a Tactical Unit team callout may be initiated using the MyState USA Quick Alert feature. The MyState Quick Alert system is the preferred method for specialty unit callouts for the police department. Any patrol sergeant may authorize and initiate a specialty unit callout using a MyState Quick Alert. The supervisor requesting the Quick Alert must provide the Records Unit with the exact text of the message he or she is requesting to be sent to the group members. While all Records personnel are trained to initiate a Quick Alert specialty unit notification, they are not authorized to send out a Quick Alert message without approval from a police supervisor. All commissioned department employees, including specialty unit rosters, have been entered into the MyState database. These groups include the Tactical Unit, Marine/Dive Unit, Special Operations Group, Investigations Units, Police K9's, Honor Guard and Command Staff, to name a few.

The police department is responsible for all costs incurred that result from a Quick Alert message initiated by an employee.

See Everett Police Procedure 34.02 for procedure for initiating a team callout using MyState Quick Alert.

### **9.26 IDENTITY THEFT VICTIMS FILE/PASSWORD**

The NCIC Identity Theft File serves as a means for law enforcement to “flag” stolen identities so that imposters can be identified when encountered by law enforcement. A feature of this file allows a victim of Identity Theft to create a password that is entered into NCIC and available to law enforcement when a police officer performs a records check on the victim's name. If the individual contacted does not have the correct password, then Everett officers may detain that individual for further investigation. Not being able to recite a correct password is not grounds for arrest on its own. If the Identity Theft report was taken by the Everett Police Department and the victim meets the criteria identified in EPD Procedure 3.35, the Everett Police Records Unit will be responsible for making the appropriate entries into NCIC.

See Everett Police Procedure 3.35 Identity Theft/Identity Theft Password Requirements & Procedure, for additional details and the patrol procedure.

### **9.27 WIRE INTERCEPTS**

RCW 9.73.200 allows conversations regarding illegal drug operations or regarding engagement in the commercial sexual abuse of a minor (RCW 9.68A.100), promoting commercial sexual

abuse of a minor (RCW 9.68A.101) or promoting travel for commercial sexual abuse of a minor (RCW 9.68A.102) to be intercepted, transmitted, and recorded in certain circumstances without prior judicial approval. These types of wire intercepts do, however, require the approval of police officers above the level of first line supervisor. Any Everett Police Officer approving this type of wire intercept will comply with applicable RCWs and follow the EPD procedure 35.01 – 35.05 Wire Intercepts.

### **9.28 911 HANG-UP CALLS**

Only patrol supervisors and acting patrol supervisors may clear a dispatched 911 hang-up call by any means other than an on-scene response.

Patrol supervisors and acting supervisors will evaluate the circumstances surrounding a 911 hang-up call to determine the appropriate police response. Supervisors will consider premise and subscriber history, any information reported by dispatch regarding a call back, location call originated (business, residential, etc.), source of call (landline or cell), sounds heard when the line was open, and other reasonable factors.

In the case of cell phones (wireless phase two compliant phones), supervisors will be provided with a confidence factor as to the location from which the call originated. A confidence factor of 30 indicates the source of the call is within 30 meters of the location the call was mapped to when it was made. For calls with a confidence factor of 30 or less dispatch will normally provide supervisors with the street address of the building most closely located to the mapped origination of the call. In cases where the confidence factor is 30 or less supervisors should treat the call as if it were a landline call originating from the address provided, and evaluate the call as previously described.

In the case of cell phone calls with a confidence factor greater than 30, supervisors will be given the closest intersection or 100 block. Supervisors should evaluate the information available and determine if an area check is appropriate based upon the factors previously described.

Note: Cell calls from multi-story buildings (apartments, for example) may have numerous possible points of origin even with a narrow confidence factor. Confidence factors do not account for residential units or office spaces stacked one on top of another and when given a specific address supervisors and responding officers must consider that the call could also have originated from floors above or below any specific address provided.

### **9.29 REGISTERED SEX OFFENDER CHECKS**

The Everett Police Department will conduct periodic checks at the home addresses of Registered Sex or Kidnapping Offenders that live within the city. Beat officers will, on a rotating basis by platoon, attempt quarterly face-to-face contact for a residency check with Level 1 offenders. The RSO detective will attempt face-to-face contact for a residency check with Level 2 and Level 3 offenders every 60 days.

### **9.30 NASAL NALOXONE**

To reduce the number of fatalities which can result from opiate overdoses, EPD officers will be trained in the proper pre-hospital administration of nasal naloxone. Once properly trained; if

ample supply is available, officers shall carry naloxone and may administer it per their training in situations where an opiate overdose is suspected.

The Chief of Police shall designate an EPD representative to serve as the Naloxone Program Administrator. The Program Administrator will track the usage of each naloxone application and will be responsible for providing training or guidance when necessary. Further, the administrator will track the number of successful applications completed within a calendar year.

### **9.31 AUTOMATIC EXTERNAL DEFIBRILLATION (AED) PROGRAM**

An AED is a portable electronic device that automatically diagnoses life threatening cardiac emergencies and through the application of electric therapy, allows the heart to re-establish an effective rhythm. Officers assigned to Operations may be assigned an AED to assist with cardiac related medical emergencies. If available and in a position to respond, officers equipped with an AED should respond in a safe manner in order to begin prompt patient assessment and initiate early defibrillation and CPR, if necessary.

All officers trained in the use of the AED will be authorized to use the device.

The Chief of Police shall designate an EPD representative to serve as an AED Program Administrator. The Program Administrator will track the usage of each AED application. She/he will ensure that each application was done properly and when necessary, provide training or guidance. Further, the administrator will track the number of successful applications completed within any calendar year.

The program administrator will receive any necessary updates or mandates from the Fire Department Division Chief of EMS.

### **9.32 RECORDING POLICE ACTIVITY**

This policy provides Everett Police officers with guidance for dealing with situations in which they are being recorded, to include photographing, videotaping, audiotaping, or both, by members of the public or the media.

Members of the public, including media representatives, have an unambiguous First Amendment right to record officers in public places, as long as their actions do not interfere with the officer's duties or the safety of officers or others. Officers should assume that they are being recorded at all times when on duty in a public space.

Although Washington State is a two-party consent state with regard to recording or intercepting private conversations or communications, case law is clear that police activity, communications and conversations are public and both audio and video recording of such is a lawful practice. Police officers do not possess a personal privacy interest in statements made or in their actions conducted as public officers in their official capacity.

## **DEFINITIONS**

*Recording:* Capturing of images, audio, or both, by means of a camera, cell phone, audio recorder, or other device.

*Media*: The storage source for visual or audio recordings, whether by film, analog, or digital means.

Persons who are lawfully in public spaces or locations where they have a legal right to be present—such as their home, place of business, or the common areas of public and private facilities and buildings—have a First Amendment right to record things in plain sight or hearing, to include police activity. Police may not threaten, intimidate, or otherwise discourage or interfere with the recording of police activities. However, the right to record is not absolute and is subject to legitimate and reasonable legal restrictions, as follows:

1. A reasonable distance must be maintained from the officer(s) engaged in enforcement or related police duties.
2. Persons engaged in recording activities may not obstruct police actions. For example, individuals may not interfere through direct physical intervention, tampering with a witness, or by persistently engaging an officer with questions or interruptions. The fact that recording and/or overt verbal criticism, insults, or name-calling may be annoying, does not of itself justify an officer taking corrective or enforcement action or ordering that recording be stopped, as this is an infringement on an individual's constitutional right to protected speech.
3. Recording must be conducted in a manner that does not unreasonably impede the movement of emergency equipment and personnel or the flow of vehicular or pedestrian traffic.
4. The safety of officers, victims, witnesses, and third parties cannot be jeopardized by the recording party.

Persons who violate the foregoing restrictions should be informed that they are engaged in prohibited activity and given information on acceptable alternatives, where appropriate, prior to making an arrest.

Arrest of a person who is recording officers in public shall be related to an objective, articulable violation of the law unrelated to the act of recording. The act of recording does not, in itself, provide grounds for detention or arrest.

Arrest of an individual does not provide an exception to the warrant requirement justifying search of the individual's recording equipment or media. While equipment may be seized incident to an arrest, downloading, viewing, or otherwise accessing files requires a search warrant. Files and media shall not be altered or erased under any circumstances.

Absent arrest of the recording party, recording equipment may not be seized. Additionally, officers may not order an individual to show recordings that have been made of enforcement actions or other police operations.

If there is probable cause to believe that evidence of a serious crime has been recorded, an officer should advise and receive instructions from a supervisor and the following should be considered:

- Ask the person in possession of the recording if he or she will consent to voluntarily and temporarily relinquish the recording device or media so that it may be viewed and/or copied as evidence; and
- In exigent circumstances, in which it is reasonable to believe that the recording will be destroyed, lost, tampered with or otherwise rendered useless as evidence before a warrant can be obtained, the recording device or media may be seized under a temporary restraint. A warrant must be obtained in order to examine and copy the recording and the chain of custody must be clearly documented per department policy.

In exigent situations where it is objectively reasonable to believe that immediate viewing of recordings is necessary to prevent death or serious bodily harm of another before a warrant can be authorized, the recording device or media may be seized and viewed.

Whenever a recording device or media is seized without a warrant or obtained by voluntary consent, the seized item shall be held in police custody no longer than reasonably necessary for the police, acting with due diligence, to obtain a warrant.

The device must be returned at the earliest possible time and its owner/operator given instruction on how it can be retrieved.

When feasible, a supervisor should be summoned to the scene prior to an officer making an arrest or seizing recording equipment without a warrant or lawful consent for any incident involving an individual recording police activity.

### **9.33 BODY CAMERAS**

#### **PURPOSE AND SCOPE**

Body cameras are a valuable tool for promoting transparency in law enforcement by recording citizen contacts with police officers. The Everett Police Department (EPD) uses body cameras to contemporaneously document citizen contacts. While it does not provide a complete account of a police contact, video does provide additional perspective to be considered along with other information. Video footage produced by body cameras may be used as evidence in civil or criminal investigations, reviewed administratively as described below, used as a tool in law enforcement training and utilized as a reference in incident documentation.

#### **POLICY**

It is the policy of the Everett Police Department that commissioned personnel working in a patrol function that are assigned body cameras shall wear them to record their encounters on duty.

#### **DEFINITIONS**

- A. Advisement – Statement made by an officer that a communication, conversation or interaction with a citizen is being recorded.
- B. Activation – The process that turns on the body camera and causes it to record or to store audio and video data.



- C. Body Camera – Camera system that captures audio and video signals, capable of being worn on an officer’s person that includes at minimum a camera, microphone, and recorder.
- D. Body Camera Videos - Recorded media consisting of audio-video signals, recorded and digitally stored on a storage device or portable media.
- E. Labeling of Video – Marking a video with the case number and category.
- F. Secure Video Server – A cloud based data warehouse where body camera video footage is stored and retained.
- G. Retention of Video – Retention of video refers to how long a video captured on body camera is kept or retained by the Everett Police Department. A video is retained according to its category.
- H. Surreptitious Recording – A surreptitious recording is a recording made without the knowledge of one or more of the parties to a conversation or communication and is a violation of the Washington Privacy Act, Chapter 9.73 RCW
- I. FIU – Forensic Imaging Unit (FIU), a unit within the Everett Police Department with commissioned officers who have a working knowledge of the methods and procedures related to the duplication, storage and retrieval of body camera videos as well as video forensics and evidentiary procedures.

## **OFFICER RESPONSIBILITIES**

- A. Training – Prior to wearing and operating a body camera, officers are required to successfully complete department authorized body camera training. Body worn camera training will cover topics including, but not limited to hardware, software and policy and procedure considerations. Officers may receive refresher training as deemed necessary.
- B. Requirement to Wear the Body Camera – All officers assigned a body camera are required to wear the camera while on duty. Officers shall affix their cameras to the chest area of their uniforms. Privately owned body cameras are not permitted.
- C. Requirement to Use the Body Camera – Officers assigned a body camera are required to wear their body camera and to activate the camera prior to engaging in law enforcement activity, and to do so consistently and in accordance with department policy.

## ACTIVATION OF THE BODY CAMERA

### A. Starting and Ending the Recording

1. Officers shall activate the body camera prior to exiting the vehicle on any dispatched or self-initiated law enforcement activity. Nothing in this policy prohibits the officers from activating the camera earlier.
2. If unable to activate the body camera upon making the decision to engage in dispatched or self-initiated law enforcement activity, the officer shall safely activate the camera as soon as practical.
3. Officers shall activate the body camera when involved in any manner in a police pursuit, vehicle follow or fail to yield situation.
4. Once the camera is activated, the officer shall leave it on until the incident has concluded. Officers who walk away from a citizen during the law enforcement activity shall leave the cameras on even while not actively engaged with the citizen, but while still involved in investigating in the incident.
5. In an officer involved shooting, officers shall turn their cameras off prior to giving their public safety statements.
6. Officers should record on the body camera or in a police report the reasons for intentionally turning off the body camera if the recording is stopped by the officer prior to the conclusion of the law enforcement activity.

### B. Decision to Not Record

1. Officers are required to record as much of the law enforcement activity as possible, but the sensitivity or exigency of a situation may warrant turning off, or not activating, the body camera. The decision to not record law enforcement activity shall be made by the officer wearing the camera and shall be determined by facts and circumstances which must be justified. Facts supporting such a decision may include the following:
  - (a) When unsafe or impractical – Law enforcement activity requiring a response that physically prevents an officer from activating the camera. Officers are advised to put safety ahead of the requirement to record the encounter. The amount of time driving to the call shall be a factor considered in determining if this section applies.
  - (b) Places where a heightened expectation of privacy exists - such as restrooms, jails, or hospitals, unless for a direct law enforcement purpose such as a crime in progress or the recording of the location is material to a criminal investigation.

- (c) Sensitive communications – Law enforcement activity involving sensitive communications, matters of law enforcement intelligence or where recording the encounter could hinder a criminal investigation.
  - (d) When a Citizen Objects to Being Recorded – If a citizen objects to being recorded, the officer may record despite the objection. Since conversations with police officers are not considered private under Washington law, there is no requirement that an officer turn off the camera for a citizen who objects to having the interaction recorded.
  - (e) Officers may exercise discretion in recording conversations with crime witnesses and members of the community who wish to report or discuss criminal activity in the neighborhood. In these instances, officers should consider continuing to record the conversation, but angle the camera away from the person being contacted.
2. If an officer has exercised discretion to not record a contact as described above, the officers shall immediately activate the body worn camera if the encounter turns adversarial or confrontational.
  3. Officers shall document by written report or CAD any decision to not activate the camera or to turn off the body camera prior to the conclusion of the law enforcement activity, and their reasons for doing so.
  4. Officers reasonably exercising discretion under Section B will not be subject to discipline for the decision to record or not record, unless the officer has been previously counseled for failing to exercise reasonable discretion.
  5. Officers recording law enforcement activity who inadvertently turn off their body camera shall not be subject to discipline, unless the officer has been previously counseled for turning off or failing to activate their body camera.

### **ADVISEMENT – WHEN REQUIRED**

While most interactions between police officers and the public are not considered private and police officers have no legal obligation to provide an advisement, as a matter of practice, , Everett Police officers recording with body worn cameras will provide an advisement to the parties present informing them that they are being audio and video recorded.

Officers conducting traffic stops while equipped with a body camera shall notify the occupants that there is an audio and video recording occurring. This warning should be given at the beginning of the contact, absent an emergent situation, and captured on the recording. The advisement should also be noted in the officer's report if enforcement action is taken.

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

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

Officer safety is of paramount importance and officers should prioritize officer safety over the need to provide an advisement. If a situation requires immediate action prior to an advisement being given, the officer should provide the advisement as soon as practicable.

## **END OF SHIFT RESPONSIBILITIES**

Prior to the end of their shifts or as soon as practical, officers will follow the protocol to label, categorize, and upload videos to the department's secure video server.

- Officers unable to categorize body camera video prior to the end of their shift shall notify a supervisor prior to securing and complete categorization at the beginning of their next shift.
- Officers with take home vehicles who have to transfer videos with a connection to their laptop computers: At the end of shift, Officers will ensure that the upload process has begun on the secure video server. Due to the length of time that it takes for videos to upload, it is not practical for Officers to monitor the upload process. If a use of force or other significant incident was recorded, Officers will contact a supervisor for direction. At the beginning of their next shift, Officers will check the upload process to ensure that it was completed. If the process did not complete, they will restart the upload process immediately at the beginning of their shift.

Document Use of the Body Camera - Officers shall document in their police reports that they operated a body camera. In instances where no police report is written, officers shall indicate through CAD that they operated a body camera.

Video Not a Substitute for Report – An incident captured on the body camera is not a substitute for a complete and thorough written police report. Officers must write a police report, if the situation requires, and may not use the body camera video as a substitute for, or basis to abbreviate, their documentation of the incident.

Report Problems - Officers shall promptly report any problems they may encounter with the body camera or its operation to their supervisor, who will forward the information to the body worn camera administrator.

## UNAUTHORIZED USE OF BODY CAMERAS AND VIDEO

All employees of the Everett Police Department, including commissioned officers and civilian personnel, shall abide by the policies and procedures related to body cameras and body camera videos as set forth in this policy.

Employees of the police department are prohibited from surreptitiously recording any other employee of the department or any other person.

- A. Employees may not use body cameras for non-work related purposes or otherwise operate the body camera outside their legitimate law enforcement duties.
- B. All body camera videos are the property of the Everett Police Department. Dissemination outside of the agency is strictly prohibited, except as required by law and pursuant to the provisions of Everett Police Department policy.
- C. Employees are prohibited from accessing the secure video server except for legitimate law enforcement purposes, including authorized review of body camera video as described below, or otherwise for work related to their job assignment.

## DOWNLOADING OF VIDEOS

The only personnel allowed to download videos will be the FIU, Body Camera Administrators, Major Crimes Unit, Office of Professional Standards and specially trained employees of the Police Department. Video downloads will be done for law enforcement purposes and/or public records requests only.

If any downloads are needed from anyone not listed above, a request will be sent to the Deputy Chief of Services.

## OPERATION AND OVERSIGHT OF THE BODY CAMERA PROGRAM

Operation and oversight of the body camera program is the responsibility of the Body Camera Administrator and/or Forensic Imaging Unit (FIU).

## REVIEW OF BODY CAMERA VIDEO

- A. Officers may view their own body camera video at any time in accordance with this policy. There may be situations where an officer has not reviewed relevant body camera video prior to preparing a written police report, providing a statement, or answering questions as part of a formal interview, or informal questioning. The City recognizes that in those situations, the potential for accuracy may be diminished. As such, an officer may not receive any discipline based solely upon a difference or discrepancy between the officer's written report, statement, or interview, and the video evidence, unless the City can demonstrate that the employee knew the information was discrepant at the time the report was written, statement provided or interview.

- B. Recordings may be reviewed by individuals other than the recording officer in any of the following situations:
1. By officers prior to completing their police reports or providing a statement pursuant to an internal affairs investigation or SMART investigation, subject to the following:
    - a) Officers in an internal affairs investigation will be allowed to view their footage of the incident prior to any interview or answering questions related to an internal affairs investigation.
    - b) Once authorized by the lead SMART investigator per (d) below, subject or witness officers in a SMART investigation will be allowed to view relevant body camera footage. The body camera footage viewed by the individual officer(s) should show actions, items or other relevant factors the officer could have seen from their vantage point and that could have been used in making a determination to use deadly force against an individual or individuals.
    - c) In the event there is a dispute over which or how much body camera footage should be viewed by the officer(s) during the SMART investigation, the legal representative of the officer, the lead SMART team investigator, and the prosecutor or their designee can consult prior to the officer making a determination about providing a statement.
    - d) Subject and witness officers in a critical incident resulting in the activation of SMART will not be authorized to view their body camera video unless and until authorized by the SMART lead investigator. In addition, FIU will immediately lock down any involved officer's ability to view body camera video of these incidents pending notification from an authorized investigative supervisor.
  2. By any supervisor conducting a Blue Team (early warning system alert) administrative review. Review of video shall be related to the specific alert and not used as the basis to randomly search for other possible policy or procedure violations. Other violations noted during this review shall be addressed at the lowest reasonable level unless the history of the officer or the nature of the policy or procedure violation necessitates a higher level of corrective action or discipline
  3. By a supervisor completing a citizen complaint review. Review of video shall be related to the specific complaint(s) and not used as the basis to randomly search for other possible policy or procedure violations. Any inadvertent minor policy or procedure violations discovered during this review but not mentioned in the complaint shall be addressed at the lowest reasonable level unless the history of the officer necessitates a higher level of corrective action or discipline.

4. For use of force, collision or pursuit review. Review of video shall be related to the use of force, collision or pursuit, and not used as the basis to randomly search for employee misconduct.
5. By a supervisor investigating a specific act of officer conduct alleged in a complaint of misconduct. Review of video shall be related to the specific complaint(s) and not used as the basis to randomly search for other possible policy or procedure violations. Supervisors are authorized to review recordings to investigate the merits of a specific complaint prior to a formal complaint being filed. If appropriate, the supervisor may allow the complaining party to review the footage with the supervisor as a means of addressing the concerns without a formal complaint being taken.
6. By technical support for purposes of assessing proper functioning of body cameras.
7. By the County prosecutor in conjunction with his or her role after an officer involved shooting, or other critical incident associated with a SMART investigation or other criminal review of an incident.
8. By an Internal Affairs investigators participating in an official IA investigation authorized by the Chief of Police to investigate a specific act of officer conduct alleged in a complaint of misconduct. Review of video shall be related to the specific complaint(s) and not used as the basis to randomly search for other possible policy or procedure violations.
9. By a department investigator who is participating in a criminal investigation.
10. By legal counsel and/or union representation representing an officer in a critical incident associated with a SMART investigation, prior to the officer providing a statement pursuant to an administrative inquiry.
11. Training – Recordings may be viewed for training purposes. Prior to any recordings being used for training purposes, all officers will be notified. If an involved officer objects to showing a recording, the recording will not be used for training purposes.
12. By an employee's legal representative and/or bargaining representative who is involved in representing the employee in an administrative investigation or criminal investigation.
13. By the City's legal representative involved in representing the City in an official matter, such as an administrative investigation, a lawsuit, or a criminal investigation.
14. Pursuant to a subpoena or public records request.

15. By a supervisor that has been made aware of a specific act(s) showcasing the actions of an officer or citizen that reflect positively on the Everett Police Department or that may be of interest to the public.
- C. Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available body worn video with the approval of assigned investigators or a supervisor.
- D. If, in the course of viewing a body camera video, inadvertent minor policy or procedure violations are discovered, they will be addressed at the lowest reasonable level unless the history of the officer necessitates a higher level of corrective action or discipline.

## **RETENTION OF BODY CAMERA VIDEOS**

General – Videos related to officer-involved shootings, critical incidents, homicides, serious sexual assaults, and cases in which EPD has received a notice to preserve evidence shall be retained on the secure video server until all trial and appellate litigation has been completed. The EPD Investigations Bureau shall be responsible for notification to FIU under these circumstances. Videos related to unsolved homicides and sexual assaults shall be kept consistent with the department policy for records retention.

- A. Videos related to internal affairs investigations shall be transferred to a format compatible with Blue Team and made part of the file. The videos will be retained in accordance with the Washington State Records Retention Schedule.
- B. Videos labelled as evidentiary shall be retained on the secure video server in compliance with state law and until all trial and appellate litigation has been completed.
- C. Videos labelled as non-evidentiary shall be retained on the secure video server for 90 days and thereafter may be destroyed in accordance with the applicable records retention schedule (RCW 42.56.240)
- D. Videos redacted for a public records request shall be retained for 24 months after the request and then deleted.
- E. Accidental Activation - In the event of an accidental activation of the body camera where the resulting recording is of no perceived investigative or evidentiary value, the recording employee may request that the body camera video in question be deleted forthwith by submitting a written request to the Deputy Chief of Services. The Deputy Chief shall approve or deny the request and forward the decision to the FIU for action.
- F. Employees shall not tamper with, alter, or delete video.



Exception: This does not apply to personnel tasked with system maintenance who purge videos under established guidelines.

## **RELEASE OF BODY CAMERA VIDEOS**

- A. For Criminal Justice Purposes - Body camera videos may be accessed for criminal discovery purposes directly by prosecutors, whose offices shall have an account for the secure video server. Prosecutors will be able to locate the existence of a body camera video by its reference in the police report and/or CAD report, and may search for videos related to pending cases by inputting the law enforcement incident report number into the secure video server. Discovery of body camera videos released to the defense bar shall be made through the prosecutor, and will include notification to EPD.
- B. To the Public/media - Body camera videos will be made available to the public/media through public records requests pursuant to RCW Chapter 42.56. Public records requests for body camera videos may be directed to the City Clerk's Office or the Everett Police Department and will be processed by the Public Disclosure Unit. Prior to release, videos from body cameras will be reviewed and redacted. Redactions will be consistent with statutory exemptions under Washington law RCW 42.56.240. The Chief of Police may release body camera video footage absent a public disclosure request if he/she determines that there is significant public interest to release said video, when the video provides information related to the apprehension/prosecution of offenders or when the video highlights positive work performed by the Everett Police Department.
- C. The Public Disclosure Unit may provide third party notification to allow any person whose privacy may be impacted by the release of a body camera video time to file a petition for injunctive relief.

### **9.34 UNMANNED AIRCRAFT SYSTEMS (UAS)**

#### **PURPOSE**

This policy is intended to provide personnel who are assigned responsibilities associated with the deployment and use of Unmanned Aircraft Systems (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.

#### **POLICY**

The Everett Police Department UAS policy has been informed by best practices for UAS use across the United States. In doing so, this policy incorporates the recommendations of private advocacy groups and public and professional organizations who want to ensure that privacy and 4<sup>th</sup> amendment protections are an essential part of any public safety policy regarding the use of UAS. This policy is based upon recommendations from the American Civil Liberties

Union (ACLU), the Department of Justice (DOJ) COPS Office and the International Association of Chiefs of Police (IACP) and includes references to the following:

1. Adherence and respect for civil rights;
2. Policy on limitations and purpose of use;
3. Documentation of operations;
4. Data minimization and retention;
5. Adherence to FAA regulations;
6. Policy management; and
7. Abuse prevention and accountability.

This policy shall be made available to the public via posting on the police department's public facing website.

Restrictions:

- UAS will not be used for random surveillance of the general population.
- UAS will not be equipped with any lethal or less-lethal weaponry.
- Department personnel will never use UAS solely for the purpose of monitoring activities protected by the First Amendment or the lawful exercise of other rights secured by the Constitution.
- UAS will not be used to search any place where a person has a reasonable expectation of privacy without a warrant or a lawful exception to the warrant requirement.
- UAS shall be deployed and used only to support official law enforcement and public safety missions.
- UAS shall not be operated in an unsafe manner or in violation of FAA rules.

It is the policy of The Everett Police Department that duly trained and authorized agency personnel may deploy UAS when such use is appropriate in the performance of their official duties, and where deployment and use, and the collection and use of any audio/video recordings or other data originating from or generated by the UAS, comport with the policy provisions provided herein and applicable law.

## DEFINITIONS

**Digital Multimedia Evidence (DME):** Digital recording of images, to include video, sounds, and associated data.

**Model Aircraft:** A remote controlled aircraft used by hobbyists that is built, produced, manufactured, and operated for the purposes of sport, recreation, and/or competition.

**Unmanned Aircraft (UA) or Unmanned Aerial Vehicle (UAV):** An aircraft that is intended to navigate in the air without an on-board pilot. Also alternatively called Remotely Piloted Aircraft (RPA), Remotely Operated Vehicle (ROV), or Drone.

**Unmanned Aircraft System (UAS):** A system that includes the necessary equipment, network, and personnel to control an unmanned aircraft.

**Small Unmanned Aircraft Systems (sUAS):** UAS systems that utilize UAVs weighing less than 55 pounds and are consistent with Federal Aviation Administration (FAA) regulations governing model aircraft.

**UAS Flight Crewmember:** A pilot, visual observer, payload operator or other person assigned duties for a UAS for the purpose of flight or training exercise.

**Unmanned Aircraft Pilot/Remote Pilot:** A person exercising control over a UA/UAV/UAS during flight.

## DEPLOYMENT

All deployments of UAS must be specifically authorized by an officer the rank of Captain or above. This agency has adopted the use of UAS to provide an aerial visual perspective in responding to emergency situations, exigent circumstances, crime and collision scene reconstruction and other administrative purposes. UAS may be deployed in the following situations:

- Crime Scene reconstruction
  - Traffic collisions
  - Major crimes scenes
- Search and Rescue
  - Marine Operations
  - Child Abduction Response
  - Elderly / juvenile missing persons
- Emergency management.
  - Use during natural or manmade emergencies
  - Urban search and rescue
  - Structure evaluation
- Operations
  - K9 tracks
  - SWAT response
  - Felony crime in progress
  - Domestic Violence crime where there is a danger to the victim
- Administrative purposes
  - Training
  - Recruitment or promotional efforts highlighting the department

Deployments beyond those identified above or outside the City of Everett will be considered on a case by case basis and only authorized if approved by an officer the rank of Captain or above.

## PROCEDURES FOR UAS USE

1. The agency 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.

2. The UAS will be operated only by personnel (pilots and crew members) who have been trained and certified in the operation of the system and are FAA Certified Remote Pilots.
3. The UAS-certified personnel shall inspect and test UAS equipment prior to each deployment to verify the proper functioning of all equipment and the airworthiness of the device.
4. The UAS equipment is the responsibility of the individual operator and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that an appropriate repair can be made, or a replacement unit can be procured.
5. The UAS equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Everett Police Department.
6. All flights will be documented on a form or database designed for that purpose, and all flight time shall be accurately recorded. In addition, each deployment of the UAS shall include information regarding the reason for the flight; the time, date, and location of the flight; the name of the supervisor approving the deployment and the staff assigned; and a summary of the activities covered, actions taken, and outcomes from the deployment.
7. Except for those instances where officer safety or investigation could be jeopardized—and where reasonably possible and practical, agencies should consider notifying the public via social media.
8. Unless a lawful exception to the warrant requirement exists, such as exigent circumstances, the agency will obtain a search warrant if there are specific and articulable grounds to believe that the UAS will collect evidence of criminal wrongdoing and the UAS will be used in a manner that intrudes upon a reasonable expectation of privacy.

## **DME RETENTION AND MANAGEMENT**

1. All DME shall be handled in accordance with existing policy on data and record retention, where applicable.
2. All DME shall be securely downloaded upon the completion of each mission. The UAS-certified operators will record information for each file that shall include the date, time, location, and case reference numbers or other mission identifiers—and identify the UAS personnel involved in mission.
3. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner UAS DME without prior written authorization and approval of the Chief of Police or his designee.
4. All access to UAS DME must be specifically authorized by the Chief of Police or his or her designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.

5. Files should be securely stored in accordance with agency policy and state records retention laws and retained no longer than necessary for purposes of training or for use in an investigation or prosecution.

### **RETENTION OF UAS CAMERA VIDEOS**

General – Video collected pursuant to the use of UAS will be retained in accordance with department policy, local, state and federal law as well as the Washington State Records Retention Schedule.

1. Videos related to Office of Professional Standards investigations shall be transferred to a format compatible with Blue Team and made part of the file. The videos will be retained in accordance with the Washington State Records Retention Schedule.
2. Videos labelled as evidentiary shall be retained on the secure video server in compliance with state law and until all trial and appellate litigation has been completed.
3. Videos labelled as non-evidentiary shall be retained on the secure video server for 90 days and thereafter may be destroyed in accordance with the applicable records retention schedule unless there is a pending Public Records Act request.
4. Videos requested in a Public Records Act request shall be retained for 24 months after the request (including any litigation) is completed and then destroyed. The retention period applies even if the video is determined to be exempt from disclosure.
5. Accidental Activation - In the event of an accidental activation of the UAS camera where the resulting recording is of no perceived investigative or evidentiary value, the recording employee may request that the video in question be deleted forthwith by submitting a written request to the Deputy Chief of Services. The Deputy Chief shall approve or deny the request and forward the decision to the FIU for action.
6. Employees shall not tamper with, alter, or delete video.

Exception: This does not apply to personnel tasked with system maintenance who purge videos under established guidelines.

### **RELEASE OF UAS CAMERA VIDEOS**

1. For Criminal Justice Purposes - UAS camera videos may be accessed for criminal discovery purposes directly by prosecutors, whose offices may have an account for the secure video server. Prosecutors will be able to locate the existence of a UAS camera video by its reference in the police report and/or CAD report and may search for videos related to pending cases by entering the law enforcement incident report number into the secure video server. Discovery of UAS camera videos released to the defense bar shall be made through the prosecutor.

2. To the Public/media - UAS camera videos will be made available to the public/media through public records requests pursuant to RCW Chapter 42.56. Public records requests for UAS camera videos may be directed to the City Clerk's Office or the Everett Police Department and will be processed by the Public Disclosure Unit. Prior to release, videos from UAS cameras will be reviewed and redacted. Redactions will be consistent with statutory exemptions under Washington law. The Chief of Police may release UAS camera video footage absent a public disclosure request if he/she determines that there is significant public interest to release said video, when the video provides information related to the apprehension/prosecution of offenders or when the video highlights positive work performed by the Everett Police Department.

3 The Public Disclosure Unit may provide third party notification to allow any person whose privacy may be impacted by the release of a UAS camera video time to file a petition for injunctive relief.

### **UAS SUPERVISION AND REPORTING**

1. UAS supervisory personnel shall manage all deployments and uses of UAS to ensure that officers equipped with UAS devices utilize them in accordance with policy and procedures defined herein.
2. The Lieutenant responsible for the UAS program will audit flight and training documentation monthly.
3. The Lieutenant responsible for the UAS program will provide a yearly report up the chain of command to the Chief of Police. The report shall document,
  - A general summary of UAS operations conducted by the Department during the previous year
  - A brief description of types or categories of missions flown.
  - The yearly report along with the UAS policy will be made available on the department's website for review by the public

### **TRAINING**

1. Police personnel who are assigned UAS must complete an agency-approved training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation and proper calibration and performance of the equipment and to incorporate changes, updates, or other revisions in policy and equipment.
2. All agency personnel with UAS responsibilities, including command officers, shall also be trained in the local and federal laws and regulations, as well as policies and procedures governing the deployment and use of UAS.

## **Chapter 10 VEHICLE OPERATIONS**

Employees shall always use vehicles of the City of Everett in the performance of their duties for the police department except as authorized by the Chief of Police or designee.

Except as provided in the Department Policy for the Ride-Along Program, only police personnel will be allowed to ride as a passenger in a police vehicle without the permission of a Sergeant, Lieutenant or Command Staff Officer.

### **10.1 INSPECTIONS/REPAIR**

It shall be the responsibility of employees to ensure their assigned vehicle(s) is properly fueled and equipped with equipment as noted on the associated vehicles inspection form. Special attention will be given to brakes, lights, personal protective equipment and emergency equipment (sirens, lights). Employees should check oil, coolant and washer fluid levels at the time of fueling. Patrol cars are to be left with no less than a half tank of gas at the end of shift.

Employees shall inspect their vehicle for damage at the beginning of each shift. When damage is discovered, it shall be reported to the on-duty shift supervisor immediately. The supervisor shall check the damage and shall ensure a damage report is completed.

First line supervisors shall conduct quarterly inspections of department vehicles under their command, to include their own assigned vehicle. The supervisor will complete, or cause to be completed, the appropriate vehicle inspection form on each vehicle. Damaged or missing equipment will be noted on the inspection form, to include the corrective action that was taken. The inspection forms will be submitted to the respective first line supervisors Lieutenant or Middle Manager. The Lieutenant or Middle Manager will maintain a file of the current quarter's vehicle inspection forms for vehicles under their command.

Whenever a vehicle malfunctions it should be taken to the Service Center. A repair notification form will be completed by the operator and left on the dash. Repairs, modifications or changes to any department vehicle will be coordinated and approved through the department's Fleet and Inventory Coordinator prior to any work. All work is to be performed by the City Motor Vehicle Division.

If a vehicle should break down in the field, the Service Center will be called if open. A decision to tow the vehicle will be made after consulting a mechanic. If the garage is closed, the police vehicle will be towed by the city-contracted Tow Company to the garage.

No weapons will be left in vehicles at the end of shift or while a vehicle is left for repairs.

### **10.2 RESPONSE TO ROUTINE AND EMERGENCY SITUATIONS**

A "routine response" as defined by this department includes all vehicle operations, except emergency response and pursuit situations. This includes the use of any vehicle for transportation purposes, or general patrol driving.

An "emergency response" as defined by this department includes all vehicle operation by departmental personnel responding to situations of an emergency nature. This response would justify operating a vehicle under the applicable Washington State statutes covering emergency vehicle operation, and any associated policies of the City of Everett (reference Section 6.0 Vehicle Operations, Everett Police Department Procedure Manual for additional information).

All employees will operate their vehicles with due regard for safety. Even when responding in emergency situations or while in pursuit of another vehicle, employees will take into consideration the condition of the road, the surrounding traffic and other hazards. Vehicles will be operated within the scope of Washington State Law and any provisions for exceptions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons. Nor shall such provisions or exceptions protect an employee from the consequences of his/her reckless disregard for the safety of others.

Employees are prohibited from leaving the city jurisdiction in police vehicles unless on official business, and with the approval of their supervisor.

### **10.3 EMERGENCY EQUIPMENT**

Officers will utilize emergency equipment only when required by the nature of their dispatched assignment, or when situations confront them that indicate the need for the use of emergency equipment. Officers responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, shall be familiar with RCW 46.61.035 and RCW 46.61.050 and fully comply with the provisions.

Overhead emergency lights and/or hazard lights will normally be left on during a traffic stop. If the stop location is safely off the road, this equipment may be turned off.

It shall be the policy of this department to offer reasonable assistance at all times to the stranded motorist. In an emergent situation police vehicles equipped with push bars/bumpers, may be used to assist motorists in pushing disabled vehicles out of the way of traffic.

### **10.4 VEHICLE PURSUITS**

The term "vehicle pursuit" means an active attempt by an officer in an authorized emergency vehicle to apprehend a vehicle that is being driven in an evasive manner. To constitute a "vehicle pursuit" the driver must be fleeing from the officer and driving in an evasive manner. A suspect is considered fleeing upon making an overt action intended to avoid arrest or detention.

For the purpose of this policy, violators who follow all traffic regulations after an officer initiates a traffic stop and are merely failing to yield to the authorized emergency vehicle are not considered to be fleeing from the officer.

An officer may initiate a vehicle pursuit only if:

- The officer reasonably believes, based on all the facts and circumstances, that the driver or another occupant of the vehicle presents an immediate serious threat to the safety of the public or other police officers; and



- The risk of immediate serious harm presented by the violator substantially outweighs the risk of harm presented to the officer and the public by engaging in the pursuit.

An officer may continue a vehicle pursuit only if:

- A supervisor not actively involved in the pursuit promptly authorizes its continuation; and
- The risk of immediate serious harm presented by the violator continues to substantially outweigh the risk of harm presented to the officer and the public by continuing the pursuit.

Absent emergency circumstances involving an immediate risk of harm to the public or police, the number of Everett Police units involved in the pursuit shall be limited to that number necessary to safely arrest the occupants of the pursued vehicle. The supervisor will determine the number of involved units.

Unmarked police vehicles and motorcycles will generally be prohibited from engaging in pursuits. Unmarked police vehicles and motorcycles equipped with emergency lights and siren may initiate and/or be involved only until fully marked police units arrive.

A supervisor not actively involved in the pursuit must authorize the use of a tire deflation device or any other high-risk maneuver. Supervisors will not authorize these techniques if they would create a greater safety concern than that of the pursuit. In the absence of supervisor's approval, no officer shall deliberately cause his/her vehicle to hit the pursued vehicle unless there are extreme emergency circumstances involving imminent serious harm to the public or any officer.

Vehicle intervention and barricading a roadway are governed by [Chapter 15, Use of Force Policy](#) and EPD Procedure Section 18.

No officer will continue a vehicle pursuit outside of the city limits without express supervisor approval. No officer will join in a vehicle pursuit initiated by another agency, whether inside or outside of city limits, without express supervisor approval.

When approved by a supervisor to enter into or join a pursuit outside of city limits, members of the Everett Police Department will comply with the Snohomish County Multi-agency Pursuit Memorandum of Understanding. A copy of this MOU can be found in EPD Procedure 18.01.

In addition to regular monitoring of vehicle pursuits, an annual review will be conducted by the Deputy Chief of Operations and the Deputy Chief of Investigations and Services, with final approval of the review by the Chief of Police.

## **10.5 SEAT BELTS**

All Everett Police Department employees operating city-owned vehicles where seat belts are installed will use the seat belts while the vehicle is in motion.

All passengers, to include prisoners being transported, will wear a seatbelt while the vehicle is in motion. Appropriate child-safety restraints will be available for use as needed.

## **10.6 EMERGENCY VEHICLE OPERATION TRAINING**

Officers of the Everett Police Department will not operate police vehicles in the performance of patrol or enforcement activities until they have completed the basic law enforcement academy training in emergency vehicle operation, or its equivalent.

## **10.7 SPECIAL PURPOSE VEHICLES**

It is the intention of this department to utilize special purpose vehicles and equipment on an as required basis. The department's special use vehicles may include, but are not limited to, bikes, boats, K-9 vehicles, tactical command vans and parking three-wheel scooters.

Only those officers authorized to use special use vehicles may do so. Prior to authorizations by the unit supervisor, the officer must have the appropriate license endorsement if required, and/or must have completed the required department training program. All operations of special use vehicles are required to be in a manner consistent with applicable laws, policies and consistent with training received.

Special purpose vehicles will be assigned to specialty units and their guidelines for use, responsibility and maintenance as well as required stock equipment, will be noted in their respective SOP's.

## **10.8 VEHICLE PARKING**

Employees must not park in unauthorized places in the area of City Hall, including the alley, fire lanes, private stalls, or official business stalls. The alleyway will be open for parking for marked patrol vehicles as indicated by the signs.

When the assigned employee is absent from work for longer than a normal work week, or while the employee is on vacation away from home, the vehicle will be left in such a place and manner that will make it available to the Department.

## **10.9 CLEANLINESS OF CITY VEHICLES**

Employees are required to ensure that interiors of city vehicles are kept in a clean condition. Vehicles shall be inspected daily before and after use to remove any contraband or garbage. All vehicles used for prisoner transport will be searched prior to and after each transport to ensure they are free of weapons and contraband. Exteriors should be kept reasonably clean depending on weather conditions. All cleaning shall be done during assigned work hours.

## **10.10 TOBACCO USE IN CITY VEHICLES**

Officers of the Everett Police Department shall not use any tobacco or tobacco substance in any city-owned vehicle.

Officers of the Everett Police Department will not permit any rider in any city-owned vehicle to use any tobacco or tobacco substance.

## 10.11 LOJACK TRACKING SYSTEM

Certain Everett Police Department marked patrol vehicles are equipped with the LoJack Tracking System Police Tracking Computer for use in locating stolen vehicles. The LoJack tracking system is an electronic stolen vehicle recovery system purchased by owners of vehicles. The Everett Police Department will work to achieve maximum effectiveness of the LoJack Tracking System through training in the use of the LoJack Tracking System by Department certified trainers. Only those members trained in the use of the LoJack Tracking System will utilize that system.

The Everett Police Department's Pursuit Policy will remain in effect at all times when utilizing the LoJack Tracking System (see also Everett Police Department Procedures Manual, Section 27, TRAFFIC PROCEDURE, 27.05, LoJack Tracking System).

## 10.12 TIRE DEFLATION DEVICES

The Everett Police Department has two types of tire deflation devices available during the course of normal operations. These devices are known by their commercial names: "Stop Stick" and "Piranha." They are deployed in different situations and officers using them should follow established procedures and only after they are properly trained.

### **Use of Stop Sticks:**

The "Stop Stick" is deployed in a sleeve attached to a cord reel. It is primarily used as a tool to end police pursuits, by officers that toss it across the roadway and pull it in front of fleeing vehicles.

A supervisor not actively involved in the pursuit must authorize the use of the Stop Stick. They will not be used when it has been determined by a supervisor that such use would create a greater safety concern than that of the pursuit.

### **Use of Piranha:**

The "Piranha" is a small, lightweight, tire deflation device that measures less than four inches in length. It is used solely on stationary target vehicles before pursuits can begin. It is not to be thrown under moving vehicles. Officers should obtain supervisory approval before deploying the Piranha when possible. If the risk of placing the device underneath the tires of a target vehicle is too high, officers should not use it. The Piranha should only be used for legitimate law enforcement functions where the flattening of the suspect's tires would be reasonable under the circumstances.

## **Chapter 11 TRAFFIC ADMINISTRATION**

The traffic and patrol units of the Everett Police Department are responsible for the enforcement of traffic laws, investigating traffic accidents, and to direct traffic when necessary for safety concerns.

### **11.1 TRAFFIC RECORD SYSTEM**

It shall be the responsibility of the Records Unit to maintain traffic collision and enforcement data.

Processing, maintenance, and distribution of traffic records are the responsibility of the Records Unit. The Records Unit forwards reports of reportable collisions (as defined by state law) to the Department of Licensing and the Washington State Patrol. The Records Unit files reports of non-reportable collisions (as defined by state law).

Retention and distribution of traffic records will be in compliance with Washington State law.

Release of traffic information will be in compliance with public disclosure laws. Reasonable fees will be assessed for traffic collision reports and photographs in accordance with the Public Records Act.

### **11.2 TRAFFIC LAW ENFORCEMENT**

Officers of the Everett Police Department will take enforcement action when traffic violations occur in their presence, or when probable cause exists upon investigation of an accident or criminal traffic matter. Enforcement may be in the form of a notice of infraction/citation, written or verbal warning, referral to the prosecutor for review and charging, or a custodial arrest when necessary (for those traffic violations enumerated in RCW 46.63.020 when warranted or mandated). Enforcement of other traffic laws such as parking, equipment violations and other non-hazardous violations is encouraged as assignment and/or workload permits.

#### **11.2.1 UNIFORM ENFORCEMENT POLICIES**

Recognizing that the ultimate goal of traffic enforcement is to ensure a safe environment for our motorists, bicyclists and pedestrians, Everett Police Officers will take appropriate actions toward this goal. The following guidelines help officers decide on which enforcement action is appropriate for particular offenses:

- a. **Driving Under the Influence**: This offense is strictly enforced and drivers are generally processed and/or arrested. Except when circumstances dictate otherwise, officers will book into jail all persons for whom officers have established probable cause for the crime Driving Under the Influence or Physical Control of Vehicle Under the Influence.
- b. **Criminal License Violations**: Criminal traffic violations such as DWLS/R First and Second Degree are strictly enforced and as such, officers may make a physical arrest as appropriate. The suspect may be released with a citation, referred to the prosecutor for charging, or booked into jail, based on factors such as the number of FTAs, local residence, current employment, satisfactory identification, or other factors indicating a

likelihood to appear for further proceedings. Except in exceptional circumstances, the criminal traffic violations of DWLS/R Third Degree and No Valid Operators License Without Identification will be referred to the prosecutor for review and charging decisions. Upon probable cause, DWLS/R 3 and No Valid Operators License Without ID drivers should be issued an infraction for No Valid Operator's License With ID (RCW 46.50.015) AND referred to the prosecutor's office for the DWLS/R 3 or No Valid Operators License Without ID charge. Officers will not arrest, book, or issue citations for these offenses except in rare situations where a booking is appropriate and necessary based on individual circumstances (Policy 12.2: identity in question, person will likely fail to appear, etc.) A supervisor must approve before booking.

- c. Speed Violations: Speeding violations are enforced. Officers' discretion will determine the enforcement action taken. Only those officers trained/certified in speed measuring devices are authorized to use them.
- d. Other Hazardous Violations: officers may take enforcement action upon witnessing traffic violations of a possible or actual collision-causing nature. Enforcement action may be in the form of a citation or educational instruction.
- e. Off-Road Vehicle Violations: Violations will be investigated and laws enforced pertaining to off-road vehicles. Investigation should also include whether or not the person has permission to be on the property.
- f. Equipment Violations: Normally warnings will be issued for equipment violations.
- g. Commercial Vehicles/Public Carrier: Public carriers from outside the area may be detained in order to issue a notice of infraction to the driver. Routine enforcement of commercial vehicle laws will be the responsibility of Traffic Officers who have the appropriate training.
- h. Other Non-Hazardous Violations: Officers are encouraged to work non-hazardous violations as workload allows. Officers will use their discretion as to the manner of enforcement.
- i. Multiple Violations: On handwritten infractions, no more than three traffic infractions will be written on one form. On handwritten citations, no more than two Misdemeanors or Gross Misdemeanor charges will be on one form. On SECTOR infractions and citations, no more than five infractions or criminal charges will be on the same form. Whether handwritten or SECTOR, infractions and criminal charges will not be on the same form, nor will traffic and non-traffic charges be on the same form.
- j. Newly Enacted Laws and/or Regulations: Normally a period of public warnings will take place before citations are issued regarding newly enacted laws and/or regulations.
- k. Violations Resulting in Traffic Collisions: Officers will take enforcement action when traffic violations occur in their presence, or when probable cause exists upon investigation of a collision or criminal traffic matter. Citations for collisions occurring on public property will be issued at the discretion of the responding officer, unless the offended law mandates an arrest. Citations are not issued for collisions occurring on private property, with the exception of those involving Hit and Run, DUI or Reckless Driving offenses. (See also Training Bulletin #2005-19)
- l. Pedestrian and Bicycle Violations: Officers may enforce these laws as necessary. Many of these offenses involve youths, and as such, emphasis in the area of education may also be utilized.

Officers will use discretion when making decisions on enforcement levels taken, dependent on the circumstances of the incident. Training, experience and common sense will factor those decisions.

### **11.3 ISSUING CITATIONS**

Officers will issue traffic and non-traffic infraction notices, and misdemeanor citations in accordance with prescribed law.

### **11.4 CONTACT WITH VIOLATORS**

Officers should maintain a positive and courteous demeanor when contacting traffic law violators. This enforces an educational attitude and projects a professional image of our police department.

Officers should take whatever steps and precautions necessary during traffic stops to assure their safety and well being, as well as that of the violator.

### **11.5 SPEED MEASURING DEVICES**

Officers will not operate traffic speed measuring devices until they have completed required Everett Police Department speed measuring devices instruction classes and have had practical experience supervised by a qualified speed measuring device operator. The Training Unit will maintain a list of officers qualified to use speed measuring devices.

The operation of speed measuring devices will be in compliance with the manufacturer recommendations and departmental instruction by State-certified instructors.

Any malfunction of a speed measuring device will be brought to the immediate attention of a supervisor. The supervisor will tag the unit "Out of Service" and route the device to the department inventory and equipment coordinator.

Officers will comply with all Everett Police Department Procedures regarding speed measuring devices.

### **11.6 RESPONSE TO COLLISIONS**

Officers will respond to all reportable collisions as defined by RCW 46.52.030 or WAC 446-85-010. Officers will respond to all collisions where there is an injury involved; impairment of an operator due to alcohol or drugs; damage to public vehicles or property; or a disturbance between the principals, and as directed in the Procedures Manual.

Officers must complete a police traffic collision report on all reportable accidents as defined by the State of Washington. The collision report will be completed in SECTOR except when the SECTOR system is off-line or the officer does not have access to SECTOR (no computer in car).

### **11.7 TRAFFIC FATALITIES/VEHICULAR HOMICIDE**

It is the policy of the Everett Police Department whenever a traffic collision results in death, or there is reasonable cause to believe that injuries sustained are likely to cause death, the incident

will be investigated by qualified traffic accident investigators and referred to the County Prosecutor for charging review.

### **11.8 POLICE VEHICLE COLLISION**

All collisions involving on-duty personnel will be investigated. An on-duty supervisor will be notified immediately.

When a collision occurs within the City of Everett, the Everett Police Department will investigate the incident, unless directed otherwise by a Command Staff Officer.

**NOTE:** Officers involved in the collision and the investigating officer(s) will refrain from making statements concerning liability or fault to other parties involved in the collision. Statements made to investigating authorities should be confined to factual observations.

**NOTE:** The Risk Management Division of the City Attorney's Office will be contacted when any investigation involving city employees or city vehicles is initiated.

When a collision occurs outside the city limits of Everett, the authority-exercising jurisdiction will investigate the collision. This, however, will not prevent the Everett Police Department from conducting a concurrent investigation.

The authority having jurisdiction will investigate reportable collisions involving off-duty personnel driving city vehicles that occur outside the City of Everett. The Everett Police Department will conduct a concurrent investigation in all Category 1 collisions.

Nothing in this policy will prevent the Everett Police Department from conducting an investigation into the manner in which department employees operate motor vehicles.

If an Everett Police Officer is involved in a fatal collision, the Command Duty Officer may request activation of the Snohomish Multi-Agency Response Team (SMART). See Procedure Manual for details.

### **11.9 TRAFFIC DIRECTION AND CONTROL**

Due to accidents, hazards, special events, or other such incidents, it may be necessary for officers and/or volunteers to assist vehicles and pedestrians by manually controlling traffic.

Manual traffic control will be accomplished with consideration for the safety of the officer and/or volunteer at all times.

### **11.10 HIGH VISIBILITY CLOTHING**

Employees, volunteers and citizens will not be allowed to direct traffic in a traffic lane, unless that person is wearing a reflective safety vest or other approved safety clothing. Officers are responsible for having immediate access to their department issued reflective safety vest or other approved safety clothing.

In emergency situations employees and volunteers without safety vests, that must direct traffic, will immediately notify the shift supervisor of the situation.

### **11.11 HAZARDOUS HIGHWAY CONDITIONS**

When any hazardous road condition(s) come to the attention of an officer, such as a traffic light malfunction, stop sign damaged or missing, pot hole, street light out, oil on the road, debris, etc., the officer will notify dispatch immediately. Dispatch will notify the responsible agency. The officer will take appropriate action to control the hazard scene if immediately necessary.

### **11.12 VEHICLE LOCKOUTS/ EMERGENCY ASSISTANCE**

Officers responding to or upon observing stranded motorists will attempt to provide emergency assistance, e.g., clear the roadway, request a tow.

Emergency assistance, e.g., providing first aid, obtaining medical assistance, or fire suppression must be provided in an expeditious manner. All patrol vehicles are equipped with fire extinguishers and first aid equipment.

Officers may transport stranded civilians to a secure environment after obtaining supervisory permission. Officers will not provide mechanical assistance, but may assist a motorist with changing a tire. Patrol vehicles equipped with push-bars may be utilized to assist a disabled motorist to clear the roadway.

Officers will provide general assistance that includes providing directions and information. Officers of the Everett Police Department will not respond to assist citizens who have locked their keys in their vehicles unless there are emergency or exigent circumstances. People who request this service should be instructed to call a local locksmith, tow company or other service provider of their own choosing. Everett Police Department personnel will not call a locksmith, tow company or other service provider for people needing that service if the individual has other means to make those calls. Everett Police personnel may request the assistance of Snohomish County 911 personnel to facilitate those calls as needed.

Emergency or exigent circumstances include, but are not limited to, a car with a child locked inside or a running vehicle.

### **11.13 CIVILIAN VEHICLE ESCORTS**

Officers are not to use police vehicles in lieu of an ambulance except under the most extreme emergency conditions.

Under no circumstances will police vehicles be used to escort civilian vehicles in medical emergencies.

Approval of all other requests for police escorts is by the Chief of Police.



### **11.14 IMPOUND OF VEHICLES**

It is the policy of this department that certain vehicles may be impounded without prior notice to the registered or legal owners. Before making impounds, officers are required to check with their shift supervisors. It is the responsibility of the supervisor to approve or deny the impound.

Towing of vehicles by department officers will follow applicable State law (RCW 46.55), City Ordinance, and procedures listed under Vehicle Impounds in the Procedure Manual. It is the policy of this department that, unless impoundment is required by State law, vehicles will be impounded only after all other means of solving a problem have been exhausted.

The case of State v. Reynoso, 41 Wn. App. 113 (1985), was the first Washington case that articulated that impoundment of a vehicle is a "seizure" subject to federal and state constitutional requirements. Thus, for an impoundment to be valid, the impoundment must be "reasonable." Whether impoundment of a vehicle is reasonable must be determined from the facts of each case.

If the reason for a vehicle impound is that the driver is not validly licensed, officers will be aware that the State legislature's traditional and primary interest in authorizing impoundment of vehicles driven by non-licensed drivers is to prevent further violation of the Licensing Laws; if a person who holds a valid driver's license is available to remove a vehicle, it is not reasonable to impound the vehicle under these circumstances.

### **11.15 REMOVAL OF UNAUTHORIZED VEHICLES/TOWING**

It is the policy of this department to ensure the legal formalities governing the impound of vehicles are complied with, to protect the public from unwarranted interference in their activities and to ensure that the public streets are not used to store unauthorized vehicles. This applies generally to all unauthorized vehicles, other than those acquired by or sold to a hulk hauler or registered disposer for resale as junk or scrap. Towing of unauthorized vehicles will follow the applicable State law (RCW 46.55), City Ordinance, and the Vehicle Impounds Checklist in the Procedures Manual.

### **11.16 INSPECTION OF JUNK MOTOR VEHICLES**

An officer will conduct the inspection and certification of junk motor vehicles in accordance with RCW 46.55.010 (4) and RCW 46.55.230 when such a request for service is received.

### **11.17 SPECIAL INSPECTIONS**

The Everett Police Department will arrange for Special Inspection services upon request, including taxicab companies and wrecking yard inspections.

### **11.18 AUTOMATED LICENSE PLATE READER TECHNOLOGY**

The Everett Police Department may employ Automated License Plate Reader (ALPR) technology. ALPR provides automated detection of license plates. Its primary function is to convert data taken in the field from vehicle plates and use it for the law enforcement purposes of identifying stolen vehicles, stolen license plates, and missing persons. ALPRs are also used to gather information related to active warrants, homeland security, electronic surveillance, suspect

interdiction and stolen property recovery. ALPR data can be stored for later use. The lieutenant overseeing the traffic safety unit will be the system administrator. He/she will be responsible for the following:

- Overseeing and administering the ALPR program, including the storage and management of all ALPR data systems.
- Ensuring the proper selection of the personnel approved to operate the ALPR system.
- Ensuring appropriate training of operators and that training is completed prior to an operator using the system.
- Ensuring that all training is documented.
- Ensuring the provision of ongoing training as deemed necessary.
- Authorizing any requests for ALPR use of data access.

Use of the ALPRs is restricted to the purposes outlined in the Procedures section of this manual. Any agency personnel permitted to access historical ALPR data must meet the same criteria as other agency employees, including law enforcement, regarding authorization to access data. No officer should use, or authorize the use of, the equipment or database records for any non-approved reason.

## Chapter 12 ARRESTS AND DETENTION

### 12.1 ARRESTS

When a crime is committed, officers are to initiate a prompt and thorough investigation and to make every reasonable effort to identify and arrest the violator. In carrying out these responsibilities, officers will not infringe upon the constitutional rights of any person.

In making an arrest officers must treat an individual with respect. Officers will not physically mistreat or verbally harass any individual that they take into custody. Medical treatment will be provided when necessary when the person taken into custody is ill or injured.

Officers are responsible for advising suspects of their constitutional rights in the proper manner. The language used to advise suspects will be that on the card issued to each officer for that purpose, or that language which is found on this department's rights advisement form.

**NOTE:** It may be necessary for the officer to testify in court as to the precise language used to warn the suspect of his/her rights and the precise language by which the suspect waived these rights.

All persons arrested should be searched at the scene of the arrest. When practical, these searches should be conducted by persons of the same sex as the person arrested. Officers shall conduct a thorough search of all prisoners prior to the prisoner being transported. Officers will not place property, weapons, contraband, or any items having evidentiary value on the roof of a patrol vehicle. If there is a need to place such items on a patrol vehicle during a search, items shall be placed on the patrol vehicle's hood, where the items can be easily seen before transport.

Officers will endeavor to promptly package all property and evidence removed from a suspect and secure it within the patrol vehicle prior to transport. Nothing in this section is intended to preclude officers from conducting searches that are authorized and consistent with officer safety and current law.

Strip searches implicate significant personal privacy concerns. Warrantless strip searches of an arrestee cannot be justified under exigent circumstances or search incident to arrest exceptions to the warrant requirement.

Warrantless strip searches should be conducted only after the suspect is booked and in custody at the Corrections Facility. Any request you have for a strip search should be made to jail personnel and if the request is appropriate under the guidelines provided in RCW 10.79.130 and with jail policy. If the jail refuses the strip search and the officer believes one is necessary, contact a supervisor about obtaining a search warrant.

Under no circumstances should an officer take the initiative on his/her own to conduct a warrantless strip search.

It is the duty of the arresting officer to determine that the prisoner possesses no weapons or anything else that could be used as a weapon. If, for any reason, the prisoner cannot be

thoroughly searched before being turned over to another officer, the arresting officer will without fail, make this act known to the person receiving the prisoner.

## 12.2 PROCESSING PERSONS IN CUSTODY

An officer making an arrest is charged with the responsibility of determining whether the individual arrested is to be booked or released without full processing, and without having to post bail. It is important, therefore, those individuals are carefully screened to determine their eligibility, and secondly that the identifying data obtained from them is accurate and complete.

The decision to book an arrestee will be based on one or more of the following factors:

- Booking is required by law;
- The nature of the offense or the circumstances of the case indicate that booking is necessary to prevent imminent bodily harm to the arrested person, or to someone else, or to prevent injury to property or a breach of the peace;
- The identity of the arrested person is in question and cannot be confirmed;
- There is a substantial likelihood that the arrested person will refuse to appear for further proceedings as indicated by lack of permanent local residence, lack of permanent local employment, history of failure to appear for court, or other similar indicators.

In the arrest, transportation, and detention of suspects, officers will take precautions to prevent escape, injury to themselves and others, or damage to property. Appropriate restraint devices will be used during the transport of all prisoners. Seatbelts will be used during transports, with additional leg restraints available for use as needed. Officers transporting extremely combative subjects may request medical personnel to respond to assist with the transport.

Use of handcuffs and restraints are to keep subjects safe, to prevent escape and to protect the officer and others from harm. Handcuffs are the most effective security tool the officers have at their disposal and should be used to the full advantage. Only handcuffs and restraint types approved by the department may be applied.

Generally, all prisoners shall be handcuffed with their hands behind them; however, situations do arise where common sense dictates adoption of other security measures. The most frequent exceptions to this rule are children, the elderly, those with physical disabilities and in circumstances that would hamper the conduct of an investigation.

Following any use of handcuffs or other restraints, the devices will be inspected for damage and to ensure proper operation. If handcuffs have become contaminated with body fluids, they will be decontaminated as soon as possible.

When making an arrest, officers will thoroughly search suspects and will immediately take possession of all weapons and evidence. An officer making a decision to book an arrestee will transport the arrested individual or cause him/her to be transported to the jail as soon as possible.

It is the policy of the Everett Police Department to provide the appropriate amount of information in booking paperwork (Superform) to (a) establish probable cause for the charged crimes and (b) provide prosecutors with sufficient information to request bail and request protective or other orders. Probable cause statements in the Superform will be drafted with

awareness of public records laws and awareness that Superforms in their entirety are likely to be made available to the public for reading and copying without the review that usually accompanies records requests for police incident reports and investigative files. Refer to Procedure 2.08 for more information about the Superform and guidelines for Superform probable cause statements.

Officers will complete an incident report documenting any arrest made. It is the responsibility of the Snohomish County Jail to fingerprint and photograph all adults being booked into the jail facility per the policies of the Snohomish County Jail and pursuant to RCW 43.43.735.

For juvenile processing, refer to Procedure 10.14.

### **12.3 SECURE WAITING AREA**

The Department's secure waiting area shall be operated under guidelines as set forth in Washington Administrative Code Chapter 289, in RCW 13.04.116, in RCW 12.04.116, and all other applicable facility and custodial care standards. Refer to Section 10.17 of the Everett Police Department Procedures Manual for the Federal guidelines governing the placement of juveniles in adult jails (secure waiting areas and secure interview rooms).

Secure waiting areas will be kept clean and free of debris. Arrestees being held will be provided access to restrooms in a timely manner and will also be provided access to water.

No detainee may be secured (handcuffed) to an immovable object, either in a holding cell or interview room, unless that immovable object was specifically designed for that purpose.

Secure waiting areas are provided for the comfort and safety of citizens and Officers; to provide for the safety and security of police personnel, police facilities and arrested persons detained for interrogation, release to parents and other situations.

They provide a means to safely and temporarily detain persons to arrange economical transportation to another permanent facility, or ideally, provide the officer time and access to information needed to divert the citizen to a disposition other than being booked into the county jail.

### **12.4 WARRANT SERVICE**

In applying for and executing warrants, officers will abide by relevant statutes and department procedures. In serving warrants on individuals, officers will proceed to secure custody of the individual(s) in an efficient manner and with due regard for safety. When serving a warrant out of our jurisdiction, officers will notify the controlling law enforcement agency of the intention to serve the warrant.

### **12.5 SEARCH WARRANTS**

A Search Warrant must be obtained to seize any item unless existing law that describes recognized exceptions justifies a warrantless search. Telephonic search warrants are designed as an expedient means to gain judicial approval for searches when time is of the essence, either for

officer safety or evidentiary considerations. See the Search and Seizure Procedures regarding search warrants for additional information.

## **12.6 CITIZEN ARREST**

It is a matter of departmental policy that citizen arrests are not to be encouraged. Whenever possible, the taking of persons into custody should be accomplished by duly trained and authorized law enforcement officers.

In the event of a citizen arrest, the responsibility of the citizen is to surrender the arrested person to a law enforcement officer; the responsibility of the officer is to review the circumstances surrounding the arrest.

The arrested person should be taken into custody only after the officer has determined the arrest to be valid. If the arrest is valid and the arrested person is taken into custody, the case is then processed, as would any other arrest with the report indicating that a citizen initiated the arrest.

A private citizen may make an arrest under the following conditions:

- For any felony actually committed when the citizen has probable cause to believe the suspect arrested committed the felony
- For any breach of the peace committed in the presence of the citizen, where breach of the peace, for purposes of this policy, is defined as:

*"The offense known as Breach Of The Peace embraces a great variety of conduct which destroys or menaces public order and tranquility. It includes not only violent acts but acts and words likely to produce violence in others. The term connotes conduct that creates consternation and alarm. It is an indecorum that incites public turbulence, yet violent conduct is not a necessary element...."*

## **12.7 MENTALLY ILL, DEVELOPMENTALLY DISABLED, SENILE, OR CHRONIC ALCOHOLIC**

Peace Officers in the State of Washington have the authority to enforce provisions of the Mental Illness Act, Revised Code of Washington, (RCW) 71.05.153(3).

Persons who are developmentally disabled, impaired by chronic alcoholism or drug abuse, or senile must not be detained for evaluation solely for that condition unless they display any of the behaviors defined in RCW 71.05.

All sworn personnel will receive 2-hour online CIT refresher training annually.

Definitions from RCW 71.05 and guidelines for mental health evaluations can be found in the Procedure Manual.

Persons who are the subject of a report of threatened or attempted suicide shall be referred to a mental health service provider as soon as practicable. Service providers, the referral process, and requirements are in procedure 2.07.1.

## 12.8 SPECIAL GROUP VIOLATORS

**Non-Residents:** Unless a traffic law is unique to our area, no immunity should be granted to any person because that person is not a resident of this community.

**Legislators:** During the legislative session, legislators are, "privileged from arrest in all cases except treason, felony, and breach of the peace," (Art. II, sec. 16, WA. St. Cont.). Legislators may be issued traffic citations and they may be taken into custody for the purpose of obtaining a breath test, but they should not be incarcerated for infraction or misdemeanor violations during the legislative session.

**Foreign Diplomats and Consulate Officers:** Foreign diplomats and consulate officers may be issued traffic notice of infractions and citations. They may also be taken into custody for the purpose of a breath test. Should the question arise as to proper protocol, we will contact the U.S. Department of State Operations Center at (206) 647-4415 (24 hrs).

**Military Personnel:** When a custodial arrest is made of military personnel, the arresting officer should notify the individual's home base. If this is not possible, we should contact the nearest base of the same service and inform them of the detention.

**Habitual/Serious Offenders:** The Everett Police Department refers all of its cases to the Snohomish County Prosecutor's Office for consideration in charging felony cases. The Snohomish County Prosecutor's Office completes their own criminal history checks prior to all charging decisions, ensuring this coordinated effort with respect to career criminals.

The Washington State Habitual Criminal Statute is no longer used as a sentencing enhancement, following the Sentencing Reform Act of 1984. Sentencing is determined based on the seriousness of the offense, prior criminal history and other mitigating factors. Washington Statute sets the sentencing range.

## 12.9 ENFORCEMENT OF IMMIGRATION LAWS – INQUIRIES INTO CITIZENSHIP STATUS – ADMINISTRATIVE DETAINERS AND WARRANTS

The purpose of this policy is to establish guidelines for sworn personnel regarding the enforcement of immigration laws.

The enforcement of the nation's immigration laws is primarily the responsibility of the federal government. Accordingly, the Everett Police Department shall not undertake immigration-related investigations and shall not inquire into the immigration status of persons encountered during police operations *except as described below*. This prohibition does not preclude working with federal immigration officials when:

- all parties comply with this policy, or
- providing assistance to ICE in cases involving emergencies, threats to public safety, or responding to requests to help an officer (officer safety).

**Inquiries Into Immigration Status:**

A person's right to file a police report, participate in police-community activities, or otherwise benefit from police services is not contingent upon citizenship or immigration status.

Consequently, officers shall not question any person about his or her citizenship or immigration status or notify federal immigration authorities of the whereabouts or behavior of any immigrant or foreign visitor, unless that person:

1. Has been arrested and booked for, or convicted of, any felony "serious offense" (RCW 9.41.010(23)), or convicted of Assault 3;
2. Is reasonably suspected of involvement in terrorism and/or subversive activities;
3. Is reasonably suspected of participating in human trafficking or in an organized venture to bring or fraudulently assimilate undocumented foreigners into the country;
4. Is reasonably suspected of participating in criminal street gang activity; or
5. Is involved in a serious public safety incident or situation and it has been determined that there is a potential threat to the public.

Under these exceptions any notification to federal immigration authorities will first be reviewed and approved by the office of the Chief of Police.

Officers shall not request passports, visas, "green cards," or travel documents in lieu of, or in addition to, driver's licenses and similar standard forms of identifications. Such documents shall only be requested when standard forms of identification are unavailable, or when the officer is proceeding under the conditions described above.

**Physical Arrest and Booking:**

No person shall be physically arrested and booked for the purpose of determining their legal status in the country. Additionally, no person, including a victim or other person reporting a crime, or any witness to a crime, shall be questioned regarding their status in this country absent a lawful physical arrest for a crime and booking of such person under circumstances that would normally warrant or require booking, or for one of the conditions enumerated above ("Inquiries Into Immigration Status" section).

When any person is physically arrested and will be booked, their country of citizenship should be ascertained as required by the Vienna Convention and entered into the "U.S. Citizen?" data field of the Snohomish County Superform. If the person who has been arrested is a foreign national (someone who is not a citizen of the United States), the Vienna Convention is triggered and officers are required to follow procedures for Arrest of Foreign Nationals (Procedure 2.09). Further inquiries into and notifications made regarding the arrestee's immigration status shall only be permitted as authorized by this policy and approved by the Chief of Police.

**Immigration and Customs Enforcement (ICE) Detainers and Warrants- Unlawful Seizure**

ICE issues a number of detainers and administrative warrants, to include:

- I-247 Immigration Detainer
- I-200 Warrant for Arrest of Alien
- I-205 Warrant of Removal/Deportation



ICE detainers and administrative warrants are issued by border patrol agents, deportation officers, immigration enforcement officers, other employees or officers of the Department of Homeland Security (DHS), and other Federal officers delegated by the Secretary of Homeland Security. These are “administrative” or “civil” detainers and warrants that are not reviewed or approved by the courts. They can only be served by authorized federal agents, and they are limited to being served in locations where a subject does not have a reasonable expectation of privacy.

**I-247 Immigration Detainers** are issued under authority of 8 C.F.R. § 236 and § 287 by any authorized Immigration Officer and serves to advise another law enforcement agency that ICE seeks custody of an undocumented foreign national presently in the custody of that agency. The detainer is a request such agency advise ICE, prior to release of the undocumented foreign national, in order for ICE to assume custody. I-247 Immigration Detainers do not establish or communicate probable cause to detain or arrest the named individual, and probable cause is required to detain or arrest under the Fourth Amendment: “Immigration detainers do not and cannot compel a state or local law enforcement agency to detain suspected aliens subject to removal (*Galarza v. Szalczyk*, 745 F.3d 634, 645 (3d Cir. 2014).”

Since 2016 ICE began issuing either an I-200 warrant or an I-205 warrant for every I-247 detainer because of a court ruling stating that ICE could not arrest on detainers unless they had reason to believe the person would escape before a warrant was obtained (*Moreno v. Napolitano*, F.Supp.3d 2016 WL).

- **I-200 Warrant for Arrest of Alien**, “... may only be issued by immigration officers listed in 8 C.F.R. § 287.5(e)(2) ... and may be served only by those immigration officers listed in 8 C.F.R. § 287.5(e)(3).” (8 C.F.R. § 236.1(b)(1)). *Note that I-200 administrative warrants are routinely entered into NCIC even though local law enforcement may not arrest based on an I-200 warrant.*
- **I-205 Warrant of Removal/Deportation**, “Execution of warrant of removal. Any officer authorized by 8 C.F.R. § 287.5(e)(3) to execute administrative warrants of arrest may execute a warrant of removal.” (8 C.F.R. § 241.2(b)). *Note that I-205 administrative warrants are routinely entered into NCIC even though local law enforcement may not arrest based on an I-205 warrant.*

**Summary:** ICE detainers and administrative warrants may not be used by Everett officers as a basis to seize, detain, or arrest any individual. Local law enforcement officers do not have the authority to enforce detainers or administrative warrants. This has been confirmed by the courts as a violation of both the U.S. Constitution and the Washington State Constitution:

- “Defendant’s arrest constituted an obvious violation of his Fourth Amendment rights (*United States v. Toledo*, 615 F. Supp. 2d 453 (S.D.W. Va 2009).”
- Immigration laws and regulations do not authorize state or local law enforcement agencies to serve or execute administrative detainers or warrants (*Arizona v. United States*, 132 S.Ct. 2492, 2505 (2012)).
- “Article 1 Section 7 of the Washington State Constitution prohibits local law enforcement officers from prolonging an otherwise lawful detention to question those they have stopped about their country of origin, immigration status, or citizenship status. (*Ramirez –Rangle v. Kitsap County*, 12-2-09594-4).”

Since 2002, ICE has been entering detainers and administrative warrants into NCIC. In some cases a “hit” for an ICE administrative warrant has been mistaken by officers for an actual criminal warrant. The NCIC detainer and administrative warrant “hits” DO NOT authorize local law enforcement to detain, hold, arrest, or otherwise seize the named individual.

ICE detainers and administrative warrants are easily recognizable. In the header the text will notify the officer of the existence of a detainer or administrative warrant and direct the law enforcement agency to contact ICE’s Law Enforcement Support Center for further information. Typically the NCIC return will:

- Header has clear notification of “ADMINISTRATIVE WARRANT”
- Header also reads “CONTACT LESC AT (877) 999-5372 FOR IMMEDIATE HIT CONFIRMATION AND AVAILABILITY OF BUREAU OF IMMIGRATION.....”
- MKE field in the body reads “IMMIGRATION VIOLATION”
- EXL field in the body (extradition limits) blank or not displayed

ICE may obtain federal criminal warrants from a Federal Court. These warrants are also entered into NCIC. Such warrants will always name the Federal Court that issued the warrant. These criminal arrest warrants will be treated like any other criminal arrest warrant officers become aware of, to include the arrest and booking of the named subject after confirmation. It does not include notification of ICE officials by Everett Police officers. The NCIC return for ICE criminal warrants, like other criminal warrants, typically will:

- MKE field in the body reads “WANTED PERSON”
- EXL field in the body (extradition limits) reads with extradition limits: “FULL EXTRADITION UNLESS OTHERWISE NOTED IN THE MIS FIELD”
- MIS field in the body indicates the type of warrant, crime, and the court; often in multiple MIS lines:
  - MIS/CRIMINAL WARRANT VIOLATION OF TITLE 18 USC, SECTION 1542
  - MIS/FALSE STATEMENTS
  - MIS/DISTRICT OF VIRGINIA
- Footer has confirmation instructions at the end of the hit: “IMMED CONFIRM WARRANT AND EXTRADITION WITH ORI”

If in question a call to the ORI listed on the warrant will always reach a phone staffed 24 hours a day where it can be confirmed if the warrant is in fact a **criminal** arrest warrant issued by a court that local law enforcement has authority to arrest under.

## **Chapter 13 JUVENILE OPERATIONS**

The Everett Police Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquencies. All personnel will support the juvenile operations function through dedicated investigative efforts and assistance as needed.

The Everett Police Department encourages review and comment by other elements of the Juvenile Justice System, with regards to the development of our policies and procedures relating to juveniles.

Everett Police Officers are directed to receive and investigate any complaint or alleged criminal law violation involving juveniles in the same manner as any adult criminal case. At the conclusion of the criminal investigation, the juvenile case shall be reviewed by a supervisor and submitted to the proper juvenile justice court authority or its subdivision. The Investigative Division, Crimes Against Children's Unit is responsible for coordinating the juvenile operations function.

Non-criminal juvenile matters will be investigated and dealt with in the same dedicated manner as criminal investigations. An offense report will be completed using current state law and the policies of juvenile authorities to settle the incident. Those reports will be submitted to and reviewed by shift supervisors.

Response to crimes involving juvenile offenders will not differ from that for adult offenders. Officers are, at all times, encouraged to use the least coercive reasonable means in dealing with juveniles.

It is the policy of this department to use various social service agencies in dealing with juveniles when it is appropriate.

### **13.1 RELEASE OF JUVENILES**

In considering the release of juveniles, officers will determine the facts of the case, obtain all the information necessary for the report, and will see that the juvenile can be released to the proper persons. In the event that the parent/guardian cannot respond or cannot be located immediately, the juvenile will be transported to the police station. The juvenile will be held at the station pending the arrival of the parent/guardian. If the parent/guardian cannot be located or respond, the juvenile will be released at the discretion of the Officer to some other responsible adult or relative, be placed in detention, or released pending later notification to the parent/guardian. Juveniles in custody pursuant to a Tier-2 warrant may also be released to a parent/guardian or responsible adult if they are screened-out following the procedures established by DYC.

### **13.2 JUVENILE INTAKE**

When dealing with a juvenile offender, officers of this department must determine the seriousness of the offense and consider the welfare of the juvenile. This will assist in determining whether to make a custodial arrest, issue a citation/summons, or release the juvenile.

### **13.3 PROTECTIVE CUSTODY**

Officers have the authority to take juveniles into protective custody under RCW 13.34.050, 13.32A.050, 26.44.050. Criteria for placing juveniles in protective custody can be found in the Procedures Manual.

If a juvenile is taken into police custody for abuse or neglect, the Department of Social Health Services/Child Protection Service will be notified for placement.

### **13.4 JUVENILES IN CUSTODY**

When a juvenile is arrested and/or taken into custody, Washington State Court Rule CrR3.1 requires that the person arrested or in custody be advised of their right to an attorney whether there is questioning or not. The juvenile should be advised of their constitutional rights immediately, using the same rights card or form as an adult. Additionally, the juvenile rights warning will be included in the advisement.

For juveniles between eight and twelve years of age, it is recommended that a parent be notified of the custodial situation or arrest. It is advisable to obtain permission from a parent prior to interviewing the juvenile.

Officers of this department will notify parents or guardians of juveniles in custody whenever possible, and will always make a notification attempt. During the notification, officers will offer an explanation as to the impending procedures and processes of the juvenile(s) in custody.

In the event a juvenile is injured or has a medical problem while in our care, treatment will take precedent over the investigation.

If a juvenile is to be incarcerated or placed out of the home, the action will take place as soon as is practical.

Officers shall comply with all booking requirements established by Denny Youth Center.

### **13.5 SOCIAL SERVICE AGENCIES**

The Snohomish County Volunteers of America publishes a directory for all social and health services available in Snohomish County. This directory has a section dealing with youth services.

### **13.6 FINGERPRINTS AND PHOTOGRAPHS**

Officers shall photograph and fingerprint all juveniles arrested for a felony or gross misdemeanor prior to release or booking and should do so in compliance with RCW 43.43.735.

### **13.7 MISSING/ABDUCTED CHILDREN**

The Everett Police Department personnel will ensure an immediate response to reports of missing or abducted children. See Procedures Manual Section 19.03 for Missing Person Reports.

Public alerts may be employed using the Emergency Alert System, 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.

All personnel will be familiar with the AMBER Alert system, to provide a systematic coordinated response to all reports of missing and/or abducted children. Supervisors will be trained on entering, updating and canceling alerts. AMBER Alert activations shall be approved by an on-duty Lieutenant or ODO prior to any activation. Everett Police personnel will follow the established guidelines in Section 34 (Public Alerts) of the Procedures Manual for response to missing/abducted children.

## **Chapter 14 UNUSUAL OCCURRENCES**

The Everett Police Department must be prepared to meet and resolve any situation regardless of its source or magnitude. The City of Everett has prepared a Comprehensive Emergency Management Plan (CEMP) Manual for use by all employees in the event of a major disaster 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. A printed copy of the CEMP Manual is available in the Emergency Operations Center located in the south precinct. An electronic version is available via the Fire Department Emergency Preparedness site link through the City Intranet.

Recognizing that not all situations can be handled through the application of normal police procedures, this portion of the manual is designed to establish the authority and procedures necessary to modify the organizational structure and chain of command of the Everett Police Department for the duration of emergency operations.

### **14.1 RESPONSIBILITIES**

It is the responsibility of the Deputy Chief of Operations to establish the planning for the Everett Police Department's response to critical incidents.

Officers may, at any time, be called upon to respond to major emergency situations. These may involve criminal acts such as bombings, hostage situations, or snipers; or they may involve response to natural or man-made disasters. To ensure that this department responds as promptly and efficiently as possible with the greatest benefit to public safety, procedures have been formulated for response to such occurrences (see Procedures Manual Section 28 – Unusual Occurrences Plan). Officers will familiarize themselves with these procedures and respond to situations in accordance with them.

### **14.2 HAZARDOUS MATERIALS AND ECOLOGY RESPONSE**

The Fire Department is responsible for hazardous material control and removal. Officers will notify the Fire Department immediately anytime an incident involving actual or suspected hazardous materials occurs.

Such incidents often involve a serious threat to life or property. It is the policy of this department that evacuation of potential victims shall be considered the highest priority.

Upon receiving information that a hazardous materials incident has occurred, a supervisor will respond to coordinate with the Fire Department and other agencies. The prime responsibility is to establish a perimeter around the site large enough to eliminate the possibility of exposure to citizens and department personnel.

The Public Works Department is responsible for preventing anything other than water from entering the city's storm drains or fresh water drainages. Should any hazardous material or any substance other than water threaten to make its way to a storm drain or fresh water drainage, a supervisor will make sure that Public Works dispatch has been notified of the incident. Public

Works will respond and, once Everett Fire has addressed any health and safety issues, contain the substance to keep it from entering the fresh water drainage system.

### **14.3 CLANDESTINE LABORATORIES**

It is the policy of the Everett Police Department to set forth guidelines for officers in situations where those officers are dealing with clandestine laboratories and/or hazardous materials associated with clandestine laboratories.

Employees of the Everett Police Department will minimize their exposure to clandestine laboratories and/or a hazardous material at all times.

The site, location and/or structure is considered a crime scene only until such time as all occupants and others are taken into custody or moved to a safe location.

Once the site, location and/or structure has been cleared of people, we will consider it a hazardous material site.

No employee of the Everett Police Department will knowingly enter a hazardous material site unless properly equipped or without prior approval from a supervisor.

Only properly trained employees of the Everett Police Department will touch or move, or cause any other person to touch or move, any hazardous material, item or substance discovered at a clandestine laboratory site, location or structure.

## Chapter 15 USE OF FORCE

### 15.1 PURPOSE

This policy recognizes that the use of force by law enforcement officers requires constant evaluation. Even at its lowest level, the use of force by police is a serious responsibility. The purpose of this policy is to provide officers of this department with guidelines on the reasonable use of force.

This policy consists of principles and values guiding the performance of a specific department activity. It is not a statement of what must be done in a particular situation; it is a statement of the guiding principles to be followed in activities directed toward attainment of the department's objectives of serving our community and keeping the peace.

### 15.2 PRINCIPLES OF THE USE OF FORCE

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

Officers must have an understanding of and a true appreciation for the limitations on their authority, particularly with respect to overcoming resistance from those with whom they come in official contact. The Everett Police Department recognizes and respects the value and dignity of all human life without prejudice to anyone. It is also understood that vesting officers with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interest.

Force may be "...necessarily used by a public officer in the performance of a legal duty..." [RCW 9A.16.020(1)]. "Necessary" force means that "no reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to effect the lawful purpose intended." [RCW 9A.16.010(1)]

The force used must be "objectively reasonable" under the *Graham v. Connor* standard [(1989) 490 U.S. 386, 109 S.Ct. 1865]. The *Graham* court states: "Determining whether the force used ... is 'reasonable' ... requires a careful balancing of the nature and quality of the intrusion ... against the countervailing governmental interests at stake." The test of reasonableness requires "...careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he [or she] is actively resisting arrest or attempting to evade arrest by flight." The reasonableness of a particular use of force "must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight."

Officers need to take into consideration a person's mental state, medical condition, emotions and potential state of intoxication before using force, whenever feasible. When safe, under the totality of the circumstances, and when time and circumstances permit, officers should attempt de-escalation tactics in order to decrease the likelihood of the need for force. Attempts at de-escalation should be documented in their reports.



It is recognized that no duty to retreat exists when one is feloniously assaulted or attacked in a place where he or she has a right to be. [State v. Allery, 101 Wn.2d 591 (1984); State v. Hiatt, 187 Wn.2d 226 (1936)]

### **15.3 USE OF FORCE POLICY**

It is the policy of the Everett Police Department that officers shall use only that amount and duration of force which is objectively reasonable and necessary to perform a lawful duty, given the facts and circumstances perceived by the officer at the time of the event, including whether a reasonably effective alternative to the use of force appeared to exist. When safe, under the totality of the circumstances, and when time and circumstances permit, officers should attempt de-escalation tactics in order to decrease the likelihood of the need for force. Nothing in this policy shall be construed as to permit, excuse or justify the use of excessive force or force that is beyond that which is objectively reasonable.

Examples of “lawful duties” include:

- Self defense,
- Defense of others,
- Prevention of the commission of a public offense,
- Effecting a lawful arrest,
- Overcoming resistance,
- Prevention of escape, or
- Protecting a person from injuring him/herself

Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to sustain physical injury before applying reasonable force.

As previously noted, any application of force by a member of this department must be judged by a standard of “objective reasonableness” at the moment force is used. The reasonableness analysis requires balancing the “nature and quality of the intrusion” on a person’s liberty with the “countervailing governmental interests at stake” to determine whether the use of force was objectively reasonable under the circumstances [Smith v. City of Hemet, 894 F.3d 689 (9<sup>th</sup> Circuit 2005)].

Courts first consider the “nature and quality of the alleged intrusion.” Courts then consider the governmental interests at stake by looking at (1) How severe the crime at issue is, (2) whether the subject posed an immediate threat to the safety of the officers or others, and (3) whether the subject was actively resisting arrest or attempting to evade arrest by flight. [Mattos v. Agarano, 661 F.3d 433 (9<sup>th</sup> Circuit 2011)].

While officers are entrusted with the authority to use “necessary force” during the course of their lawful duties, special consideration must be given to subjects suffering a Mental Health Crises. Courts across the United States have ruled that when police encounter subjects suffering from a

Mental Health Crisis the police must take that person's mental state into consideration and attempt to de-escalate situations before "forcing" an encounter

Courts have also ruled that if, "a seizure's sole justification is preventing harm to the subject of the seizure, the government has little interest in using force to effect that seizure. Further that, "using force likely to harm the subject is manifestly contrary to the government's interest in initiating that seizure." [Armstrong v. Vill. Of Pinehurst, 810 F.3d 892 (4<sup>th</sup> Cir. 2016)].

The above factors are not the only factors that will be considered by the court. The court examines the totality of the circumstances and considers whatever specific factors may be appropriate in a particular case. Those factors should include, but are not limited to:

- The reasonable perception by the officer of the conduct of the individual being confronted.
- Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion, number of officers vs. subjects, etc.).
- Subject apparently under the influence of drugs/alcohol or emotionally disturbed (mental capacity and physical capabilities).
- Proximity of weapons to the subject.
- Availability of other options (what resources are reasonably available to the officer under the circumstances presented).
- Seriousness of the suspected offense(s) leading the officer to use force.
- Officer training, experience, skill level.
- Potential for injury to citizens, officers, and the subject(s).
- Risk of escape.
- Other exigent circumstances.

Officers are expected to make split-second decisions in tense, uncertain, and rapidly evolving situations, and the amount of time to evaluate and respond to unexpected changes may impact an officer's decision in the application and duration of force.

While various levels of force exist, each officer is expected to respond with that level and duration of force that reasonably appears appropriate under the circumstances at the time to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to cease the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by policy or law shall promptly report these observations to a supervisor.

## **15.4 USE OF DEADLY FORCE**

### **Deadly Force – Definitions and Legal Standards - Reasonableness**

"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. [RCW 9A.16.010(2)] Everett Police officers shall utilize deadly force only when necessary and justified to effect lawful objectives. In all but the most extreme circumstances, officers are required to use lower

force options to effect an arrest. This would not apply in those rare instances where someone's life is in immediate danger.

Officers' use of force shall be consistent with RCW 9A.16.040, which states:

- (1) Homicide, or the use of deadly force is justifiable in the following cases:
  - a. When a public officer applies deadly force in obedience to the judgment of a competent court; or
  - b. When necessarily used by a peace officer meeting the good faith standard of this section to overcome actual resistance to the execution of the legal process, mandate, or order of a court or officer, or in the discharge of a legal duty; or
  - c. When necessarily used by a peace officer meeting the good faith standard of this section or person acting under the officer's command in the officer's aid:
    - i. To arrest or apprehend a person who the officer reasonably believes has committed, has attempted to commit, is committing, or is attempting to commit a felony;
    - ii. To prevent the escape of a person from a federal or state correctional facility or in retaking a person who escapes from such a facility; or
    - iii. To prevent the escape of a person from a county or city jail or holding facility if the person has been arrested for, charged with, or convicted of a felony, or
    - iv. To lawfully suppress a riot if the actor or another participant is armed with a deadly weapon.
- (2) In considering whether to use deadly force under subsection (1)(c) of this section, to arrest or apprehend any person for the commission of any crime, the peace officer must have probable cause to believe that the suspect, if not apprehended, poses a threat of serious physical harm to the officer or a threat of serious physical harm to others. Among the circumstances which may be considered by peace officers as a 'threat of serious physical harm' are the following:
  - a. The suspect threatens a peace officer with a weapon or displays a weapon in a manner that could be reasonably construed as threatening; or
  - b. There is probable cause to believe the suspect has committed any crime involving the infliction or threatened infliction of serious physical harm.

Under these circumstances deadly force may also be used if necessary, to prevent escape from the officer, where, if feasible, some warning is given provided that the officer meets the good faith standard of this section.

- (3) A public officer covered by (1)(a) of this section shall not be held criminally liable for using deadly force without malice and with a good faith belief that such act is justifiable pursuant to this section.

- (4) A peace officer shall not be held criminally liable for using deadly force in good faith, where "good faith" is an objective standard which shall consider all the facts, circumstances, and information known to the officer at the time to determine whether a similarly situated reasonable officer would have believed that the use of deadly force was necessary to prevent death or serious physical harm to the officer or another individual.
- (5) This section shall not be construed as:
- a. Affecting the permissible use of force by a person acting under the authority of RCW 9A.16.020 or 9A.16.050; or
  - b. Preventing a law enforcement agency from adopting standards pertaining to its use of deadly force that are more restrictive than this section.

Apprehension by deadly force is a seizure subject to the Fourth Amendment's reasonableness requirement. An officer using deadly force is not entitled to qualified immunity if the law was "clearly established" that the use of force violated the Fourth Amendment. As with all uses of force, the reasonableness of use of deadly force will be judged from the perspective of a reasonable officer on the scene. Whether the use of deadly force is reasonable is highly fact-specific, but the inquiry is an objective one. The question is whether officers' actions are objectively reasonable in light of the facts and circumstances confronting them. A reasonable use of deadly force encompasses a range of conduct.

#### Verbal Warning

A verbal warning shall precede the use of deadly force, when feasible.

#### Warning Shots

The Everett Police Department prohibits the use of warning shots.

#### Firing at, from or into a Moving Vehicle

Firing at, from, or into a moving vehicle is prohibited, except where the officer reasonably believes that there is an imminent threat of death or serious physical injury to the officer or to a third party if the officer does not do so and that it is the only reasonable means of protecting the officer and/or a third party. An officer choosing to fire from a moving vehicle or at a fleeing vehicle must be fully prepared to justify this extreme action. Officers should avoid, when possible, moving into the path of a moving vehicle, and should avoid using that action as a reason for firing at the vehicle. If the totality of the situation allows for it, officers should first consider their safety and move out of the path of a moving vehicle.

#### Barricades/Roadblocks

Barricading a roadway or creating a roadblock is considered deadly force and is generally prohibited, except in extreme situations. Supervisory approval is required prior to barricading a roadway or creating a roadblock. Roadblocks must only be employed in circumstances where deadly force would otherwise be justified (see [Policy 10.4 Vehicle Pursuits](#)).

### **15.5 USE OF FORCE – MISCELLANEOUS PROVISIONS**

#### Display/Brandishing of Weapon – LVNR – Weapons of Opportunity – Blow to Head

Officers shall not display or brandish any weapon in a threatening or intimidating fashion unless it is reasonably necessary to do so to effectively bring an incident under control.

The use of any neck holds that restrict breathing or reduce blood flow, to include those such as the Lateral Vascular Neck Restraint (LVNR), is prohibited, except in extreme situations where the officer or another person's life is in danger. . An officer using one of these holds must be prepared to justify this extreme action. Whenever an officer uses a neck hold, a supervisor will be notified and respond to the scene. The officer will immediately cause the person that received the neck hold to be examined by medical personnel.

A police officer may use weapons of opportunity when the officer's ability to deploy Department authorized tools (weapons) is not available. The level of force used must be necessary and reasonable in accordance with Department policy.

The use by an officer of any hard object to intentionally strike a blow to a person's head is generally prohibited, except in certain extreme situations of self defense or defense of others. An officer applying a blow to a person's head must be prepared to justify this extreme action. Whenever an officer applies a blow to a person's head, a supervisor will be notified and respond to the scene. The officer or supervisor will immediately cause the person receiving the blow to be examined by medical personnel.

#### Officer Use of Vehicle

The use of a vehicle to make contact with a person or another vehicle in order to stop a fleeing offender is generally prohibited, except in extreme situations. Supervisory approval is generally required prior to performing intentional vehicle intervention. An officer that opts to use vehicle intervention must be fully prepared to justify this extreme action. (See [Policy 10.4 Vehicle Pursuits](#))

#### Animals

Use of force toward animals may be used only when it is objectively reasonable and necessary to defend an officer or a third party against a threat of significant physical injury, **or** to save a badly injured animal from suffering. Whenever an animal is intentionally injured or dispatched by an officer an Incident Report will be written. If the animal was injured or dispatched in the course of defending an officer or third party, a supervisor will be notified, respond to the scene and a copy of the report will be forwarded and reviewed through the chain of command and filed in the Office of Professional Standards. Humanitarian dispatch requires permission of a supervisor whenever possible, and animals must be dispatched safely and out of the view of the public if possible (see Procedures Manual Section 3.04).

#### Use of Force by Off-Duty Officers

Off-duty officers are discouraged from taking forcible police action except in circumstances that seriously threaten life or when requested to assist by on-duty personnel. Often the most appropriate police action is to immediately report the incident to on-duty officers or the appropriate jurisdiction. Officers should carefully consider the risks to themselves and to others when taking police action while off-duty.

#### Use of Force by Off-Duty Officers Working an Off-Duty Detail

Off-duty officers or officers working any off-duty detail or assignment approved by the Chief of Police or designee involved in any reportable use of force incident shall be subject to the same use of force and reporting requirements which apply on-duty.

### Injury – Medical Attention

Medical assistance/first aid shall be provided or facilitated at the earliest safe opportunity to injured persons at a scene controlled by Everett Police officers. This includes subjects who have sustained injury, express any complaints of injury, been rendered unconscious, or the officer suspects has been injured. If the subject complains of breathing difficulty or appears to be in respiratory distress, officers will, at the earliest safe opportunity, move them to a position where it is easier to breathe, provide any necessary first aid, and request aid personnel for a medical evaluation (see also [Section 16.1, “Reportable Use of Force”](#)).

## **15.6 CONDUCTED ELECTRICAL WEAPON (CEW)**

Use of the CEW is subject to Section [15.3 “Use of Force Policy.”](#) In addition, the following should be noted:

### Deployment – General

CEWs will only be used by authorized, trained personnel, within the guidelines of Department policies and procedures covering Use of Force in general and use of CEWs specifically. CEWs are not intended to replace firearms.

It is the policy of the Everett Police Department that officers, whenever possible under the circumstances, give a verbal warning to the subject before applying the CEW.

### Classification as “Intermediate, Significant Force”

The courts classify “dart mode” application of the CEW as “an intermediate, significant use of force.” The courts have not stated a similar standard for “drive stun mode.” The classification of dart mode applications of CEW as “intermediate, significant force” means that those applications are considered a greater intrusion than other non-lethal methods of force, and the reviewing court will look for a governmental interest that compels the use of such force.

### Multiple/Extended Applications

Multiple applications of five-second cycles may be required to bring a subject under control. The CEW will only be used for the number of applications and duration of time that is necessary to bring a subject under control. The justification for an extended application or for multiple applications of the CEW must be separately articulated in the report.

When determining justification for an extended application or for multiple applications of the CEW, officers should:

- Determine that the initial use of CEW is justified, using the use of force factors set forth in Department policies.
- If the circumstances that justified the initial CEW use change, re-evaluate the necessity for continued application. For example, if the initial use were justified because the officer was alone with a subject who posed an immediate threat to the safety of others and was ignoring commands to stop, arrival of another officer to

- provide backup for the arrest will require re-evaluation of the need for CEW to bring the subject under control.
- Be cognizant of whether a subject who has been exposed to a CEW is *unable*, rather than *unwilling* to comply with commands given by officers. Involuntary actions (such as a reflex action) will not be considered active resistance. The focus should be on whether a subject who has been exposed to a CEW is reacting to the shock of the CEW or is continuing to intentionally resist arrest.
  - The subject must be given an opportunity to comply with commands or demonstrate compliance before additional applications or before application of a continuous cycle. For example, the time period between multiple CEW applications must be sufficient to give the subject the opportunity to comply with commands.

### Prohibited Use

Use of the CEW is prohibited when:

- It is known that there are flammable liquids nearby, in known or suspected meth labs, or in other hazardous environments where flammable liquids or fumes are suspected;
- The incapacitation of the subject would result in the subject falling from an elevation sufficient to cause significant injury to the subject, or into any hazardous environment apparently capable of causing secondary injury to the subject;
- The risk of muscle contraction due to CEW application could result in injury to the subject or others, such as when the subject is aiming a firearm at himself/herself or at another person;
- The application is punitive; or
- The application is intended to induce or coerce a response from the subject where the subject's conduct does not otherwise justify the use of force [see [Policy 15.3](#)].

Use of the CEW is generally prohibited when:

- The subject is an obviously pregnant female;
- The subject is obviously disabled, frail or infirm;
- The subject is a child under the age of 13;
- The subject is handcuffed and secured;
- The subject is in physical control of a motor vehicle that is in motion or running; or
- The officer is in a moving vehicle.

Certain circumstances may dictate the use of the CEW in these “generally prohibited” situations after consideration of alternative measures has been made and the CEW has been determined to be the force application most appropriate for the situation. In every case, the use of the CEW must be in accordance with EPD Use of Force Policies.

### Response to Scene by Supervisor, Medical Personnel

A supervisor will be notified and respond to the scene of every CEW application. The Everett Fire Department will be called to every CEW application for a medical evaluation. The EPD supervisor will ensure that all requirements of Procedure Manual Section 32.03 (CEW – Post Application Procedures) are met.

### CEW Use by Officers Working Off-Duty

CEWs may be carried by authorized personnel while working off duty in a law enforcement capacity. CEWs are not intended in any way to replace firearms or any lethal force option.

### **15.7 SUMMARY**

The decision to use force rests with each officer. While there is no way to specify the exact duration or type of reasonable and necessary force to be applied in any situation, each officer is expected to make force decisions in a professional, impartial, and safe manner that is consistent with Department policy.



## **Chapter 16 REPORTABLE USE OF FORCE**

Careful and consistent use of force reporting gives the Department an opportunity to review situations involving use of force and to update policies and training as necessary. This process is fundamentally important to maintaining effective and constitutional policing and to preserving the public trust.

### **16.1 DEFINITION-INCIDENT REPORTS**

A reportable use of force is defined as any incident in which an on-duty department employee, or off-duty employee whose occupation is a factor, uses any deadly force, any less-lethal control device, K9 contact, fleeing vehicle, or any physical force. Examples include, but are not limited to, use of force to:

- Compel a person to comply with the employee's direction; or,
- Prevent the escape or overcome resistance by a subject during an arrest or detention; or,
- Defend any person from an aggressive action by a subject.

Level I use of force: Any counter joint, hair hold, pressure point, pain compliance, ground or body control, push or pull for a takedown, or any of these Level I tactics to accomplish a takedown.

Level II use of force: Taser application, OC application, use of chemical irritants, less lethal impact munitions, any strikes using hands, elbows, feet, knees, or impact weapons (ASP, flashlight, weapon of opportunity) for blows to the body, or any one of these Level II tactics to accomplish a takedown.

Level III use of force: Firearms, or strikes with impact weapons which amount to potentially deadly force (head).

Incidents involving reportable force will require that the incident be fully documented in an Everett Police Department Incident Report or Everett Police Department Follow-up Report and that the appropriate checkbox on the report form be marked indicating that force had been used. Every use of force will require documentation that, at minimum, will include the following information:

A description of the legal basis for the contact that led to the use of force.

A description of the officer's reasonable perception of the totality of facts known at the time reportable force was used.

A description of the use of force conditions that led to the reasonable and necessary use of force as described in [Section 15.3](#) of this manual which are:

- In self-defense or defense of another person
- To prevent the commission of a public offense
- To effect a lawful arrest, overcome resistance, and/or to prevent escape
- To protect a person from injuring him/herself

Each officer involved in the incident will complete a case report or additional narrative report containing a detailed description of the circumstances surrounding the use of force.

### **16.2 SUPERVISORY NOTIFICATION, RESPONSE and MEDICAL ASSISTANCE**

Supervisory notification shall be made as soon as is practicable following the application of any physical force which, at the time, appears likely to have caused injury, or the complaint of pain by the subject. Supervisors will respond to the scene and cause photographs to be taken documenting the incident in the following circumstances:

- In all reviewable use of force incidents (refer to Policy [16.3](#)).
- In all officer-involved shootings.
- Whenever a neck hold is applied.
- Whenever a blow to the head is applied.
- Whenever a Conducted Electrical Weapon is applied.
- Whenever an animal is injured or dispatched in the course of defending an officer or third party.

Medical assistance shall be obtained as soon as is practicable for a subject who:

- Has sustained injury or whom the officer suspects has been injured;
- Expresses any complaint of injury;
- Has been rendered unconscious.

(See also [Section 15.5, Use of Force – Miscellaneous Provisions](#))

### **16.3 SUPERVISOR'S USE OF FORCE OR PURSUIT REVIEW FORM**

The first line supervisor of the primary officer involved in a use of force incident will review the reports and other required documents of the primary officer and of any other officer(s) involved in the incident.

The supervisor will complete a Supervisor's Use of Force or Pursuit Review Form when any of the following occur:

- Any Level I application with injury reported by subject or observed by officer.
- All Level II applications.
- All canine contacts (injury or not).
- All Level III applications.
- All Fleeing Vehicles.

The SWAT chain of command will use the Supervisor's Use of Force or Pursuit Review Form to review incidents in which an:

- Everett Police Department member, serving as the Region 1 SWAT Commander or Acting Commander, approved a tactical plan that resulted in a reviewable use of force by any Region 1 SWAT member.

- Everett Police Department SWAT member applies a reviewable use of force as defined above.

Exceptions to the Form requirement include:

- The use of a firm grip control only, which does not result in injury or the appearance of injury.
- An incident investigated by the Snohomish Multi-Agency Response Team (SMART) or other departmentally authorized investigator(s) in which a report is prepared by those investigators (e.g., an officer-involved shooting investigation).
- Incidents involving the aiming of firearms at another.
- The display, aiming, or arc display of a Taser with no application.
- Discharge of firearms during training or other authorized range activity.
- Use of force on an animal, whether in defense of a person or to humanely dispatch a badly injured animal.

Because of the potential for a large number of suspects in a riot or civil disturbance, the use of irritants, chemicals or less lethal impact munitions by members of the Special Operations Group is exempt from preparation of the Supervisor's Use of Force or Pursuit Review Form. The Unit Commander or designee will prepare an after action report detailing the use of these products. Reportable uses of force during civil disturbances, as delineated under the definition in [Section 16.1](#) above, will be entered into IAPro by the Office of Professional Standards.

#### **16.4 DOCUMENTING USE OF FORCE**

The Everett Police Department requires an administrative review of each Supervisor's Use of Force or Pursuit Review Form, utilizing the following protocols:

Any supervisor, including the first line supervisor, who is involved in the administrative review process is expected to thoroughly review the facts and circumstances surrounding the application of force, evaluate the reasonableness of the application of force, and make comments detailing his/her conclusion as to the reasonableness of the application of force.

When the first line supervisor has completed the Supervisor's Use of Force or Pursuit Review Form, he/she will forward the Form, plus copies of the Incident Report, printed copies of the associated photographs and any other attached documentation, to the lieutenant. The lieutenant will review the matter, complete the Form, and forward all documentation to the captain.

The captain will review the matter, complete the Form, and forward all documentation to the Office of Professional Standards. The Inspector will review the matter, complete the Form, and forward all documentation to the appropriate Chief/Deputy Chief. The Chief/Deputy Chief will review the matter, complete the Form, and forward all documentation to OPS to log the final disposition. The OPS is responsible for maintaining the records in accordance with state retention schedules and city protocols. If the situation warrants, the OPS may forward the documentation to the Legal Department. If appropriate under the circumstances, the Legal Department may forward copies to private counsel who is or may be retained to represent the City in litigation and/or personnel matters related to the incident.

In the event that a first line supervisor is a participant in the use of force incident, the supervisor at the next level will complete the Supervisor's Use of Force or Pursuit Review Form and forward the Form and attached documents to the next level of supervision.

In addition to regular monitoring of Use of Force Reports, the Deputy Chief of Operations and The Deputy Chief of Investigations and Services will conduct an annual review of all Use of Force Reports, with final approval of the review by the Chief of Police.

## **Chapter 17 OFFICER INVOLVED SHOOTING**

### **17.1 OFFICER INVOLVED SHOOTING – NO INJURY**

When a shooting incident occurs and there is no death or injury involved the involved officer will immediately notify his/her supervisor. The officer will submit an incident report before leaving “on duty” status.

The supervisor will respond to the scene. The supervisor shall notify the on-duty Patrol Lieutenant or Operations Duty Officer, as well as calling out other personnel as needed.

The Patrol Lieutenant or Operations Duty Officer shall immediately respond to the scene of the incident to complete an incident assessment and will brief the sector captain prior to leaving the scene. The Patrol Lieutenant or Operations Duty Officer will see that all other reports are submitted prior to leaving duty status.

The Command Duty Officer will be notified immediately, and will decide on all subsequent notifications.

### **17.2 OFFICER INVOLVED SHOOTING – INJURY**

In the event of an officer-involved shooting incident resulting in a death or injury, consult Procedures Manual Section 3.20 (Law Enforcement-Involved Fatal or Serious Injury Incidents: Patrol Supervisor’s Checklist) and Section 22.0 (S.M.A.R.T).

### **17.3 POST TRAUMATIC INCIDENT**

Any Police Department Employee involved in any police action resulting in a serious injury or death, may be assigned to “Administrative Duty” by the Chief of Police pending the review process. The assignment to administrative duty is not to be construed as punishment or that the employee has acted improperly.

All employees directly involved in any police action resulting in a serious injury or death shall make a written report, after consultation with the department’s legal counsel. The report will not be required for completion until a minimum of 24 hours has lapsed.

The Departmental psychologist will be notified as soon as possible of any police actions that result in serious injury or death. An appointment will be made for the employee by police administration. Attendance at the appointment is required prior to the return to line duty.

In cases where any person has been seriously injured or killed as a result of a police action by an employee, all associated officers (Officers, Fire Department, Dispatch) may be required to attend a Critical Incident Stress Management Debriefing.

In all cases where any person has been seriously injured or killed as a result of police actions by an employee, the involved employee and his/her family will have access to the services of the department chaplain. The department chaplain services are not related to the departmental investigation of the incident and nothing discussed will be divulged to the department.

The involved employee shall not discuss the incident with anyone except the Department's designated attorney, the employee's personal and/or Association attorney, their spouse, a psychologist, the chosen clergy, department peer counselors, and those assigned to investigate and debrief the employee as related to the incident.

Non-investigative personnel of our department will be in attendance at the scene. Officers should realize the Chief of Police, or designee, is present for the needs of the employee and the employee's family.

## **Chapter 18 AUTHORIZED WEAPONS**

### **18.1 FIREARMS**

All sworn personnel will receive training from a departmental firearm instructor prior to receiving a departmental issued firearm. These same individuals will receive and demonstrate an understanding of this department's [Use of Force Policy](#) and related directives before being authorized to carry any weapon.

All weapons including handguns, rifles, direct impact launchers, expandable batons, Tasers and chemical agents shall be used only when necessary in the performance of duty or in training. Discharge or use of any weapon other than in training requires an incident report and a Supervisor's Use of Force or Pursuit Review on the circumstances describing the use and cause for use.

All on-duty officers shall be armed with a department-approved firearm. (Officers involved in undercover operations precluding them from being armed should receive supervisor approval prior to the operation.) While officers are on duty, all firearms will be loaded only with department issued and/or approved ammunition. Department issued firearms carried off duty will only be loaded with department issued and or approved ammunition.

Only weapons and ammunition authorized by the Everett Police Department are to be used by agency personnel in law enforcement responsibilities. This directive includes all lethal, less lethal weapons and weapons utilized by the Tactical Team and other specialized personnel.

Special weapons such as, but not limited to, sniper rifles, automatic weapons, explosives, and tear gas (other than O.C. Spray) may be employed only with the approval of a Command Staff Officer, and under the supervision of an officer designated by the Command Staff Officer. In an emergency situation, other than a riot or civil disturbance, where life is in immediate danger, the Incident Commander may authorize chemical and/or automatic weapons when used by qualified personnel. If this should occur, the Incident Commander must immediately notify the Operations Duty Lieutenant/ODO and/or Command Duty Officer/CDO.

A department-approved handgun intended for official use by any officer must meet the following requirements:

All firearms must be inspected, registered, fired and certified safe by the armorer.

The officer must demonstrate proficient use of the weapon during regular firearms qualification sessions.

The officer must meet training requirements with each approved weapon.

Modifications to department owned/issued firearms and ammunition are generally prohibited. A department armorer shall complete any such work.

Modifications to personally owned firearms used in their official capacity shall be approved in writing by the department armor.

It is the duty of supervisors to see that on-duty officers under their supervision carry only the weapons authorized by this department.

During periods of disability, all officers are reminded that they are not to act as peace officers. Although the powers of arrest are still valid, officers should not act as a peace officer due to the disability. The carrying of a firearm is not prohibited, however, it is not recommended.

Under no circumstances should an officer carry a firearm while under the influence of any prescription drug or alcohol that could affect judgment and/or motor skills.

## **18.2 BACKUP AND OFF-DUTY FIREARMS**

### **Backup Firearms**

Officers are authorized to carry a single backup firearm, but only upon meeting specific department approval. It must be capable of holding a minimum of five (5) rounds in a cylinder or magazine, meet the caliber standards (.380 caliber through .45 caliber), and pass the departmental armorer's inspection. A short practical exam (one per weapon) covering the loading/unloading, field stripping, and cleaning/lubrication of the weapon will be given to the officer before they are granted authorization to carry the backup weapon. The officer will also be required to pass the designated "Backup" firearm qualification course.

Officers who have met the requirements noted above for carrying a backup weapon shall qualify with their respective backup weapon semi-annually (qualification quarters) only on the designated Backup weapons course of fire and on the designated qualification days of each quarter of the calendar year.

Officers who participate, but fail to meet the minimum qualification requirements for a backup firearm by the last qualification date for the quarter will not be authorized to carry the weapon until such time as they meet or exceed the minimum qualification requirements.

Officers who fail to participate in the required bi-yearly qualification for a backup firearm will be denied authorization to carry that particular firearm until they have qualified. It shall be the responsibility of the officer's immediate supervisor to ensure that no unauthorized backup firearm is carried by the officer. Reinstatement of authority to carry the backup firearm will commence upon meeting or exceeding the minimum requirements for the preceding qualification quarter.

Any officer who chooses to carry a personally owned firearm for backup use is required to furnish his/her own ammunition for the qualification course and for use of the firearm while on duty. The department armorer must approve all ammunition.

### **Department Firearms, Off-duty Carry**

The carrying of an off-duty firearm and police identification is encouraged but not mandated. An officer who elects not to carry a firearm while off duty shall not be subjected to disciplinary action if an occasion should arise in which the officer could have taken law enforcement action if armed and did not. Department owned handguns are authorized to carry while off duty.



### **18.3 AMMUNITION**

Uniformed officers will carry enough department authorized duty issue ammunition on their duty belt (including the rounds in the firearm) to facilitate two reloads.

Plain-clothes officers while on duty will carry a fully loaded handgun. The carrying of additional ammunition on their person is encouraged but not mandated.

All authorized duty issue ammunition shall be “Factory” new and of a design, weight and velocity to meet the needs of the department.

All other ammunition calibers are referenced in the Procedures Manual or individual unit Standard Operating Procedures (SOP).

Modification to department issued ammunition is strictly prohibited.

### **18.4 FIREARM CARE/MAINTENANCE**

The department armorer shall perform an annual inspection of all department issue and personally owned firearms approved for use in an officer’s official capacity. The department Range Master, or any department-approved armorer has the authority to remove any unsafe firearm from use. The department Range Master will maintain a record of each weapon approved by the Everett Police Department for official use. The Range Master will be responsible for ensuring that all department firearms, not issued, are stored in the department vault.

The department armorer will complete or order all necessary repairs to department owned/issued firearms.

All necessary repairs to personally owned firearms used in their official capacity may be performed by a qualified department armorer. Repair of personally owned firearms for which no qualified department armorer is available and replacement parts for personally owned firearms are the responsibility of the individual officer.

Officers are responsible for the care and cleaning of their weapons and will, at all times, maintain the weapon in a clean and serviceable manner.

Officers shall immediately report the loss or theft of any department or personally owned firearm used in their official capacity, to the Chief of Police through the Chain of Command. The report will be in writing and will detail all the facts concerning the incident. Additionally, the officer will file a police report in the jurisdiction where the theft occurred.

Officers shall keep issued weapons in a gun locker, in a locked changing room locker, locked desk or in a secure place when not on their person. This is encouraged while at home or away from work. At the officers’ request, locks are provided for additional security during the safe storage of department issued pistols and rifles. These locks only restrict the operation of the weapon, and do not prevent theft.

## 18.5 SHOTGUNS

Shotguns are authorized to be carried only by members of the Everett Police Department Tactical Team during team activations or as specified in [Chapter 18.7](#).

Members of the Everett Police Department Honor Guard are authorized to carry shotguns for ceremonial use.

## 18.6 LONG RIFLES

Officers who want to use a departmentally issued rifle for duty weapons may do so subject successful completion of the rifle training program.

Weapon:

No modifications are to be made to a department issued owned rifles without the permission of the department rangemaster.

Training:

Participating officers shall successfully complete the department's rifle training program. Officers shall qualify semi-annually with the rifle. Failure to qualify will result in the suspension of the privilege to carry the rifle. Reinstatement to carry a rifle is addressed in [Chapter 18.10](#). Proficiency at breaking down, cleaning and reassembling the weapon along with knowledge and skill to recognize and clear malfunctions shall be evaluated semi-annually during semi-annual qualification.

Ammunition:

Ammunition for rifles must be department issued. Rifles will be carried only in department designed rifle racks. No rifle will be carried in a department vehicle with a round chambered.

Inspection:

All weapons shall be inspected and approved for use by the Department Armorer prior to their initial deployment in the field. The Department Armorer will record the serial number of the rifle and maintain all information pertinent to the weapon in department files.

## 18.7 LESS LETHAL WEAPONS

For department personnel who are authorized to carry less lethal weapons, the following standards apply:

Department personnel may carry less lethal weapons while on duty only after they have been trained and authorized by the department to use that particular tool. Less lethal weapons are defined as weapons that, when used under normal and accepted procedures, are not likely to cause death or serious physical injury.

Use of less lethal weapons is subject to the Department's use of force policies.

## **18.8 BATONS/IMPACT DEVICES**

Officers will employ approved impact devices (ASP, Baton, etc.) in a manner consistent with departmental training, directives and the [Use of Force Policy](#). Only department issued equipment will be carried or utilized. Certified Defensive Tactics Instructors will conduct impact device training. Only those officers demonstrating proficiency will be allowed to carry approved impact devices. Specifications for Impact Devices are as follows: ASP Expandable baton 26”expanded, 9” unexpanded. Straight sticks are not issued by the department. Commercially manufactured straight stick batons are authorized for use. While the department only supplies versions of the metal expandable baton, officers may choose to purchase and carry their own straight stick batons as long as they meet the following criteria:

- Commercially manufactured for police use
- Made from wood, plastic or metal (aluminum)
- Between 22-28inches in length and,
- Approved for use by the department Training Division and/or Department Certified Defensive Tactics Instructor.

Side handle batons are not authorized for use.

## **18.9 AEROSOL AGENT: O.C. SPRAY**

The courts regard an OC application as “intermediate force.” Use of OC spray should comply with the standards set forth in the [Use of Force Policy](#).

Officers carrying an aerosol agent issued by the department will receive training in the use of the product. Training in the administration of OC will be conducted by a certified trainer. Only those officers demonstrating proficiency will be allowed to carry an aerosol agent.

Because all sergeants and officers assigned to the Patrol Operations Division are required to carry a Taser, those officers will have the option to carry either OC spray or wear an ASP on their duty belt as well. One or both of those devices must be retained on the duty belt. If an officer elects to carry just one of the items, the other must be available in the officer’s vehicle.

Any officer who intends to use OC spray should ensure that adequate assistance is available in the event an officer inadvertently disables him/herself with the agent. A verbal warning should be given to the subject before applying OC spray if possible.

Any use of OC requires that the reason(s) for the use be documented in an incident report and that a supervisor complete a use of force review.

## **18.10 FIREARMS PROFICIENCY**

It is the policy of this department that each officer qualify with his/her issued or approved handgun during two separate designated qualification quarters per year. Officers will also be required to satisfactorily participate in two training quarters per year.

Officers carrying a rifle must qualify semi-annually as designated by the Administrative Services Lieutenant.

The required qualification course/format will be the responsibility of the Administrative Services Lieutenant, as approved by the Chief of Police. Officers must qualify on the respective designated qualification course before they are authorized to carry their primary or backup firearm(s).

Officers will train and/or qualify on authorized range days under the direction of a department firearms instructor.

Officers who participate, but fail to meet the minimum qualification requirements with their issued firearms will be granted a thirty-day grace period. Administrative Services will coordinate basic firearm refresher training for those officers. Officers who fail to achieve qualification after attending firearm refresher training will be relieved from active duty and subject to disciplinary action for failure to comply with department policy.

Officers who fail to participate in the required quarterly training/qualification for handgun by the last qualification date of the quarter will be relieved from active duty assignment until the appropriate training/qualification is completed. Failure to participate may also result in disciplinary action for failure to comply with department policy. Officers failing to attend and meet the minimum qualification requirements for the rifle or other department-issued firearms will not be authorized to carry those weapons on duty. Those weapons, except for those specifically assigned to the TAC Team, will be immediately turned in to the department armorer.

Officers on limited duty or disability may have the qualification requirements waived by the Administrative Services Lieutenant. Officers returning from disability or limited duty must qualify prior to returning to a regular assignment if they are not current with the qualification/training standard.

Officers requesting reinstatement to carry the rifle will be required to qualify after a demonstrated proficiency test covering breakdown, cleaning, reassembly of the weapon, along with knowledge and skill to recognize and clear malfunctions.

Officers requesting reinstatement to carry the rifle or other department-issued firearms will be required to meet similar standards. **Some specialty units (SWAT) may have firearms unique to those units/assignments (sniper rifles, etc). Training, qualification, policies, and procedures for those specialized weapons are found in the SOP for those specialty units.**

### **18.11 SPECIALTY UNIT WEAPONS**

The Tactical Unit and the Special Operations Group utilize special weapons, authorized by the Chief of Police, as part of their assigned duties. Officers assigned to these units are required to maintain training and qualifications with these weapons. Unit members who are properly trained with these specialty weapons are permitted to use them in their unit capacity.

The care and maintenance of these weapons are the same as all other department owned weapons as detailed in section [18.4](#).

Weapon specifications for all Tactical and/or SOG unit teams will be outlined in their respective Standard Operating Procedures Manuals (SOP).

## 18.12 CONDUCTED ELECTRICAL WEAPON (CEW)

All Sergeants and Officers assigned to the Patrol Operations Division will be required to carry a Conducted Electrical Weapon (CEW), and are required to successfully complete the manufacturer's recommended CEW-user course. Officers who participate, but fail to successfully pass the user course, will be granted a thirty-day grace period during which they will not carry a CEW. Administrative Services will coordinate the retraining process for those officers. Officers who fail to achieve qualification after attending re-training will not carry a CEW, and may be subject to disciplinary action for failure to comply with department policy. Personnel will also be required to pass a subsequent annual re-certification program. Failure to successfully complete and pass the annual re-certification will result in immediate revocation of this device. Personnel failing to successfully complete the annual re-certification will be required to attend and successfully complete remedial training per [Policy 3.7](#) (Remedial Training).

## 18.13 TRAINING

All agency personnel authorized to carry weapons will receive training annually on the [Use of Force/Use of Deadly Force](#) policies.

Training for Less-than Lethal weapon policies will be conducted every 2 years.

It is the policy of this department that all sworn personnel will receive marksmanship and scenario based training through the use of the Virtual Training (VirTra®) Simulator (IVR-300 System). The Virtual Training Simulator shall be utilized to maintain and enhance basic firearms handling as well as decision making skills through the use of marksmanship courses of fire and scenario based training.

All sworn personnel shall attend quarterly training provided through the use of the VirTra® Simulator.

Only those officers designated as VirTra® Operators are authorized to operate the VirTra® Simulator to provide training to sworn personnel. A review of the Department's [Use of Force/Use of Deadly Force](#) policies shall be completed by all sworn personnel prior to any scenario based training on the VirTra® simulator.

The VirTra marksmanship and scenario based training for each quarter shall be approved by the Administrative Services Lieutenant.

Only those weapons (handgun, rifle, Taser®, etc.) specifically modified for use with the VirTra® system shall be used or permitted in the designated training area. All other weapons and ammunition shall be secured elsewhere.

Any sworn officer failing to complete the required quarterly Simulator training may be subject to disciplinary action for failure to comply with Department policy.

Officers that miss quarterly simulator training due to disability leave, military leave, etc. will make up the previous simulator scenario at the following quarter's training session.

## GLOSSARY

### **General Definitions:**

**Administrative Investigation** is an investigation conducted to determine whether an officer has violated any provision of this manual, or any city or department rule or regulation or whether an officer is impaired or unfit to perform the duties and responsibilities of a peace officer.

**Civilian Employee** – An employee of the police department with no arrest authority.

**Command Staff Officer** means a department supervisor of the rank of Captain or above.

**Commanding Officer** denotes the Captain of that specific division.

**Drug Test** - A urinalysis administered under approved conditions and procedures to detect drugs/alcohol. The test will be conducted by a department-designated facility.

**Employee** – Refers to all members of the Everett Police Department, including volunteers.

**Enforcement Procedures** are the fundamental rights of an accused officer which are applicable to a disciplinary investigation or proceeding against the officer.

**Ethical Standards** are statements that represent the objectives toward which every peace officer shall strive. They constitute principles that can be relied upon by the peace officer for guidance in specific situations.

**Firearms--personally owned:** any reference to issued or personally owned firearms apply to use in the officer's official capacity

**Formal Discipline** refers to the final adjudication of administrative or disciplinary charges.

**General Order** a written policy directive from the Chief of Police. Shall be incorporated in the manual annual review.

**Management Team** means all personnel holding the rank of Lieutenant or higher.

**Officer** - All commissioned personnel, regular or reserve.

**Peace Officer** - means a fully commissioned regular or reserve officer, and by extension and where applicable, any other paid or volunteer officer of the Everett Police Department.

**Personnel Order** - a directive from the Chief of Police articulating the assignment of a specific officer or officers.

**Reserve Officer** – A reserve police officer shall only have arrest powers of a regularly sworn Everett police officer only while on authorized duty status.

**SOP** - is a standard operating procedure.

**Special Order** - a direction from a command staff officer, or above, covering a specific event, for a specific period of time, not to exceed 2 years.

**Supervisor** - Both sworn and civilian officers assigned to a position having day-to-day responsibility for supervising subordinates, or are responsible for commanding a work element.

**Sworn Officer** - All commissioned employees and reserves.

**Traumatic Incident** - any police action resulting in serious injury or death.

**Unauthorized Vehicle** means a vehicle that is subject to impoundment after being left unattended on a highway for over twenty-four hours and tagged as described in RCW 46.55.085.

## REVISIONS

Effective February 2004 / Rev. 9/04 / *Rev. 12/04/ Rev. 10/05/Rev. 2/06/Rev. 7/2006/ Rev. 4/07/ Rev. 6/2007 / Rev. 7/2007 / Rev. 12/2008, Rev. 7/2009, Rev 9/09, Rev 11/2009, Rev 1/2010, Rev 7/2010, Rev 10/2010, Rev 11/10, Rev 12/2010, Rev 1/2011,Rev 2/2011, 3/11, 6/11, Rev 7/2011, Rev 9/2011, Rev 10/2011, Rev 11/11, Rev 2/12, Rev 3/12, 6/12, Rev. 7/2012, Rev 8/2012, Rev 9/2012, Rev 10/2012, 11/2012, 1/13, 2/13, 3/13, 4/13, 8/13, Rev 9/2013,10/13, 11/2013, 12/13,1/14, 3/14, 4/14, 6/14, 7/14, 9/14, 12/14, 05/15, 07/15, 10/15, 12/15, 3/16, 4/16, 5/16, 08/16, 09/16, 10/16,01/17, 2/17,3/17,4/17, 6/17, 7/1, 8/17,9/17, 11/17, 12/17, 02/18, 03/18, 04/18, 05/18, 06/18, 08/18, 09/18, 10/18, 12/18, 03/19, 04/19, 08/19, 09/19, 10/19, 12/19, 1/20, 3/20, 4/20, 5/20, 06/20*