CHIEF'S MESSAGE

The purpose of this manual is to guide the Bainbridge Island Police Department's Officers and Civilian Employees during the course of their daily law enforcement duties. This policy manual reflects the Department's official position on the professional, ethical and legal manner in which official duties are carried out. I have the utmost confidence that my officers will do the right thing in any given situation, but the legal landscape in which we perform our work is complex and technical. It is therefore imperative that all members of the Department read, understand and know the intent and guidance contained herein to protect the citizens you serve and yourself.

The intent of this manual is to assist officers in the performance of their duties, not hinder. If a policy is not clearly written or understood, you have a moral responsibility to seek clarification, or help the department to write the policy more clearly. To that end, I expect every member of our Department to read and reference this Policy Manual frequently. Expect to be evaluated on your knowledge and understanding of the Manual, both in your daily duties, but also as part of Department directed Training.

Finally, thank you for your continued service to the City of Bainbridge Island. I am proud of the work you have done and look forward to our continued service together.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

VISION AND MISSION

Vision Statement

We, the members of the Bainbridge Island Police Department, envision a community where citizens can enjoy life without the fear of crime; a community where citizens and the police department are not only partners, but allies, and a community where the unlawful fear accountability at the hands of the criminal justice system.

Mission Statement

The Mission of the Bainbridge Island Police Department is to provide professional, proactive law enforcement services for the people who live, work, and visit in our community. In the pursuit of this mission, we commit to the following:

1) The continual integration of our core values of Integrity, Teamwork, Accountability, Excellence, and Duty into all that we do,

2) The establishing and sustaining of strategic partnerships that increase effectiveness and connection,

3) The ongoing evaluation and leveraging of technology and training to enhance public safety services, and

4) Being open and responsive to the needs of our community.

The Mission and Vision of the department is reviewed annually by the Chief of Police.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Table of Contents

Chief's Message 1

Vision and Mission 2

Chapter 1 - Law Enforcement Role and Authority 7
100 - Law Enforcement Authority 8
101 - Law Enforcement Certification 10
102 - Oath of Office 11
103 - Policy Manual 12
104 - Law Enforcement Code of Ethics 15

Chapter 2 - Organization and Administration 24
200 - Organizational Structure and Responsibility 25
201 - Departmental Directive 27
202 - Emergency Management Plan 28
203 - Training Policy 30
204 - E-Mail 32
205 - Concealed Pistol License 33
206 - Retiree Concealed Firearms 38
207 - Agency Facilities 41
208 - Planning 42
209 - Fiscal Management 43

Chapter 3 - General Operations 45
300 - Use of Force 46
301 - Use of Force Reviews 54
302 - Handcuffing and Restraints 57
303 - Control Devices and Techniques 62
304 - Conducted Energy Device 66
305 - Officer-Involved Shootings and Deaths 73
306 - Firearms 81
307 - Vehicle Pursuits 87
308 - Officer Response to Calls 99
309 - Domestic Violence 102
310 - Search and Seizure 106
311 - Temporary Custody of Juveniles 108
312 - Adult Abuse 111
313 - Discriminatory Harassment 115
314 - Child Abuse 120
315 - Missing Persons 125
316 - Public Alerts 132
317 - Victim Witness Assistance 135
318 - Hate Crimes 138
319 - Standards of Conduct 140

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

320 - Information Technology Use 147
321 - News Media Relations 148
322 - Subpoenas and Court Appearances 152
323 - Reserve Officers 154
324 - Outside Agency Assistance 160
325 - Registered Offender Information 162
326 - Death Investigation 166
327 - Identity Theft 168
328 - Limited English Proficiency Services 169
329 - Communications with Persons with Disabilities 176
330 - Child and Dependent Adult Safety 184
331 - Service Animals 186
332 - Volunteer Program 188
333 - Off-Duty Law Enforcement Actions 189
334 - CJI Physical Protection Policy 191
335 - Native American Graves Protection and Repatriation 195
336 - Criminal Investigations 197
337 - Canines 199
338 - Extreme Risk Protection Orders 205
339 - Community Relations 209

Chapter 4 - Patrol Operations 214

400 - Patrol Function 215
401 - Bias-Based Policing 218
402 - Shift Briefing 221
403 - Marine Patrol Operations 223
404 - Crime and Disaster Scene Integrity 227
405 - Ride-Along Policy 229
406 - Hazardous Material Response 232
407 - Hostage and Barricade Incidents 235
408 - Response to Bomb Calls 236
409 - Emergent Detentions 240
410 - Citation Releases 243
411 - Arrest or Detention of Foreign Nationals 245
412 - Rapid Response and Deployment 253
413 - Immigration Violations 255
414 - Vacation House Checks 258
415 - Field Training Officer Program 259
416 - Contacts and Temporary Detentions 262
417 - Shift Supervisors 265
418 - Mobile Computer Terminals Use 267
419 - Portable Audio/Video Recorders 270
420 - Bicycle Patrol Unit 277
421 - Foot Pursuit Policy 278
422 - Homeless Persons 282
423 - Public Recording of Law Enforcement Activity 285
424 - Crisis Intervention Incidents 288

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

425 - Aircraft Accidents . . . 293
425 - Medical Marijuana . . . 297
426 - Radiation Detection Policy . . . 302
427 - Medical Aid and Response . . . 305
428 - First Amendment Assemblies . . . 309
429 - Civil Disputes . . . 315

Chapter 5 - Traffic Operations . . . 318
500 - Traffic Function and Responsibility . . . 319
501 - Traffic Collision Reporting . . . 323
502 - Vehicle Towing Policy . . . 325
503 - Vehicle Impound Hearings . . . 328
504 - Impaired Driving . . . 329
505 - Traffic Citations and Notices of Infraction . . . 333
506 - Disabled Vehicles . . . 335
507 - Unauthorized 24 Hour Vehicle Violations . . . 336
508 - Vehicle Seizure and Forfeiture . . . 337
509 - Employee Involved Collisions . . . 340

Chapter 6 - Investigation Operations . . . 343
600 - Investigation and Prosecution . . . 344
601 - Asset Forfeiture . . . 346
602 - Confidential Informants . . . 353
603 - Eyewitness Identification . . . 357
604 - Brady Material Disclosure . . . 361
605 - Operations Planning and Deconfliction . . . 363
606 - Sexual Assault Investigations . . . 369
607 - Warrant Service . . . 374

Chapter 7 - Equipment . . . 378
700 - Department Owned and Personal Property . . . 379
701 - Vehicle Use . . . 382
702 - Cash Handling, Security and Management . . . 385

Chapter 8 - Support Services . . . 387
800 - Crime Analysis . . . 388
801 - Property and Evidence . . . 389
802 - Social Media . . . 396
803 - Records . . . 400
804 - Records Maintenance and Release . . . 403
805 - Protected Information . . . 409
806 - Computer Voice Stress Analysis . . . 412

Chapter 9 - Custody . . . 413
900 - Temporary Custody of Adults . . . 414
901 - Custodial Searches . . . 424

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Chapter 10 - Personnel 430
1000 - Recruitment and Selection 431
1001 - Evaluation of Employees 436
1002 - Grievance Procedure 440
1003 - Anti-Retaliation 442
1004 - Reporting of Employee Convictions 445
1005 - Drug- and Alcohol-Free Workplace 446
1006 - Sick Leave 448
1007 - Communicable Diseases 450
1008 - Smoking and Tobacco Use 455
1009 - Discipline Policy 456
1010 - Seat Belts 460
1011 - Body Armor 462
1012 - Personnel Records 464
1013 - Fitness for Duty 468
1014 - Meal Periods and Breaks 471
1015 - Lactation Break Policy 472
1016 - Overtime Compensation Requests 474
1017 - Outside Employment 476
1018 - Occupational Disease and Work-Related Injury Reporting 483
1019 - Personal Appearance Standards 485
1020 - Uniform Regulations 487
1021 - Nepotism and Conflicting Relationships 493
1022 - Domestic Violence Involving Law Enforcement Employees 496
1023 - Department Badges 502
1024 - Temporary Modified-Duty Assignments 504
1025 - Employee Speech, Expression and Social Networking 507
1026 - Accident, Illness and Injury Prevention 513
1027 - Personnel Complaints 519

Attachments . . . . . .

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Chapter 1 - Law Enforcement Role and Authority

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 POLICY

It is the policy of the Bainbridge Island Police Department to limit its members to only exercise the authority granted to them by law.

While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate abuse of law enforcement authority.

100.3 PEACE OFFICER POWERS

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

100.3.1 ARREST AUTHORITY

The arrest authority of the Bainbridge Island Police Department includes (RCW 10.31.100):

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

(b) A peace officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of a peace officer, except as provided in RCW 10.31.100 (e.g., when there is probable cause for certain offenses that involve domestic violence, driving under the influence, motor vehicle accidents).

(c) A peace officer may arrest a person in compliance with an arrest warrant after confirming the existence and extradition. A peace officer making an arrest must inform the person that the peace officer is acting under the authority of a warrant and must provide the person with a copy of the warrant at the time of the arrest or arrival at the holding facility.

100.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

(a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.

(b) When an officer enters Idaho or Oregon in fresh pursuit of a person believed to have committed a felony (Idaho Code 19-701; ORS 133.430).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

When an officer makes an arrest in Idaho or Oregon, the arresting officer shall cause the person to be taken without delay to a magistrate in the county where the arrest was made (Idaho Code 19-702; ORS 133.440).

100.5 CONSTITUTIONAL REQUIREMENTS

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

100.5.1 ADVISEMENT OF RIGHTS

Federal case law requires that officers advice a person who is in custody, or the functional equivalent of arrest, of their right to counsel prior to interrogation. Washington criminal court rules require that police advise an arrestee of the right to counsel after making an arrest.

The language used to advise suspects is on the card issued to each employee for that purpose.

NOTE: It may be necessary for the employee 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 wavied these rights.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Law Enforcement Certification

101.1 PURPOSE AND SCOPE

All sworn officers employed by the Bainbridge Island Police Department shall receive certification by CJTC prior to assuming law enforcement duties and responsibilities, and shall begin attending an approved academy within the first six months of employment (RCW 43.101.095(1); RCW 43.101.200(1)).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Oath of Office

102.1 PURPOSE AND SCOPE

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

102.2 POLICY

It is the policy of the Bainbridge Island Police Department that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

102.3 OATH OF OFFICE

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

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

102.4 MAINTENANCE OF RECORDS

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Policy Manual

103.1 PURPOSE AND SCOPE

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

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

103.2 POLICY

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

103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Bainbridge Island Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline.The Chief of Police sets policy so long as it does not violate employee rights and the current Collective Bargaining Agreement (reference CBA 2.1 and 2.2). Just cause will always apply in any discipline.

103.3 AUTHORITY

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

103.4 DEFINITIONS

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

Adult - Any person 18 years of age or older.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

CFR - Code of Federal Regulations.

City - The City of Bainbridge Island.

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

CJTC - The Criminal Justice Training Commission.

Department/BIPD - The Bainbridge Island Police Department.

DOL - The Department of Licensing.

Employee - Any person employed by the Department.

Juvenile - Any person under the age of 18 years.

Manual - The Bainbridge Island Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

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

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

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

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

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

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

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

Shall or will - Indicates a mandatory action.

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

Supervisor - The supervisory positions have the responsibility to guide, direct, motivate and teach 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.officer

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

USC - United States Code.

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

WSP - The Washington State Patrol.

103.5 ISSUING THE POLICY MANUAL

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

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

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary. Past issued manuals are archived electronically within the Lexipol System.

103.7 REVISIONS TO POLICIES

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

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

Each Supervisor will ensure that members under his/her command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Supervisors, who will consider the recommendations and forward them to the command staff as appropriate.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Law Enforcement Code of Ethics

104.1 STATEMENT OF PURPOSE

The Department constitutes an organization whose very existence is justified solely on the basis of community service. Although departmental regulations provide a working pattern, our official activity must not be confined within the limited area described by them. Actually, that portion of police service dealing with the criminal element is only a small part of our overall responsibility.The greater percentage of our time and energy is expended on non-criminal service functions and in dealing with law-abiding citizens of the community.

We should consider it our duty and privilege, not only to protect our citizens from the criminal, but also to protect and defend the rights guaranteed under our structure of government. It maybe said that matters of civil law are not a basic police responsibility and, within reasonable limits, we should attempt to avoid becoming entangled in them. However, some situations can best be served only when we assist in such matters. Our broad philosophy must embrace a wholehearted determination to protect and support individual rights while at all times providing for the security of persons and property in the community.

A society free from crime and disorder remains an unachieved ideal; nevertheless, consistent with the values of society, it is the objective of the Department's role to enforce the law in a fair and impartial manner, recognizing both the statutory and judicial limitations of police authority. It is not the role of the Department to legislate, to render legal judgments, or to punish.

The Department protects the rights of all persons within its jurisdiction to be free from criminal attack, to be secure in their possessions and to live in peace. The Department serves the people of the City by performing the law enforcement function in a professional manner and it is to these people that the Department is ultimately responsible. In joining the Department, employees make its responsibilities their own and are expected to carry out these responsibilities diligently and courteously and to take pride in the services they provide.

104.2 IMPORTANCE OF THE CODE OF ETHICS

Ethics are those standards or principles of conduct that govern the behavior of an individual or a group of individuals.

The position of a police department employee carries with it a moral obligation to adhere strictly to the high standards of honor and integrity that the public has a right to expect. The moral code of the police employee must be beyond reproach. Not only must the employee avoid all wrongdoing,but he or she must avoid all appearance of wrongdoing. The employee must be aware that his or her conduct will be appraised in three frames of reference—what the conduct actually is, what he or she thinks it is, and what it appears to be to others.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

104.3 PURPOSE

To set forth both an articulated code of ethics and a set of ethical canons and standards which encompass and describe expectations of behavior and conduct, both on duty and off duty, for all commissioned law enforcement personnel and, where applicable, all members of the law enforcement agency, whether paid or volunteer.

All members of the Department shall become familiar with these standards and shall abide by them. Violation constitutes grounds for disciplinary action.

104.4 POLICY

It is the policy of this Department that all members of the Department shall be held bound by these standards unless specifically excluded by the nature of the standard itself, e.g., when the standard may refer to the exercise of commission authority which some members of the Department do not have.

104.5 POLICE CODE OF ETHICS

As a law enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception and the weak against violence or disorder; and to respect the Constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied, as defined by the State of Washington and CJTC, as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self restraint;and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my Department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept confidential unless disclosure is necessary in the performance of my duties.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals,I will enforce the law courteously and appropriately without fear or favor, malice or violence and never accept gratuities as defined by the State of Washington and CJTC.

I recognize the badge of my office as a symbol of public faith and I accept it as a public trust to be held so long as I am true to the ethics of law enforcement as defined by the State of Washington and CJTC. I will consistently strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession of law enforcement.

104.6 CODE OF PROFESSIONAL CONDUCT AND RESPONSIBILITY FOR PEACE OFFICERS

WHEREAS, peace officers 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 Peace

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Officers as a matter of the highest significance to the health, welfare, and safety of the citizens of this state; and

WHEREAS, the establishment of a Code of Professional Conduct and Responsibility for Peace Officers, which includes Canons of Ethics and minimum standards, requires the granting of authority to enforce these standards of professional conduct through disciplinary action as necessary for the protection of the health, welfare, and safety of the public; therefore

BE IT RESOLVED that the need to maintain high standards of moral character, integrity, knowledge, and trust requires that peace officers establish and conform to a Code of Professional Conduct and Responsibility for Peace Officers.

104.7 GENERAL STATEMENT

Peace Officers are granted a public 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 peace officer profession must not only conform to the Code of Ethics but must also abide by these Canons of Ethics and Ethical Standards which constitute this Code of Professional Conduct and Responsibility as a means of internal regulation.

The essence of a progression is that it requires, in addition to prescribing a desired level of performance, established minimum standards of ethical conduct with prescribed rules for internal discipline to ensure compliance. Accordingly, this Code of Professional Conduct and Responsibility has been established for the peace officer profession.

Nothing in the Code of Professional Conduct and Responsibility for Peace Officers is intended to limit or supersede any provision of law relating to the duties and obligations of peace officers or the consequences of a violation thereof. Whereas these rules specify certain conduct as unprofessional, this is not to be interpreted as approval of conduct not specifically mentioned.

Nothing in this Code of Professional Conduct and Responsibility for Peace Officers is intended to limit the authority of this agency to adopt and enforce rules and regulations that are more stringent or comprehensive than those that are contained in the Code of Professional Conduct for Peace Officers.

104.8 DEFINITIONS

The Code of Professional Conduct and Responsibility for Peace Officers is comprised of nine Canons of Ethics, with explanatory statements in the form of Ethical Standards. Examples of Disciplinary Rules and Enforcement Procedures are included as an addendum. The following are definitions of these terms, as used in the context of the Code:

ADMINISTRATIVE INVESTIGATION is an investigation conducted to determine whether a peace officer has violated any provision of this code, or an agency rule or regulation; or whether an officer is impaired or unfit to perform the duties and responsibilities of a peace officer.

CANONS are statements which express in general terms standards of professional conduct expected of peace officers in their relationship with the public, the criminal justice system, and the

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

peace officer profession. They embody the general concepts from which the Ethical Standards and the Disciplinary Rules are derived.

CODE means this Code of Ethics of Professional Conduct and Responsibility for Peace Officers.

DISCIPLINARY RULES specify an unacceptable level of conduct for all peace officers, regardless of their rank or the nature of their assignment. Any peace officer who violates any Department rule that applies to these Canons and Ethics Standards is guilty of unprofessional conduct and is subject to disciplinary action. Violation of disciplinary rules requires appropriate adjudication and disciplinary action ranging from oral reprimand to termination and/or criminal prosecution or other administrative action sanctioned by law, as dictated by the individual case.

ENFORCEMENT PROCEDURES are the fundamental rights of an accused peace officer which are applicable to a disciplinary investigation or proceeding against the peace 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.

FORMAL DISCIPLINE refers to the final adjudication of administrative or disciplinary charges.

104.9 CANON OF ETHICS

104.9.1 CANON I

Peace officers shall uphold the Constitution of the United States, the State of Washington, and all laws enacted or established pursuant to legally constituted authority.

Standard 1.1 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 Washington State Constitution and laws derived there from.

Standard 1.2 Peace officers shall be aware of the extent and the limitations of their authority in the enforcement of the law.

Standard 1.3 Peace officers shall diligently study principles and new enactments of the laws they enforce.

Standard 1.4 Peace officers shall be responsible for keeping abreast of current case law as applied to their duties.

Standard 1.5 Peace officers shall endeavor to uphold the spirit of the law, as opposed to enforcing merely the letter of the law.

Standard 1.6 Peace officers shall respect and uphold the dignity, human rights, and federal and state constitutional rights of all persons.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

104.9.2 CANON II

Peace Officers shall be aware of and shall use proper and ethical procedures in discharging their official duties and responsibilities.

Standard 2.1 Peace officers shall be aware of their lawful authority to use that force reasonably necessary in securing compliance with their lawful enforcement duties.

Standard 2.2 Peace officers shall truthfully, completely, and impartially report, testify, and present evidence in all matters of an official nature.

Standard 2.3 Peace officers shall follow legal practices in such areas as interrogation, arrest or detention, searches, seizures, use of information, and collection and preservation of evidence.

Standard 2.4 Peace officers shall follow the principles of integrity, fairness, and impartiality in connection with their duties.

104.9.3 CANON III

Peace Officers 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.

Standard 3.1 Peace officers, as professionals, shall maintain an awareness of those factors affecting their responsibilities.

Standard 3.2 Peace officers, during their tour of duty, shall diligently devote their time and attention to the effective and professional performance of their responsibilities.

Standard 3.3 Peace officers shall ensure that they are prepared for the effective and efficient undertaking of their assignment.

Standard 3.4 Peace officers shall safely and efficiently use equipment and material available to them.

Standard 3.5 Peace officers shall be prepared to and shall respond effectively to the demands of their office.

Standard 3.6 Peace officers, with due regard for compassion, shall maintain an objective and impartial attitude in official contacts.

Standard 3.7 Peace officers shall not allow their personal convictions, beliefs, prejudices, or biases to interfere unreasonably with their official acts or decisions.

Standard 3.8 Peace officers shall recognize that their allegiance is first to the people, then to their profession, and the government entity or agency that employs them.

104.9.4 CANON IV

Peace Officers 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 peace officer profession.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Standard 4.1 Peace officers shall refrain from consuming intoxicating beverages to the extent that it results in impairment which brings discredit upon the profession or their employing agency, or renders them unfit for the next tour of duty.

Standard 4.2 Peace officers shall not consume intoxicating beverages while on duty, except to the degree permitted in the performance of official duties.

Standard 4.3 Peace officers 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.

Standard 4.4 Peace officers shall maintain a level of conduct in their personal and business affairs to the high standards of the peace officer profession. Officers shall not participate in any incident involving moral turpitude.

Standard 4.5 Peace officers shall not undertake financial obligations which they know or reasonably should know they will be unable to meet and shall pay all just debts when due.

Standard 4.6 Peace officers shall not engage in illegal political activities.

Standard 4.7 Peace officers shall not permit or authorize for personal gain the use of their name or photograph and official title identifying them as peace officers in connection with testimonials or advertisements for any commodity, commercial enterprise, or commercial service which is not the product of the officer involved.

Standard 4.8 Peace officers shall not engage in any activity which would create a conflict of interest or would be in violation of the law.

Standard 4.9 Peace officers shall, at all times, conduct themselves in a manner which does not discredit the peace officer profession or their employing agency.

Standard 4.10 Peace officers shall not be disrespectful, insolent, mutinous, or insubordinate in attitude or conduct.

Standard 4.11 Peace officers 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.

Standard 4.12 Peace officers 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.

104.9.5 CANON V

Peace Officers shall recognize that our society holds the freedom of the individual as a paramount precept which shall not be infringed upon without just, legal, and necessary cause.

Standard 5.1 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.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Standard 5.2 Peace officers shall recognize the rights of individuals to be free from capricious or arbitrary acts which deny or abridge their fundamental rights as guaranteed by law.

Standard 5.3 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.

104.9.6 CANON VI

Peace Officers shall assist in maintaining the integrity and competence of the peace officer profession.

Standard 6.1 Peace officers shall recognize that every person in our society is entitled to professional, effective, and efficient law enforcement services.

Standard 6.2 Peace officers shall perform their duties in such a manner as to discourage double standards.

Standard 6.3 Peace officers shall conduct themselves so as to set exemplary standards of performance for all law enforcement personnel.

Standard 6.4 Peace officers 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.

Standard 6.5 Peace officers shall have the responsibility for reporting to proper authorities any known information which would serve to disqualify candidates from transferring within or entering the profession.

Standard 6.6 Peace officers 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.

Standard 6.7 The Chief shall accept the responsibility of utilizing all available resources and the authority of their office to maintain the integrity of the Department and the competency of their peace officers. These Canons and Ethical Standards shall apply to all legally defined peace officers regardless of rank.

Standard 6.8 Peace officers shall assume a leadership role in furthering their profession by encouraging and assisting in the education and training of other members of the profession.

104.9.7 CANON VII

Peace Officers shall cooperate with other officials and organizations who are using legal and ethical means to achieve the goals and objectives of the peace officer profession.

Standard 7.1 Peace officers, within legal and agency guidelines, shall share with personnel both within and outside their agency, appropriate information that will facilitate the achievement of criminal justice goals or objectives.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Standard 7.2 Peace officers, whether requested through appropriate channels or called upon individually, shall render needed assistance to any other officer in the proper performance of his duty.

Standard 7.3 Peace officers shall, within legal and agency guidelines, endeavor to communicate to the community, the goals and objectives of the profession and keep them apprised of conditions which threaten the maintenance of an ordered society.

104.9.8 CANON VIII

Peace Officers shall not compromise their integrity nor that of their agency or profession by accepting, giving, or soliciting any gratuity.

Standard 8.1 Peace officers 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.

Standard 8.2 Peace officers shall not consider their badge of office as a license designed to provide them with special favor or consideration.

104.9.9 CANON IX

Peace Officers shall observe the confidentiality of information available to them through any source, as it relates to the peace officer profession.

Standard 9.1 Peace officers shall be aware of and shall meticulously observe all legal restrictions on the release and dissemination of information.

Standard 9.2 Peace officers shall treat as confidential the official business of their employing agency and shall release or disseminate such information solely in an authorized manner.

Standard 9.3 Peace officers shall neither disclose nor use for their personal interest any confidential information acquired by them in the course of their official duties.

Standard 9.4 Peace officers shall treat as confidential that information confided to them personally. They shall disclose such information as required in the proper performance of their duties.

Standard 9.5 Peace officers shall treat as confidential all matters relating to investigations, internal affairs, and personnel.

104.10 INVESTIGATIVE PROCEDURES

Employees under investigation for an alleged violation of any of these standards or agency disciplinary rules shall be afforded, at a minimum, the rights established by law and contract, to ensure fair and just treatment in the enforcement of disciplinary rules of conduct or Department rules.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

104.11 EXERCISE OF RIGHTS

By reason of the lawful exercise of rights, employees shall not be discharged, disciplined, demoted, transferred, or denied promotion or reassignment, or discriminated against with regard to employment, nor threatened with any such action.

104.12 CRIMINAL INVESTIGATION

When the investigation focuses on an employee for prosecution of a criminal offense, the employee shall be afforded the same constitutional rights, privileges, or guarantees enjoyed by any person. This section, however, shall not deprive the Department of the right to pursue the investigation administratively.

104.13 AGENCY APPEAL OR REVIEW PROCESS

To ensure due process, employees shall be provided with an internal administrative appeal or review process or procedure. This process shall be in addition to any external appeal process the Department may have established for review of disciplinary cases. Such processes are set forth in the labor agreement and in the Civil Service rules.

104.14 CONSTRUCTION AND SEVERABILITY

The provision of this Code shall be severable and if any phrase, clause, sentence or provision of the Code is declared to be unconstitutional or the applicability thereof to any agency, person, or circumstance is held invalid, the constitutionality of the Code and the applicability thereof to any other person or circumstance shall, with respect to all severable matters, not be affected thereby. It is intended that the provision of the Code be reasonably and liberally construed.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Chapter 2 - Organization and Administration

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 DIVISIONS

The Chief of Police is responsible for administering and managing the Bainbridge Island Police Department. There are three sections in the Police Department:

- Support Services Section
- Patrol Section
- Detective Section

200.2.1 SUPPORT SERVICES SECTION

The Support Services Section is commanded by the Chief of Police whose primary responsibility is to provide general management direction and control for the Support Services Section. The Support Services Section consists of Records and Property & Evidence.

200.2.2 PATROL SECTION

The Patrol Section is commanded by the Deputy Chief whose primary responsibility is to provide general management direction and control for that Section. The Patrol Section consists of Uniformed Patrol, which includes Reserves and Harbor Master.

200.2.3 DETECTIVE SECTION

The Detectives Section is commanded by the Deputy Chief whose primary responsibility is to provide general management direction and control for the Detectives Section. The Detectives Section consists of the Detectives and Parking Enforcement.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

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

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

(a) Deputy Chief of Police

(b) Sergeant

(c) Relief Supervisor

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

200.3.2 UNITY OF COMMAND

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

200.3.3 ORDERS

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

200.3.4 CONFLICTING ORDERS

Employees who are given an otherwise proper order which is in conflict with a previous order, rule, regulation, or directive, shall respectfully inform the supervisor or superior officer issuing the order of the conflict.

If the superior officer or supervisor issuing the order does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsiblity for the conflict shall be upon the superior officer or supervisor. Employees shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation, or directive previously issued. As soon as practicable, the employee will notify his/her immediate supervisor of the conflicting order and the actions taken by the employee.

200.3.5 ILLEGAL ORDERS

Employees shall not obey any order which they know or should know would require them to commit an illegal act. If in doubt as to the legality of an order, employees shall request the issuing supervisor to clairfy the order or to confer with higher authority.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Departmental Directive

201.1 PURPOSE AND SCOPE

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

201.2 RESPONSIBILITIES

201.2.1 CHIEF OF POLICE

The Chief of Police shall issue all Departmental Directives.

201.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Emergency Management Plan

202.1 PURPOSE AND SCOPE

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

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

202.1.1 CITY OF BAINBRIDGE ISLAND CODE

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

202.2 ACTIVATING THE EMERGENCY PLAN

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

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

202.2.1 RECALL OF PERSONNEL

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

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

202.3 LOCATION OF EMERGENCY MANAGEMENT PLAN

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

The Administrative Services Coordinator or their authorized designee shall ensure that all copies of the Emergency Management Plan manual are kept current and available to all personnel.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

202.4 BUILDING EVACUATION PLAN

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

202.5 UPDATING OF MANUALS

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

202.6 TRAINING

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Training Policy

203.1 PURPOSE AND SCOPE

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

203.2 PHILOSOPHY

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

203.3 TRAINING PLAN

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

(a) All sworn members will successfully complete an annual in-service training program of no less than 24 hours that includes the training required by the CJTC (WAC 139-05-300).

(b) All officers must complete a minimum of 40 hours of continuing de-escalation and mental health training every three years as provided in WAC 139-11-020 and WAC139-11-060.

1. This training may substitute the annual 24 hours in-service requirement under WAC 139-05-300 in the year the officer completes the 40-hour violence de-escalation training.

(c) All sworn members will successfully complete an annual in-service training program on the department use of force and deadly force policies.

(d) All sworn members will successfully complete in-service training on less-than-lethal weapons every two years.

(e) Full-time supervisors or managers will receive appropriate training and certification required by CJTC.

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

(g) Members who will serve as school resource officers will receive training for school resource officers (Chapter 333 § 12, 2019 Laws).

(h) Any request for exemption, waiver, extension, or variance from any requirement of CJTC training must be made under WAC 139-03-030 and corresponding information

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

be made available to the public in accordance with the Records Maintenance and Release Policy (WAC 139-11-030).

The plan will also address the following areas:

- Legislative Changes
- State Mandated Training
- Critical Issues Training

203.4 TRAINING DOCUMENTATION

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

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

E-Mail

204.1 DEPARTMENT POLICY

All Department personnel should reference the City Of Bainbridge Island, Employee Manual for applicable policy regarding E-Mail.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Concealed Pistol License

205.1 PURPOSE AND SCOPE

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

205.2 QUALIFIED APPLICANTS

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

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

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

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

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

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

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

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

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

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

205.3 APPLICATION PROCESS AND RENEWAL

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

The Chief of Police is required to check with the National Instant Criminal Background Check System, the Washington State Patrol (WSP) electronic database, the Department of Social and Health Services electronic database, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or RCW 9.41.045, or is prohibited under federal law to possess a firearm and therefore ineligible for a concealed pistol license. This check applies for a new concealed pistol license or to renew a concealed pistol license.

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

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

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

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

205.3.1 REQUIRED WARNINGS

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

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

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

205.3.2 DOCUMENTATION AND FEES

The Chief of Police shall deliver the original license to the licensee, within seven days send the duplicate to the Director of Licensing, and shall preserve the triplicate or other form prescribed by the Department of Licensing for six years after the license has expired, been voided or revoked, or as otherwise provided in the department's established records retention schedule (RCW 9.41.070(4)).

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

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

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

205.4 LICENSE RENEWAL

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

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

205.5 SUSPENSION OF LICENSES

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

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

205.6 REVOCATION OF LICENSES

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

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

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

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

(d) An order that the licensee forfeit a firearm and/or their CPL under RCW 9.41.098(1)(d).

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

205.6.1 INELIGIBILITY

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

205.6.2 FIREARM FORFEITURE

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

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

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

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

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

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

205.7 RECIPROCITY

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

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

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

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

205.7 RESIDENCY

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

205.9 CONFIDENTIAL RECORDS

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Retiree Concealed Firearms

206.1 PURPOSE AND SCOPE

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

206.2 POLICY

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

206.3 LEOSA

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

(a) Separated from service in good standing from this department as an officer.

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

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

(d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.

(e) Is not prohibited by federal law from receiving or possessing a firearm.

206.3.1 LEOSA IDENTIFICATION CARD FORMAT

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

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

206.3.2 AUTHORIZATION

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

(a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:

1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

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

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

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

206.4 WASHINGTON IDENTIFICATION CARD

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

(a) Has retired from this department.

(b) Did not retire because of a mental or stress-related disability.

(c) Has not been convicted or found not guilty by reason of insanity of a crime making him/her ineligible for a concealed pistol license.

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

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

206.5 FORMER OFFICER RESPONSIBILITIES

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

206.5.1 RESPONSIBILITIES UNDER LEOSA

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

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

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

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

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

206.6 FIREARM QUALIFICATIONS

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

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Agency Facilities

207.1 AGENCY FACILITIES

(a) The Department maintains a published business telephone number that is answered during business hours by staff members. There is also a messaging system so the public can leave information 24 hours a day.

(b) The Department also maintains and updates regularly an informational site on the internet. Citizens are able to communicate with the department via email.

(c) Victim and witnesses are interviewed in locations that are separated by sight and sound from the public areas of the facility.

(d) Police employees are physically separated from the public by a physical barrier.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Planning

208.1 PURPOSE AND SCOPE

It is the policy of the Bainbridge Island Police Department to engage in an ongoing strategic planning process that focuses on the future direction of the department, assessing the department's current goals, and developing and implementing strategies to move forward toward these goals. The strategic plan aligns with the department's mission, vision, values, goals, objectives, and performance measures.

208.2 DEVELOPING THE STRATEGIC PLAN

The strategic planning process shall be a combined effort of the staff. Command staff should obtain input from their employees and appropriate stakeholders in the development of the plan. The plan shall include the following:

(a) Long-term goals.

(b) Objectives which break down the agency goals into smaller more specific pieces and describe the measurable results expected to be accomplished within a given time period.

(c) Strategies which describe how objectives will be achieved.

(d) Anticipated workload and population trends.

1. Service demand / calls for service.
2. Crime rate.
3. Arrests and incarcerations.
4. Population increases / decreases.
5. Results from policing initiatives.

(e) Anticipated staffing needs.

(f) Anticipated capital and equipment needs.

(g) Anticipated funding issues.

208.3 MONITORING THE STRATEGIC PLAN

The sergeants shall assess the accomplishments of their respective areas/shifts. Progress toward meeting Strategic Plan objectives shall be reported to the Chief of Police. The plan will be reviewed each year by the department and updated as needed. Adjustments can be made to the plan at any time to meet current demands and changes.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Fiscal Management

209.1 PURPOSE AND SCOPE

The purpose of this chapter is to establish the authority and responsiblities for fiscal management within the Bainbridge Island Police Department.

209.2 RESPONSIBILITIES

(a) The City Manager is charged with selecting the department head who is charged with the administration of the affected department.

1. For the police department, the Chief of Police is designated as the Chief Executive Officer.
2. The Chief of Police has the responsibility for the fiscal management of the Police Department and has authority to spend funds in the budget for day-to-day operation of the department. The Chief of Police will regularly review the Police Department Budget.

(b) Assisting the Chief of Police with the fiscal management of the budget are duties of the Deputy Chief and Administrative Supervisor. Purchasing authorization must be approved by the Chief of Police or his/her designee.

209.3 BUDGET PREPARATION AND CONTROL

(a) Financial considerations regarding the operation of the City are reviewed and approved by the CityCouncil with administration by the City Manager.

(b) Following City Manager direction and utilizing input from organizational personnel, the Chief of Police is responsible for:

1. Budget preparation, and
2. Presentation of the budget to the City Council for approval.

209.4 AUDITS

Audits of the police department are conducted periodically. All fiscal activity is monitored by the finance department.

The Chief of Police reviews fiscal expenditures prior to authorization.

209.5 CASH

Under the direction of the Chief of Police, the Administrative Supervisor (or designee) will maintain an audit trail of appropriation and disbursement of all cash allocated to or received from the department. The finance department will maintain a financial statement of all accounts that will be updated monthly.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

209.6 PURCHASING

(a) Any officer may initiate a request for purchase using the Bainbridge Island Police Department Purchase Request Form. Requests shall be coordinated and approved by the Chief of Police or a designee.

(b) During emergency situations, the Chief of Police or his/her designee may make purchases associated with meeting the needs of the emergency. Expenditures will be reported at the earliest opportunity.

209.7 PAYROLL

(a) The Finance Department shall maintain accurate time sheet pay records for all department employees, including exempt positions, listing hours worked and vacation, leave or holiday hours used.

(b) All time sheets will be approved by a supervisor prior to being submitted to the finance department.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Chapter 3 - General Operations

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Use of Force

300.1 PURPOSE AND SCOPE

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

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - The intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury (RCW 9A.16.010(2)).

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

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

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

Necessary - 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)).

Totality of the circumstances - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

300.2 POLICY

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

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

The Bainbridge Island Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

300.2.1 DUTY TO INTERCEDE AND REPORT

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force.

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances shall report these observations to a supervisor as soon as feasible.

300.2.2 PERSPECTIVE

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

300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

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

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

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

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

300.3.1 ALTERNATIVE TACTICS - DE-ESCALATION

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

300.3.2 USE OF FORCE TO EFFECT AN ARREST

An officer may use all means reasonably necessary to effect an arrest if, after notice of the intention to arrest the person, he/she either flees or forcibly resists (RCW 10.31.050).

300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

(a) Immediacy and severity of the threat to officers or others.

(b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.

(c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).

(d) The effects of suspected drug or alcohol use.

(e) The individual's mental state or capacity.

(f) The individual's ability to understand and comply with officer commands.

(g) Proximity of weapons or dangerous improvised devices.

(h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.

(i) The availability of other reasonable and feasible options and their possible effectiveness.

(j) Seriousness of the suspected offense or reason for contact with the individual.

(k) Training and experience of the officer.

(l) Potential for injury to officers, suspects, and others.

(m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.

(n) The risk and reasonably foreseeable consequences of escape.

(o) The apparent need for immediate control of the individual or a prompt resolution of the situation.

(p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

(q) Prior contacts with the individual or awareness of any propensity for violence.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(r) Any other exigent circumstances.

300.3.4 COMPLIANCE TECHNIQUES

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

(a) The degree to which the application of the technique may be controlled given the level of resistance.

(b) Whether the individual can comply with the direction or orders of the officer.

(c) Whether the individual has been given sufficient opportunity to comply.

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

300.3.5 NECK AND VASCULAR RESTRAINTS

The application of neck restraints including vascular holds, strangleholds, and chokeholds is prohibited except in situations where deadly force is authorized.

300.3.6 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers shall not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted..

300.4 DEADLY FORCE APPLICATIONS

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

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

(a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury.

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

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

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

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

300.5.1 NOTIFICATIONS TO SUPERVISORS

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

(a) The application caused a visible injury.

(b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.

(c) The individual subjected to the force complained of injury or continuing pain.

(d) The individual indicates intent to pursue litigation.

(e) Any application of the TASER (TM) device or control device.

(f) Any application of a restraint device other than handcuffs, shackles or belly chains.

(g) The individual subjected to the force was rendered unconscious.

(h) An individual was struck or kicked.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(i) A firearm was discharged.

(j) An individual alleges any of the above has occurred.

300.5.2 NOTIFICATION TO INDIAN AFFAIRS

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

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

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

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

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

See the Medical Aid and Response Policy for additional guidelines.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

(a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

(b) Ensure that any injured parties are examined and treated.

(c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:

1. The content of the interview should not be summarized or included in any related criminal charges.
2. The fact that a recorded interview was conducted should be documented in a property or other report.
3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

(d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.

1. These photographs should be retained until all potential for civil litigation has expired.

(e) Identify any witnesses not already included in related reports.

(f) Review and approve all related reports.

(g) Determine if there is any indication that the individual may pursue civil litigation.

1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

(h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

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

300.8 TRAINING

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

Subject to available resources, officers should receive periodic training on:

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.

(b) De-escalation tactics, including alternatives to force.

300.9 USE OF FORCE ANALYSIS

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

(a) The identification of any trends in the use of force by members.

(b) Training needs recommendations.

(c) Equipment needs recommendations.

(d) Policy revision recommendations.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Use of Force Reviews

301.1 PURPOSE AND SCOPE

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

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

301.2 POLICY

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

301.2.1 CHAIN OF COMMAND REVIEW

A use of force review will be conducted by an employee's chain of command any time an employee uses force which does not involve serious injury, death, or the discharge of a firearm. The supervisor and Deputy Chief will conduct the initial review for policy compliance. The findings will be sent to the Chief of Police for review.

Upon review the Chief of Police may:

(a) Find that the employee acted within the Department use of force guidelines.

(b) Require additional training.

(c) Require a Review Board be convened;

(d) Initiate a criminal or internal investigation; and/or

(e) Initiate an outside investigation or review.

An annual review and analysis of all use of force will be conducted and presented to the Chief of Police.

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

301.4 DEPARTMENT REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in serious injury or death to another. The Chief of Police may request the Use of Force Review Board to review the circumstances surrounding any use of force incident.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

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

The Deputy Chief will convene the Use of Force Review Board as necessary. The Deputy Chief will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

301.4.1 COMPOSITION OF THE BOARD

The Deputy Chief will select three to five members from the department or from an outside law enforcement agency (as appropriate) for service on the Use of Force Review Board.

301.4.2 BOARD RESPONSIBILITIES

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

The board does not recommend discipline.

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

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

The board shall make one of the following recommended findings:

(a) The employee's actions were within department policy.

(b) The employee's actions were in violation of department policy.

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Use of Force Reviews

The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and followed proper procedure and will determine whether any additional actions, investigations or reviews are appropriate. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

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

302.2 POLICY

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

302.3 USE OF RESTRAINTS

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

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

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

302.3.1 RESTRAINT OF DETAINEES

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

302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner available and reasonable under the circumstances, but in no case shall leg irons or waist chains be used. Handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure herself or others, or damage property (RCW 70.48.500).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

When the person is in labor no restraints of any kind shall be used. This does not prohibit a treating physician licensed under Title 18 RCW from requesting the use of hospital restraints for the medical safety of the person (RCW 70.48.500).

302.3.3 NOTIFICATIONS

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

302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

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

302.5 APPLICATION OF SPIT HOODS

Spit hoods are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

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

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Officers should avoid commingling those wearing spit hoods with others and detainees.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

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

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

302.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

(a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a person.

(b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers).

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

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

(a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

(b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.

(d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.

(e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

(f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

302.8 REQUIRED DOCUMENTATION

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

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

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

(a) The factors that led to the decision to use restraints.

(b) Supervisor notification and approval of restraint use.

(c) The types of restraint used.

(d) The amount of time the person was restrained.

(e) How the person was transported and the position of the person during transport.

(f) Observations of the person's behavior and any signs of physiological problems.

(g) Any known or suspected drug use or other medical problems.

302.9 TRAINING

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

(a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.

(b) Response to complaints of pain by restrained persons.

(c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.

(d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Control Devices and Techniques

303.1 PURPOSE AND SCOPE

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

303.2 POLICY

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

303.3 ISSUING, CARRYING, AND USING CONTROL DEVICES

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

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

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

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

303.4 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

303.5 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however,

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

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

303.5.2 TREATMENT FOR OC SPRAY EXPOSURE
Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

303.6 POST-APPLICATION NOTICE

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

303.7 KINETIC ENERGY PROJECTILE GUIDELINES

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

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

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

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

(a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.

(b) The suspect has made credible threats to harm him/herself or others.

(c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

303.7.2 DEPLOYMENT CONSIDERATIONS

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

(a) Distance and angle to target.

(b) Type of munitions employed.

(c) Type and thickness of subject's clothing.

(d) The subject's proximity to others.

(e) The location of the subject.

(f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

303.7.3 SAFETY PROCEDURES

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

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

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

Absent compelling circumstances, officers who must transition from other ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

303.8 TRAINING FOR CONTROL DEVICES

The Deputy Chief shall ensure that all personnel who are authorized to carry a control device have been properly trained, have demonstrated satisfactory skill and proficiency, are certified to carry the specific control device, and are retrained or recertified as necessary.

(a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.

(b) All training and proficiency for control devices will be documented in the officer's training file.

(c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

303.9 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Conducted Energy Device

304.1 PURPOSE AND SCOPE

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

304.2 POLICY

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

304.3 ISSUANCE AND CARRYING TASER DEVICES

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

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

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

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

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

(a) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.

(b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the TASER device.

(c) Officers shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.

(d) Officers should not hold both a firearm and the TASER device at the same time.

304.4 VERBAL AND VISUAL WARNINGS

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

(a) Provide the individual with a reasonable opportunity to voluntarily comply.

(b) Provide other officers and individuals with a warning that the TASER device may be deployed.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

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

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

304.5 USE OF THE TASER DEVICE

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

304.5.1 APPLICATION OF THE TASER DEVICE

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

(a) The subject is violent or is physically resisting.

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

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

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

(f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

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

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

304.5.3 TARGETING CONSIDERATIONS

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

304.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

Officers should apply the TASER device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the TASER device against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

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

(a) Whether the probes are making proper contact.

(b) Whether the individual has the ability and has been given a reasonable opportunity to comply.

(c) Whether verbal commands, other options or tactics may be more effective.

Officers should generally not intentionally apply more than one TASER device at a time against a single subject.

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual to minimize the need for longer or multiple exposures to the . As soon as practicable, officers shall notify a supervisor

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

of all TASER device discharges. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

304.5.6 DANGEROUS ANIMALS
The TASER device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

304.5.7 OFF-DUTY CONSIDERATIONS
Officers are not authorized to carry department TASER devices while off-duty.

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

304.6 DOCUMENTATION
Officers shall document all TASER device discharges in the related arrest/crime report and the TASER device report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented on the report form.

304.6.1 TASER DEVICE FORM
Items that shall be included in the TASER device report form are:

(a) The type and brand of TASER device and cartridge and cartridge serial number.

(b) Date, time and location of the incident.

(c) Whether any display, laser or arc deterred a subject and gained compliance.

(d) The number of TASER device activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.

(e) The range at which the TASER device was used.

(f) The type of mode used (probe or drive-stun).

(g) Location of any probe impact.

(h) Location of contact in drive-stun mode.

(i) Description of where missed probes went.

(j) Whether medical care was provided to the subject.

(k) Whether the subject sustained any injuries.

(l) Whether any officers sustained any injuries.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

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

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

(a) Identification of all personnel firing TASER devices

(b) Identification of all witnesses

(c) Medical care provided to the subject

(d) Observations of the subject's physical and physiological actions

(e) Any known or suspected drug use, intoxication or other medical problems

304.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove TASER device probes from a person's body. Used TASER device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle and handled appropriately. Universal precautions should be taken.

All persons who have been struck by TASER device probes or who have been subjected to the electric discharge of the device or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

(a) The person is suspected of being under the influence of controlled substances and/or alcohol.

(b) The person may be pregnant.

(c) The person reasonably appears to be in need of medical attention.

(d) The TASER device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).

(e) The person requests medical treatment.

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

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

304.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the TASER device may be used. A supervisor should respond to all incidents where the TASER device was activated.

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. The device's onboard memory should be downloaded through the data port by a supervisor or Armorer and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

304.9 TRAINING

Personnel who are authorized to carry the TASER device shall be permitted to do so only after successfully completing the initial department-approved training and demonstrating satisfactory skill and proficiency. Any personnel who have not carried the TASER device as a part of their assignment for a period of six months or more shall be recertified by a department-approved TASER device instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued TASER devices should occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Deputy Chief. All training and proficiency for TASER devices will be documented in the officer's training file.

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

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

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

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

The Deputy Chief should ensure that all training includes:

(a) A review of this policy.

(b) A review of the Use of Force Policy.

(c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.

(d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest, and groin.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.

(f) De-escalation techniques.

(g) Restraint techniques that do not impair respiration following the application of the TASER device.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Officer-Involved Shootings and Deaths

305.1 PURPOSE AND SCOPE

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

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

305.2 POLICY

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

305.3 TYPES OF INVESTIGATIONS

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

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

305.4 CONTROL OF INVESTIGATIONS

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

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

305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

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

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

305.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

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

305.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

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

305.5 INVESTIGATION PROCESS

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

305.5.1 UNINVOLVED OFFICERS RESPONSIBILITIES

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

(a) Secure the scene and identify and eliminate hazards for all those involved.

(b) Take reasonable steps to obtain emergency medical attention for injured individuals.

(c) Request additional resources from the Department or other agencies.

(d) Coordinate a perimeter or pursuit of suspects.

(e) Check for injured persons and evacuate as needed.

(f) Brief the supervisor upon arrival.

305.5.2 SUPERVISOR RESPONSIBILITIES

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

(a) Attempt to obtain a brief overview of the situation from any uninvolved officers.

1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

(b) If necessary, the supervisor may administratively order any BIPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.

1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.

(c) Provide all available information to the Shift Sergeant and CenCom. If feasible, sensitive information should be communicated over secure networks.

(d) Take command of and secure the incident scene with additional BIPD members until properly relieved by another supervisor or other assigned personnel or investigator.

(e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.

1. Each involved BIPD officer should be given an administrative order not to discuss the incident with other involved officers or BIPD members pending further direction from a supervisor.

2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

305.5.3 MEDIA RELATIONS

A single press release shall be prepared with input and concurrence from the supervisor and agency representative responsible for each phase of the investigation. This release will be available to the Shift Sergeant, Detectives Supervisor and Chief of Police in the event of inquiries from the media.

It will be the policy of this department to not release the identities of involved officers absent their consent or as required by law. Moreover, no involved officer shall be subjected to contact from the media and no involved officer shall make any comments to the press unless authorized by the Chief of Police.

Law enforcement officials receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

305.5.4 INVOLVED OFFICERS

The following shall be considered for the involved officer:

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

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

2. Requests from involved non-BIPD officers should be referred to their employing agency.

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

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

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

1. Interviews with a licensed psychotherapist will be considered privileged.
2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).

(e) The Department will consider communications between qualified peer counselors and involved officers to be privileged (RCW 5.60.060).

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

Each involved BIPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Shift Sergeant to make schedule adjustments to accommodate such leave.

305.6 CRIMINAL INVESTIGATION

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

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the County Prosecutor’s Office to avoid duplicating efforts in related criminal investigations.

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

(a) BIPD supervisors and Deputy Chief personnel should not participate directly in any voluntary interview of BIPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

(b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer’s statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

(c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.

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

305.6.1 REPORTS BY INVOLVED BIPD OFFICERS

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

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

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

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

305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

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

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

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

2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

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

305.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Detectives supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the County Prosecutor's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the County Prosecutor's Office.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Detectives supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Supervisor.

305.7 ADMINISTRATIVE INVESTIGATION

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

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

(a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

(b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.

1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his or her prior statement before proceeding with any subsequent interviews.

(c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.
4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her Garrity rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
5. The Deputy Chief shall complete all relevant information and reports necessary for the Department to determine compliance with applicable policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted as to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

305.8 CIVIL LIABILITY RESPONSE

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

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

305.9 AUDIO AND VIDEO RECORDINGS

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

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

to review available MAV, body-worn video, or other video or audio recordings with the approval of assigned investigators or a supervisor.

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

305.10 DEBRIEFING

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

305.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING

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

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

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

305.10.2 TACTICAL DEBRIEFING

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

305.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will only be made by the Chief of Police or their designee in the event of inquiries from the media.

No involved BIPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police.

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Firearms

306.1 PURPOSE AND SCOPE

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

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

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

306.2 POLICY

The Bainbridge Island Police Department will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

306.2.1 AUTHORIZED OFF-DUTY CARRY OF THE DUTY HANDGUN

The Department issued duty handgun is authorized for off-duty carry, but authorization may be rescinded should circumstances dictate (e.g., administrative leave). When armed under the authority of RCW 9.46.060 whether on- or off-duty, officers shall carry their badge and department identification.

306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued by the Department and have been thoroughly inspected by the Armorer.No firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

All other weapons not provided by the Department, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties.This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

Additionally, no modification, change or alteration of any department issued firearm, firearm attachment or firearm related equipment, is authorized. Such modifications include but are not limited to; trigger mechanism replacement, trigger modification, barrel replacement or modification, magazine extensions, holster modification, etc..

All firearm equipment, attachments, slings, holsters, etc. that attach to or work in conjunction with a firearm shall be issued by the department through the armory.

306.3.1 PATROL RIFLES

The authorized department-issued patrol rifle is the Bushmaster/Colt M-4 5.56mm.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

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

(a) Situations where the member reasonably anticipates an armed encounter.

(b) When a member is faced with a situation that may require accurate and effective fire at long range.

(c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.

(d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.

(e) When a member reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

(g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured in a locking weapons rack in the patrol vehicle with the weapon on safe, chamber empty, a loaded magazine properly seated in the magazine well, bolt forward, and the dust cover closed.

306.3.2 AUTHORIZED SECONDARY HANDGUN

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

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

(b) Only one secondary handgun may be carried at a time.

(c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.

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

(e) The handgun shall be inspected by the Armorer prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(f) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.

(g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.

(h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Armorer, who will maintain a list of the information.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

306.3.3 AUTHORIZED OFF-DUTY FIREARMS

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

(a) A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.

1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.

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

(c) It will be the responsibility of the member to submit the firearm to the Armorer for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Armorer.

(d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Armorer that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.

(e) The member will successfully qualify with the firearm prior to it being carried.

(f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Armorer, who will maintain a list of the information.

(g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.

(h) Members shall only carry department-authorized ammunition.

(i) When armed, officers shall carry their badges and Bainbridge Island Police Department identification cards under circumstances requiring possession of such identification.

306.3.4 AMMUNITION

Members shall carry only department-authorized ammunition. Members may be issued fresh duty ammunition for department-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Armorer when needed, in accordance with established policy.

Members carrying personally owned authorized firearms (off-duty) of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

306.4 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

306.4.1 HOLSTERS
Only department-issued holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

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

306.4.3 OPTICS OR LASER SIGHTS
Optics or laser sights may only be installed on a duty firearm after they have been issued by the Armorer. Any issued sight shall only be installed in strict accordance with manufacturer specifications. Once issued sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

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

306.5 SAFE HANDLING, INSPECTION AND STORAGE
Members shall maintain the highest level of safety when handling firearms and shall consider the following:

(a) Members shall not unnecessarily display or handle any firearm.

(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Armorer.

(c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.

(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle in a safe manner.

(e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location.

(f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.

(g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Armorer approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Armorer will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

306.5.1 INSPECTION AND STORAGE

Firearms shall be inspected regularly and upon access or possession by another person. All firearms shall be pointed in a safe direction or into clearing barrels.

When not equipped, firearms shall be stored in a locked storage safe, rack, box, container or other secure location that reasonably prevents unathorized access to the firearm. Members may store department issued firearms in the armory upon request.

306.5.2 STORAGE AT HOME

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

306.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment.

306.6 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

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

(a) If on-duty at the time of the incident, the member shall file a written report with his/her Supervisor or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

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

306.6.1 DESTRUCTION OF ANIMALS

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

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, TASER device, oleoresin capsicum (OC) spray, animal

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

306.6.2 INJURED ANIMALS
A member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical. A case number should be drawn and a report taken regarding the incident.

306.6.3 WARNING SHOTS
Warning shots are prohibited.

306.7 CARRYING FIREARMS OUT OF STATE

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

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

(b) The officer is not the subject of any current disciplinary action.

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

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

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

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

306.8 TRAINING AND QUALIFICATION

Regular and reserve officers shall be trained, and qualify, with all firearms carried on duty according to the department's training procedures and annual training plan. If any officer is unable to qualify for any reason, including injury, illness, duty status or scheduling conflict, the officer will be subject to the department's non-qualification procedures, and may be relieved from field assignments and subject to disciplinary action for repeated failure to qualify.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Vehicle Pursuits

307.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public and fleeing suspects (RCW 43.101.226(3)).

307.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

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

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

Trail - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

Vehicle pursuit - An event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly or driving in a legal manner but willfully failing to yield to an officer's emergency signal to stop.

307.1.2 ATTEMPTING TO ELUDE

Refers to the actions of a vehicle operator who after being given a visual or audible signal to bring the vehicle to a stop fails or refuses to immediately stop the vehicle and drives in a reckless manner while attempting to elude a uniformed officer operating a pursuing police vehicle that is equipped with emergency lights and siren (RCW 46.61.024).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

307.1.3 FAILING TO YIELD

Refers to a vehicle operator who fails to stop or respond to the emergency lights and siren of a law enforcement vehicle. Generally, the vehicle operator continues to travel forward, at or below the speed limit, observes rules of the road critical to public safety and does not change the direction of travel in an evasive manner. When an officer attempts to stop a vehicle and the violator begins to increase speed, disregard the rules of the road in an evasive manner, the officer should discontinue following the vehicle unless a pursuit would be authorized under this policy.

307.1.4 FELONY CRIME OF VIOLENCE

For the purpose of this policy, felony crimes of violence include:

(a) Murder 1 RCW 9A.32.030

(b) Murder 2 RCW 9A.32.040

(c) Assault 1 RCW 9A.36.011

(d) Drive-by Shooting RCW 9A.36.045

(e) Kidnapping 1 RCW9A.40.020

(f) Rape 1 RCW 9A.44.040

(g) Rape 2 RCW 9A.44.050 (by forcible compulsion)

(h) Rape of a Child 1 RCW 9A.44.073

(i) Arson 1 RCW 9A.48.020 (to an occupied building)

(j) Burglary1 RCW 9A.52.020

(k) Robbery 1 RCW 9A.56.200

(l) Malicious Placement of an Explosive RCW 70.74.270

The fact that an officer had to move from the path of a fleeing vehicle does not, by itself, constitute an assault or attempted murder for the purposes of this policy.

307.2 POLICY

It shall be the policy of this department that a vehicle pursuit shall be conducted only with emergency lights and siren as required by RCW 46.61.035 for exemption from compliance with the rules of the road.

In recognizing the potential risk to public safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved.

Officers may engage in vehicular pursuits only when:

(a) The initiating officer reasonably believes and can articulate that the violator has committed, or attempted to commit, a felony crime of violence, or,

(b) The officer observed such a degree of hazardous driving by the offender, prior to police involvement, that the offender will likely cause death or serious bodily harm to another person if not stopped.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

307.3 OFFICER RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized police department emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by law.

Officers shall drive with due regard for the safety of all persons and property. However, officers may, when in pursuit of a suspect and provided there is no unreasonable risk to persons and property (RCW 46.61.035):

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

(b) Exceed the speed limit.

(c) Disregard regulations governing parking, direction of movement or turning in specified directions.

307.3.1 WHEN TO INITIATE A PURSUIT

Factors that shall be considered, both individually and collectively, when deciding to initiate or continue a pursuit include, but are not limited to:

(a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.

(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.

(c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.

(d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing vehicles and the dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.

(e) Whether weather, traffic and road conditions unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.

(f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.

(g) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.

(h) Vehicle speeds.

(i) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).

(j) The availability of other resources, such as air support assistance.

(k) Pursuits should not be undertaken by a police vehicle carrying passengers other than police officers.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

307.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be terminated whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

When a supervisor directs the pursuit to be terminated, officers will immediately terminate the pursuit.

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

In addition to the factors that govern when to initiate a pursuit, other factors should be considered in deciding whether to terminate a pursuit, including:

(a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.

(b) The pursued vehicle's location is no longer definitely known.

(c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.

(d) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.

(e) Hazards to uninvolved bystanders or motorists.

(f) The danger that the continued pursuit poses to the public, the officers or the suspect, balanced against the risk of allowing the suspect to remain at large.

(g) The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.

307.4 PURSUIT VEHICLES

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

Vehicle pursuits should be limited to three police department emergency vehicles. However, the number of vehicles involved will vary with the circumstances.

An officer or supervisor may request that additional vehicles join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the number of suspects. All other officers shall stay out of the pursuit but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the pursuit termination point at legal speeds, following the appropriate rules of the road.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

307.4.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Officers operating vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in any pursuit. Officers in such vehicles may provide support to pursuing vehicles as long as the vehicle is operated in compliance with all traffic laws. Those officers should discontinue such support immediately upon arrival of a sufficient number of authorized emergency police department vehicles or any air support.

307.4.2 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES

The initial pursuing officer will be designated as the primary pursuit vehicle and will be responsible for the conduct of the pursuit unless he/she is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself or others.

The primary pursuing officer should notify CENCOM commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including, but not limited to:

(a) The location, direction of travel and estimated speed of the suspect's vehicle.

(b) The description of the suspect's vehicle including the license plate number, if known.

(c) The reason for the pursuit.

(d) The use of firearms, threat of force, violence, injuries, hostages or other unusual hazards.

(e) The number of occupants and identity or description.

(f) The weather, road and traffic conditions.

(g) The need for any additional resources or equipment.

(h) The identity of other law enforcement agencies involved in the pursuit.

Until relieved by a supervisor or a secondary pursuing officer, the officer in the primary pursuit vehicle shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing officer should, as soon as practicable, relinquish the responsibility of broadcasting the progress of the pursuit to an officer in a secondary pursuit vehicle or to air support joining the pursuit to minimize distractions and allow the primary pursuing officer to concentrate foremost on safe pursuit tactics.

307.4.3 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES

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

(a) Immediately notifying the dispatcher of his/her entry into the pursuit.

(b) Remaining a safe distance behind the primary pursuit vehicle unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.

(c) Broadcasting information that the primary pursuing officer is unable to provide.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(d) Broadcasting the progress of the pursuit, updating known or critical information and providing changes in the pursuit, unless the situation indicates otherwise.

(e) Identifying the need for additional resources or equipment as appropriate.

(f) Serving as backup to the primary pursuing officer once the suspect has been stopped.

307.5 PURSUIT DRIVING

The decision to use specific driving tactics requires the same assessment of the factors the officer considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for officers who are involved in the pursuit:

(a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to unusual maneuvers by the fleeing vehicle.

(b) Because intersections can present increased risks, the following tactics should be considered:

1. Available officers not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
2. Pursuing officers should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.

(c) Officers will not pursue a vehicle driving the wrong direction on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:

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

(d) Notify the Washington State Patrol or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.

(e) Officers involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise or they are requested to do so by the pursuing officer and with a clear understanding of the maneuver process between the involved officers.

307.5.1 OFFICERS NOT INVOLVED IN THE PURSUIT

Officers who are not involved in the pursuit should remain in their assigned areas, should not parallel the pursuit route and should not become involved with the pursuit unless directed otherwise by a supervisor. Uninvolved officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Those officers should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended collision or if the suspect intentionally tries to ram the police department vehicle.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Non-pursuing members needed at the pursuit termination point should respond in a nonemergency manner, observing the rules of the road.

The primary pursuit vehicle, secondary pursuit vehicle and supervisor vehicle should be the only vehicles operating under emergency conditions (emergency lights and siren) unless other officers are assigned to the pursuit.

307.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

The supervisor of the officer initiating the pursuit will be responsible for:

(a) Immediately notifying involved officers and CENCOM of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit. This is to ensure that the pursuit is conducted within established department guidelines.

(b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.

(c) Exercising management and control of the pursuit even if not engaged in it.

(d) Ensuring that no more than the required law enforcement vehicles are involved in the pursuit under the guidelines set forth in this policy.

(e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.

(f) Ensuring that assistance from air support, canines or additional resources is requested, if available and appropriate.

(g) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.

(h) Controlling and managing Bainbridge Island Police Department officers when a pursuit enters another jurisdiction.

(i) Preparing documentation of the pursuit as required.

307.7 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the involved officers should broadcast pertinent information to assist other officers in locating the vehicle. The primary pursuing officer or supervisor will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

307.8 INTERJURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary pursuing officer or supervisor, taking into consideration the distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary pursuing officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether the jurisdiction is expected to assist.

307.8.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Bainbridge Island Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports.

The roles and responsibilities of officers at the termination point of a pursuit initiated by this department shall be coordinated with appropriate consideration of the needs of the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local law enforcement agencies, a request for another agency’s assistance will mean that its personnel will assume responsibility for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this department, the other agency should relinquish control.

307.8.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Officers from this department should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor. The exception to this is when a single vehicle from the initiating agency is in pursuit. Under this circumstance, an officer from this department may, with supervisor approval, immediately join the pursuit until sufficient vehicles from the initiating agency join the pursuit or until additional information is provided allowing withdrawal from the pursuit.

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of the Bainbridge Island Police Department, the supervisor should consider:

(a) The public’s safety within this jurisdiction.

(b) The safety of the pursuing officers.

(c) Whether the circumstances are serious enough to continue the pursuit.

(d) Whether there is adequate staffing to continue the pursuit.

(e) The ability to maintain the pursuit.

(f) Officers from this department will not participate in another agency's pursuit unless the pursuit would be authorized under this policy.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

As soon as practicable, a supervisor should review a request for assistance from another agency. The supervisor, after considering the above factors, may decline to assist in or assume the other agency's pursuit.

Assistance to a pursuing agency by officers of this department will conclude at the City limits, provided that the pursuing agency has sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that the termination point of a pursuit from another agency is within this jurisdiction, officers shall provide appropriate assistance including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

307.9 PURSUIT INTERVENTION

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

307.9.1 WHEN USE IS AUTHORIZED

Whenever practicable, an officer shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, officers/supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision.

307.9.2 USE OF FIREARMS

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

307.9.3 INTERVENTION STANDARDS

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and are subject to policies guiding such use. Officers shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

(a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to the public's safety, and when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

potential risks involved, this intervention tactic should only be employed by properly trained officers and after giving consideration to the following:

1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, officers or others.
2. All other reasonable intervention tactics have failed or reasonably appear ineffective.
3. Employing the blocking or vehicle intercept maneuver does not unreasonably increase the risk of danger to those involved or the public.
4. The suspect vehicle is stopped or traveling at a low speed.
5. Only law enforcement vehicles should be used in this tactic.

(b) The PIT is limited to use by properly trained officers with the approval of a supervisor and upon assessment of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle.

(c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officers's disposal have been exhausted or would not be effective, and immediate control is necessary. Ramming should be reserved for situations where there does not appear to be another reasonable alternative method. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:

1. The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.
2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner or using the vehicle as a weapon.

(d) Boxing-in a suspect vehicle should only be attempted upon approval by a supervisor. The use of such a tactic must be carefully coordinated with all involved vehicles, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle. Officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.

(e) Tire deflation devices should be deployed only after notification of pursuing officers and the supervisor of the intent and location of the intended deployment, and in a manner that only affects the pursued vehicle. Officer should carefully consider the limitations of such devices as well as the potential risks to officers, the public, and occupants of the pursued vehice. The use of tire deflation devices is prohibited for motorcycles, a vehicle transporting hazardous materials, or a school bus transporting children.

(f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor. If roadblocks are deployed, it should only be done under extraordinary conditions when all other reasonable intervention tactics have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or the public.

307.10 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

Unless relieved by a supervisor, the primary pursuing officer should coordinate efforts to apprehend the suspect following the pursuit. Officers should consider the safety of the public and the involved officers when formulating plans for setting up perimeters or for containing and capturing the suspect.

307.11 REPORTING REQUIREMENTS

All appropriate reports shall be completed to comply with appropriate laws and policies or procedures.

(a) The primary pursuing officer shall complete appropriate crime/arrest reports.

(b) The supervisor shall complete the appropriate pursuit report.

(c) After first obtaining the available information, the supervisor shall promptly complete a interoffice memorandum, briefly summarizing the pursuit to the Chief of Police or the authorized designee, through the chain of command. This memorandum should include, at a minimum:

1. Date and time of the pursuit.
2. Initial reason and circumstances surrounding the pursuit.
3. Length of pursuit in distance and time, including the starting and termination points.
4. Involved vehicles and officers.
5. Alleged offenses.
6. Whether a suspect was apprehended, as well as the means and methods used.
   (a) Any use of force shall be reported and documented in compliance with the Use of Force Policy.
7. Arrestee information, if applicable.
8. Any injuries and/or medical treatment.
9. Any property or equipment damage.
10. Name of supervisor at the scene or who handled the incident.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

11. A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

(d) After receiving copies of reports, logs and other pertinent information, the Chief of Police or the authorized designee shall conduct or assign the completion of a post-pursuit review, as appropriate.

(e) Annually, the Chief of Police should direct a documented review and analysis of department vehicle pursuits to minimally include policy suitability, policy compliance and training needs.

307.12 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all officers will participate, no less than annually, in regular and periodic training addressing this policy and the importance of vehicle safety and protecting the public. Training will include recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

307.13 PURSUIT REVIEW

The Deputy Chief will evaluate all pursuits and failure to yield incidents. Following the review the Deputy Chief will:

(a) File the pursuit as no further action required, or

(b) Recommend training for involved officers, and/or

(c) Recommend discipline for policy violations to the Chief of Police.

A seperate file for all pursuit incidents will be maintainted. A log to document pursuits shall also be kept to include terminated pursuits. An annual analysis report of the pursuits will be completed and forwarded to the Chief of Police.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Officer Response to Calls

308.1 PURPOSE AND SCOPE

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

308.2 POLICY

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

308.3 RESPONSE TO CALLS

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

308.4 REQUESTING EMERGENCY ASSISTANCE

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

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

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

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

308.5 SAFETY CONSIDERATIONS

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

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

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

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

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

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

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

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

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

308.7 FAILURE OF EMERGENCY EQUIPMENT
If the emergency equipment on the vehicle should fail to operate, the officer must terminate the code response and respond accordingly. In all cases, the officer shall notify the supervisor and CenCom of the equipment failure so that another unit may be assigned to the emergency response.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

308.8 SUPERVISOR RESPONSIBILITIES

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

(a) The proper response has been initiated.

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

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

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

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

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

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Domestic Violence

309.1 PURPOSE AND SCOPE

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

309.1.1 DEFINITIONS

Definitions related to this policy include:

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

Domestic violence - Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault, or stalking of one intimate partner by another intimate partner; or physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault, or stalking of one family or household member by another family or household member (RCW 10.99.020; RCW 26.50.010).

309.2 POLICY

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

309.3 OFFICER SAFETY

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

309.4 DISPATCH ASSISTANCE

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

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

309.5 FOREIGN COURT ORDERS

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

309.5.1 CANADIAN COURT ORDERS

Any foreign court order properly issued in Canada shall be enforced by an officer as a foreign court order above. Any notice, if required, should be made in compliance with Chapter 263 § 903, 2019 Laws.

309.6 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms, and efforts to respond to the order.

(b) Check available records or databases that may show the status or conditions of the order.

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

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

309.7 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

(a) The primary duty of officers when responding to a domestic violence situation is to enforce the laws allegedly violated and to protect the complaining party (RCW 10.99.030(1)).

(b) When an officer responds to a domestic violence call and has probable cause to believe that a crime has been committed, he/she shall make an arrest pursuant to the criteria in RCW 10.31.100 and RCW 10.99.030(2)(a).

(c) When an officer has confirmed that a valid court order exists and has probable cause to believe the defendant has violated that order, the officer shall make a physical arrest (RCW 10.99.055; RCW 10.31.100(2)). Whenever a member of this department serves

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

or assists in serving a court order and that service is completed, a return of service form shall be completed and submitted to the Washington Crime Information Center (WACIC).

309.8 REPORTS AND RECORDS

(a) Officers responding to a domestic violence call shall take a complete offense report, including the disposition of the case (RCW 10.99.030(2)(b)).

1. The report shall include all information about firearms and concealed pistol licenses and be properly coded to alert any officials reviewing the report to the existence of the information concerning firearms (RCW 10.99.030).

(b) All such reports should be documented under the appropriate crime classification and should use the distinction “Domestic Violence” in the Type of Crime box of the crime report form (Chapter 367 § 3, 2019 Laws).

(c) Whenever there is probable cause to believe that a crime has been committed and unless the case is under active investigation, the Detectives Supervisor shall ensure that all domestic violence crime reports are forwarded to the County Prosecutor’s Office within 10 days of the date the incident was reported (Chapter 367 § 3, 2019 Laws).

(d) The Administrative Supervisor shall ensure that accurate records of domestic violence incidents are maintained and submitted to the Washington Association of Sheriffs and Police Chiefs, in accordance with state law (Chapter 367 § 3, 2019 Laws).

(e) The Administrative Supervisor should ensure that the original receipt issued for any firearm, dangerous weapon, or pistol license surrendered after service of a protection order is filed with the court within 24 hours of service of the order and retain a copy of the receipt electronically if available (Chapter 245 § 2, 2019 Laws).

309.9 COURT ORDERS

The Administrative Supervisor shall ensure that no-contact orders received from the court are entered into the WACIC or other applicable criminal intelligence information system for one year or until the expiration date specified on the order (RCW 10.99.040; RCW 10.99.050).

309.10 SERVICE OF COURT ORDERS

The officer serving a protection order, no-contact order, or restraining order that includes an order to surrender all firearms, dangerous weapons, and a concealed pistol license under RCW 9.41.800 shall (Chapter 245 § 2, 2019 Laws):

(a) Advise the subject that the order is effective upon service.

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

1. If the subject indicates by word or action that he/she will not comply with a request to surrender firearms, dangerous weapons, or a concealed pistol license, consideration should be given to obtaining a search warrant for seizure.

(c) Issue a receipt for any surrendered items.

1. The officer should ensure the original receipt is forwarded to the Administrative Supervisor as soon as practicable for filing with the court.

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Search and Seizure

310.1 PURPOSE AND SCOPE

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

310.2 POLICY

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

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

310.3 SEARCHES

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

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

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

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

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

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

310.3.1 RESTRICTIONS ON CELL SITE SIMULATOR USE

A member may only install or use a pen register, trap and trace device or cell site simulator device with a supporting court order or when there is both coordination with a prosecuting attorney and joint determination of probable cause to believe an emergency situation exists that involves immediate danger of death or serious bodily injury to a person. A court order must be obtained within 48 hours after installation of the pen register, trap and trace device or cell site stimulator device when an emergency situation exists (RCW 9.73.260).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Temporary Custody of Juveniles

311.1 PURPOSE AND SCOPE

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

311.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

Examples of secure custody include:

(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

(b) A juvenile handcuffed to a rail.

(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

(d) A juvenile being processed in a secure booking area when an unsecure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

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

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

311.2 POLICY

The Bainbridge Island Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Bainbridge Island Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

311.3 NO-CONTACT REQUIREMENTS

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

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

311.4 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

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

311.5 RELEASE OF INFORMATION CONCERNING JUVENILES

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

311.5.1 RELEASE OF INFORMATION PURSUANT TO WASHINGTON LAW

Juvenile records are confidential and may be released only as provided in RCW 13.50.010 and RCW 13.50.050:

(a) Information may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile is being pursued by the other participant, or when that other participant is assigned the responsibility for supervising the juvenile.

(b) Information not in the juvenile court file that could not reasonably be expected to identify the juvenile or the juvenile's family may be released.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(c) Following the decision to arrest, information about an investigation, diversion or prosecution of a juvenile, including an incident report, may be released to the school in which the juvenile is enrolled to assist in protecting other students, staff and school property.

(d) Information about a juvenile offender, the offender's parent or guardian and the circumstances of the crime may be released to the victim or the victim's immediate family.

(e) Information identifying child victims of sexual assault committed by juvenile offenders may be released only with the permission of the child victim or legal guardian.

(f) A court may permit certain juvenile records to be released by rule or order.

It shall be the responsibility of the Administrative Supervisor and the appropriate Detectives supervisors to ensure that personnel of those bureaus act within legal guidelines.

311.6 RELIGIOUS ACCOMMODATION

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Adult Abuse

312.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Bainbridge Island Police Department members as required by law.

312.1.1 DEFINITIONS

Definitions related to this policy include:

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

312.2 POLICY

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

312.3 MANDATORY NOTIFICATION

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

For purposes of notification (RCW 74.34.020):

- Abandonment is action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the person without the means or ability to obtain necessary food, clothing, shelter or health care.
- Abuse is willful action or inaction that inflicts injury, unreasonable confinement or restraint, sexual abuse, physical abuse, financial exploitation, mental abuse, intimidation or punishment as provided.
- A vulnerable adult is a person who is:

(a) (a) 60 years or older who has the functional, mental or physical inability to care for himself/herself.

(b) Is found by the superior court to be incapacitated under RCW 11.88.005 et seq.

(c) Has a developmental disability as defined under RCW 71A.10.020.

(d) Is admitted to any facility as defined in RCW 74.34.020 (assisted living facility, nursing home or other facility licensed by DSHS).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(e) Is receiving services from an individual provider or licensed home health, hospice or home care agency.

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

312.3.1 NOTIFICATION PROCEDURE
Notification should occur as follows (RCW 74.34.035):

(a) All notification to DSHS shall be made immediately or as soon as practicable by telephone

(b) Information provided shall include, if known:

1. The name and address of the person making the report.
2. The name and address of the vulnerable adult.
3. The name and address of the facility or agency providing care for the vulnerable adult.
4. The name and address of the legal guardian or alternate decision maker.
5. The nature and extent of the abandonment, abuse, financial exploitation, neglect or self-neglect.
6. Any history of previous abandonment, abuse, financial exploitation, neglect or self-neglect.
7. The identity of the alleged perpetrator, if known.
8. Any other information that may be helpful in establishing the extent of abandonment, abuse, financial exploitation, neglect or the cause of death of the deceased vulnerable adult.

312.4 OFFICER RESPONSE

All incidents involving actual or suspected elder and dependent abuse shall be fully investigated and appropriately documented.

312.5 INVESTIGATIONS AND REPORTING

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

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

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.

(b) Any relevant statements the victim may have made and to whom he/she made the statements.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

312.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact DSHS. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

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

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

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

In any situation which an officer reasonably believes that an elder or dependent adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the officer should make an attempt to obtain a

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

protective order against the person alleged to have committed or threatened such abuse pursuant to RCW 74.34.110; RCW 74.34.210; or other applicable statutes.

312.7 STATE MANDATES AND OTHER RELEVANT LAWS

Washington requires or permits the following:

312.7.1 ARREST WITHOUT WARRANT

When an officer has confirmed that a valid court order for protection, including a temporary order, exists and has probable cause to believe that a person has violated that order, he/she has the authority to arrest the person without a warrant (RCW 10.31.100; RCW 26.50.110).

312.7.2 SENIOR POLICE CLERK RESPONSIBILITIES

The Senior Police Clerk is responsible for:

(a) Providing a copy of the adult abuse report to DSHS as required by law.

(b) Retaining the original adult abuse report with the initial case file.

312.7.3 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (RCW 74.34.035(9); RCW 74.34.095).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Discriminatory Harassment

313.1 PURPOSE AND SCOPE

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

313.2 POLICY

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

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

313.3 DISCRIMINATION PROHIBITED

313.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

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

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

313.3.2 SEXUAL HARASSMENT

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

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

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment position or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

313.3.3 ADDITIONAL CONSIDERATIONS

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

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the Washington State Human Rights Commission.

(b) Bona fide requests or demands by a supervisor that a member improve his/her work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

313.3.4 RETALIATION

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

313.4 RESPONSIBILITIES

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

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

Any member who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

313.4.1 SUPERVISOR RESPONSIBILITY
Each supervisor and manager shall:

(a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

(b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.

(c) Ensure their subordinates understand their responsibilities under this policy.

(d) Ensure that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Notify the Chief of Police in writing of the circumstances surrounding any reported allegations or observed acts of discrimination/harassment no later than the next business day.

313.4.2 SUPERVISOR'S ROLE

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:

(a) Behavior of supervisors and managers should represent the values of the Department and professional law enforcement standards.

(b) False or mistaken accusations of discrimination, harassment or retaliation have negative effects on the careers of innocent members.

(c) Supervisors and managers must act promptly and responsibly in the resolution of such situations.

(d) Supervisors and managers shall make a timely determination regarding the substance of any allegation based upon all available facts.

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

313.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination or harassment shall be fully documented, and promptly and thoroughly investigated. The participating or opposing member should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

313.5.1 SUPERVISORY RESOLUTION

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

313.5.2 FORMAL INVESTIGATION

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

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

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

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

313.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated or retaliated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

313.6 NOTIFICATION OF DISPOSITION

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

313.7 DOCUMENTATION OF COMPLAINTS

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

- Approved by the Chief of Police, City Manager or the Human Resources Administrator, if more appropriate.
- Maintained for the period established in the department's records retention schedule.

313.8 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term of employment.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents and agree that they will continue to abide by its provisions.

313.8.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment or retaliation are encouraged to contact a supervisor, manager, the Chief of Police, Human Resources Administrator or the City Manager for further information, direction or clarification.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Child Abuse

314.1 PURPOSE AND SCOPE

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

314.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

314.2 POLICY

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

314.3 MANDATORY NOTIFICATION

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

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

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

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

314.3.1 NOTIFICATION PROCEDURE

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

(a) In emergency cases, notification to CPS should be made immediately when the child's welfare is endangered but in all such cases within 24 hours.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(b) In non-emergency cases, notification to CPS shall be made within 72 hours after a report is received.

(c) Notification, when possible, should include (RCW 26.44.040):

1. The name, address and age of the child.
2. The name and address of the child's parents, stepparents, guardians or other persons having custody of the child.
3. The nature and extent of the alleged injury or injuries.
4. The nature and extent of the alleged neglect.
5. The nature and extent of the alleged sexual abuse.
6. Any evidence of previous injuries, including the nature and extent of the injury.
7. Any other information that may be helpful in establishing the cause of the child's death, injury or injuries, and the identity of the alleged perpetrator or perpetrators.

(d) The Department shall forward all case dispositions to CPS.

314.4 QUALIFIED INVESTIGATORS

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

(a) Conduct interviews in child appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (RCW 26.44.180 et seq.).

314.5 INVESTIGATIONS AND REPORTING

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

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

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

(k) Applicable local protocol regarding child abuse investigations (RCW 26.44.180 et seq.).

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

314.6 PROTECTIVE CUSTODY

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

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

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

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

(a) A court order has been issued authorizing the removal of the child.

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

314.6.1 SAFE HAVEN LAW

A parent is not guilty of abandonment when leaving a newborn 72 hours old or younger with a qualified person at the emergency department of a licensed hospital or a fire station while personnel are present (RCW 13.34.360). The qualified person shall notify CPS. CPS shall assume custody of the newborn.

314.7 INTERVIEWS

314.7.1 TRAINING REQUIREMENT

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

314.8 DRUG-ENDANGERED CHILDREN

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

314.9 STATE MANDATES AND OTHER RELEVANT LAWS

Washington requires or permits the following:

314.9.1 RELEASE OF REPORTS

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

Records and information may be made available to multidisciplinary investigative team members as necessary for the performance of the member's duties as a member of the team. Records and information are subject to the same privacy and confidentiality restrictions as the person providing the information or records (Chapter 82 § 3, 2019 Laws).

314.9.2 ARREST WITHOUT WARRANT

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

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

314.9.3 CASE SUBMISSION TO PROSECUTOR

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

(a) A child has died or has had a physical injury.

(b) Injuries were inflicted upon a child other than by accidental means.

(c) A child has been subjected to alleged sexual abuse.

314.9.4 AGENCY COORDINATION

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

314.9.5 LOCAL CHILD ABUSE PROTOCOLS

The Detectives Supervisor should ensure that local child abuse protocols for the investigation of child abuse are available to those department members who have a role in child abuse investigations (RCW 26.44.180 et seq.).

314.9.6 CONFLICT OF INTEREST IN INVESTIGATIONS

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

314.9.7 POSTING OF MANDATED REPORTER REQUIREMENTS

The Shift Sergeant shall ensure that the Department of Children, Youth, and Families poster regarding mandated reporting requirements for child abuse and neglect is posted in a member common area (RCW 26.44.030).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Missing Persons

315.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

315.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - This includes persons who:

(a) Are 13 years of age or younger.

(b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:

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

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

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

315.2 POLICY

The Bainbridge Island Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Bainbridge Island Police Department gives missing person

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

cases priority over property-related cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

315.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

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

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

315.4 ACCEPTANCE OF REPORTS

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

Officers will assist in all cases regardless of where the person was last seen, where the person resides or any question of jurisdiction.

315.5 INITIAL INVESTIGATION

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

(a) Respond to a dispatched call as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Broadcast a “Be on the Look-Out” (BOLO) bulletin if the person is under 16 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 16 years of age or may be at risk.

(e) Ensure that entries are made into the appropriate missing person networks, as follows:

1. Immediately, when the missing person is at risk.
2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(g) Collect and/or review:

(a) A photograph and fingerprint card of the missing person, if available.

(b) A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).

(c) Any documents that may assist in the investigation, such as court orders regarding custody.

(d) Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier (RCW 80.36.570).

1. Information may only be sought from a carrier in an emergency situation that involves the risk of death or serious physical harm.

2. Members shall check NCIC and other available databases for a history of domestic violence or court order restricting contact and verify through the Washington State Patrol (WSP) that the missing person is not participating in the address confidentiality program under RCW 40.24.030 et seq. Information obtained from NCIC, other databases or WSP shall not be released except by court order.

3. Information received from a carrier is restricted and should only be released to first responders responding to the emergency situation.

(i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

(j) Consider contacting the WSP Missing and Exploited Children's Task Force (MECTF) if additional resources are needed (RCW 13.60.110).

315.6 REPORT PROCEDURES AND ROUTING

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

315.6.1 SUPERVISOR RESPONSIBILITIES

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

(a) Reviewing and approving missing person reports upon receipt.

1. The reports should be promptly sent to the Senior Police Clerk.

(b) Ensuring resources are deployed as appropriate.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

(e) Ensuring that records have been entered into the appropriate missing persons networks.

(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

315.6.2 SENIOR POLICE CLERK RESPONSIBILITIES

The responsibilities of the Senior Police Clerk receiving member shall include but are not limited to:

(a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.

(b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.

(c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.

(d) Forwarding a copy of the report to the Detectives.

(e) Coordinating with the NCIC Terminal Contractor for Washington to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

315.7 DETECTIVES FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.

1. The notice shall be in writing and should also include a photograph.

2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information, if the school receives a call requesting the transfer of the missing child's files to another school.

(b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.

(c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(d) Shall verify and update WACIC, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

(e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

(g) Should make appropriate inquiry with the Coroner.

(h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.

(i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the WSP Missing and Unidentified Persons Unit (MUPU) and enter the photograph into applicable missing person networks (34 USC § 41308).

(j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

(k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

315.7.1 MISSING OVER 30 DAYS OR WHEN CRIMINAL ACTIVITY SUSPECTED

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

(a) File a missing person's report with MUPU.

(b) Initiate the collection of biological samples from the known missing person and his/her family members for nuclear and mitochondrial DNA testing along with the necessary consent forms, if not previously obtained during the investigation.

(c) Ask the missing person's family or next of kin to give written consent to request the person's dental records.

1. Whenever possible, obtain diagnostic quality copies or original records of the missing person’s dental records. As soon as possible, biological samples shall be submitted to the appropriate lab; dental records shall be submitted to MUPU (RCW 43.43.751; RCW 68.50.320).

In all missing person cases, the assigned detective should attempt contact with the reporting party no less than every 30 days in order to verify the status of the reported missing person. After 12

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

months, contact with the reporting party should be attempted yearly. All verifications should be reported to WSP via A Central Computerized Enforcement Service System (ACCESS).

315.8 WHEN A MISSING PERSON IS FOUND

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

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

(a) Notification is made to MUPU.

(b) A missing child's school is notified.

(c) Entries are made in the applicable missing person networks.

(d) When a person is at risk, the fact that the person has been found should be reported within 24 hours to MUPU.

(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

315.8.1 UNIDENTIFIED PERSONS

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

(a) Obtain a complete description of the person.

(b) Enter the unidentified person's description into the NCIC Unidentified Person File.

(c) Use available resources, such as those related to missing persons, to identify the person.

315.9 CASE CLOSURE

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

(a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.

(b) If the missing person is a resident of Bainbridge Island Police Department or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

(c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

315.10 TRAINING

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

(a) The initial investigation:

1. Assessments and interviews
2. Use of current resources, such as Mobile Audio Video (MAV)
3. Confirming missing status and custody status of minors
4. Evaluating the need for a heightened response
5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of department members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Public Alerts

316.1 PURPOSE AND SCOPE

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

316.2 POLICY

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

316.3 WASHINGTON STATEWIDE AMBER ALERT™ PLAN

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

The Bainbridge Island Police Department participates in this partnership and may initiate an AMBER Alert to disseminate information to the public when the criteria for an AMBER Alert are met.

316.3.1 ALERT CRITERIA

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

(a) The child is under 18 years of age and is known to have been abducted. The child is not a runaway or a throw-away child.

(b) The abducted child is believed to be in danger of death or serious bodily injury.

(c) The AMBER Alert activation should occur within four hours of the qualifying event unless circumstances or the timeliness of the information warrant otherwise.

(d) There must be enough descriptive information to believe that an AMBER Alert activation will assist in the recovery of the child, including:

1. Where the abduction took place.
2. A physical description of the child: height, weight, age, hair color and length, eye color, clothing worn when the child was last seen, and any distinguishing physical characteristics.
3. A physical description of the abductor: height, weight, age, hair color and length, eye color, clothing worn when the suspect last seen, and any distinguishing physical characteristics.
4. Place last seen.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

5. Description of the vehicle: color, make, model, license number, approximate year.

(e) The incident must be reported to and investigated by a law enforcement agency.

316.4 ENDANGERED MISSING PERSON ADVISORY

The Endangered Missing Person Advisory is a voluntary partnership between law enforcement, other government agencies and local broadcasters to rapidly disseminate information to law enforcement agencies, the media and the public about a missing and endangered person in circumstances that do not qualify for an AMBER Alert (RCW 13.60.050).

The Bainbridge Island Police Department participates in this partnership and may initiate the required notifications whenever a person is reported missing from this jurisdiction and meets the criteria of an Endangered Missing Person. An endangered missing person advisory may be termed a "silver alert" when initiated to assist in the recovery of a missing endangered person age 60 or older and there is a vehicle associated with the missing person.

316.4.1 ADVISORY CRITERIA

All of the following criteria must exist prior to initiating an Endangered Missing Person Advisory:

(a) The person is missing under unexplained, involuntary or suspicious circumstances.

(b) The person has a developmental disability, is a vulnerable adult or is believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or is believed to be unable to return to safety without assistance. This also includes a person diagnosed as having Alzheimer's disease or other age-related dementia (RCW 13.60.010).

(c) There is enough information that could assist the public in the safe recovery of the missing person (e.g., photo or description, clothing worn when last seen, vehicle, location last seen).

(d) The incident has been reported to and investigated by a law enforcement agency.

316.5 BLUE ALERTS

The Blue Alert system is a voluntary cooperation between law enforcement, state government agencies and local broadcasters to enhance the public’s ability to assist in locating and apprehending persons suspected of killing or seriously injuring a law enforcement officer (RCW 10.108.030).

The Bainbridge Island Police Department participates in this partnership and may initiate a Blue Alert to disseminate information to the public when the criteria for a Blue Alert are met.

316.5.1 CRITERIA

All of the following criteria are required to exist prior to initiating a Blue Alert (RCW 10.108.030):

(a) The suspect has not been apprehended.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(b) The suspect poses a serious threat to the public.

(c) Sufficient information is available to disseminate to the public to assist in locating and apprehending the suspect.

(d) The release of the information will not compromise the investigation.

(e) The release of the information will not improperly notify an officer's next of kin.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Victim Witness Assistance

317.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

317.2 POLICY

The Bainbridge Island Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Bainbridge Island Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

317.3 CRIME VICTIM LIAISON

The Chief of Police may appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Bainbridge Island Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

317.3.1 SPECIFIC VICTIM LIAISON DUTIES

The crime victim liaison should:

(a) Ensure that the Department affords victims and witnesses their appropriate rights (RCW 7.69.030; RCW 7.69B.020; Chapter 93 § 9, 2019 Laws).

(b) Ensure that child victims and witnesses are provided appropriate services and rights (RCW 7.69A.030).

(c) Coordinate with the County Prosecutor's Office to ensure that all other required notifications are provided to victims and witnesses.

317.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

317.4.1 RIGHT OF IMMEDIATE MEDICAL ASSISTANCE

Victims have the right to immediate medical assistance and should not be detained for an unreasonable length of time before having such assistance administered. The officer may accompany the victim to a medical facility to question the victim about the criminal incident if the questioning does not hinder the administration of medical assistance (RCW 7.69.030).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

317.5 VICTIM INFORMATION

The Administrative Services Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims including domestic violence and sexual assault victims.

(b) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Chapter 93 § 9, 2019 Laws).

(c) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(d) A clear explanation of relevant court orders and how they can be obtained.

(e) Information regarding available compensation for qualifying victims of crime.

(f) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.

(g) Notice regarding U-Visa and T-Visa application processes.

(h) Resources available for victims of identity theft.

(i) A place for the officer's name, badge number, and any applicable case or incident number.

(j) A written statement enumerating the rights of victims (RCW 7.69.030; RCW 7.69A.030; RCW 7.69B.020).

(k) The name, address, and telephone number of the local victim/witness program, or contact information for the Washington Coalition of Crime Victim Advocates.

(l) An advisement notifying victims of domestic violence of their right to personally initiate a criminal proceeding when an officer does not exercise arrest powers or initiate criminal proceedings by citation (RCW 10.99.030).

(m) Information about the address confidentiality program (RCW 40.24.030).

317.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

317.7 WITNESS INFORMATION

Any person who has been or expects to be summoned to testify for the prosecution in a criminal action, or who is subject to call or is likely to be called as a witness, has rights to specific information about the case (RCW 7.69.030).

The Administrative Services Supervisor shall ensure that witness information handouts are available and current. These should include information regarding witness rights (RCW 7.69.030).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Hate Crimes

318.1 PURPOSE AND SCOPE

This department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to provide members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

318.2 DEFINITIONS

Except where otherwise noted, the following definitions are provided per RCW 9A.04.110:

Bodily injury, physical injury, or bodily harm - Physical pain or injury, illness, or an impairment of physical condition.

Gender expression or identity - Having, or being perceived as having, a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth (RCW 9A.36.080).

Malice and maliciously - To import an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

Reasonable person - A reasonable person who is a member of the victim's race, color, religion, ancestry, national origin, gender, or sexual orientation, or who has the same gender expression or identity, or the same mental, physical, or sensory handicap as the victim (RCW 9A.36.080).

Sexual orientation - Heterosexuality, homosexuality, or bisexuality (RCW 9A.36.080).

Threat - To communicate, directly or indirectly, the intent to cause bodily injury immediately or in the future to any other person or to cause physical damage immediately or in the future to the property of another person.

318.3 CRIMINAL STATUTES

318.3.1 HATE CRIME OFFENSES

A person is guilty of a hate crime offense if he/she maliciously and intentionally commits one of the following acts because of his/her perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression or identity, or mental, physical, or sensory disability (RCW 9A.36.080):

(a) Causes physical injury to the victim or another person.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(b) Causes physical damage to or destruction of the property of the victim or another person.

(c) Threatens a specific person or group of persons and places that person, or members of the specific group of persons, in reasonable fear of harm to person or property. The fear must be a fear that a reasonable person would have under the circumstances.

Prima facie acts of hate are described in RCW 9A.36.080(2).

318.3.2 THREATS TO BOMB OR INJURE PROPERTY

It is unlawful for any person to threaten to bomb or otherwise injure any public or private school building, any place of worship or public assembly, any governmental property, or any other building, common carrier, or structure, or any place used for human occupancy; or to communicate or repeat any information concerning such a threatened bombing or injury, knowing such information to be false and with intent to alarm the person or persons to whom the information is communicated or repeated (RCW 9.61.160).

318.3.3 FEDERAL JURISDICTION

The federal government has the power to investigate and prosecute bias-motivated violence by giving the U.S. Department of Justice jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (18 USC § 245).

318.4 CIVIL STATUTES

In addition to the criminal penalty provided in RCW 9A.36.080 for committing a hate crime offense, the victim may bring a civil cause of action for the hate crime offense against the person who committed the offense. A person may be liable to the victim of the hate crime offense for actual damages, punitive damages of up to one hundred thousand dollars, and reasonable attorneys' fees and costs incurred in bringing the action (RCW 9A.36.083).

318.5 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

(a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks.

(b) Providing victim assistance and follow-up as outlined below, including community follow-up.

(c) Educating community and civic groups about hate crime laws.

318.6 TRAINING

All members of this department will receive CJTC approved training on hate crime recognition and investigation (RCW 43.101.290).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Standards of Conduct

319.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Bainbridge Island Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

319.2 POLICY

The continued employment or appointment of every member of the Bainbridge Island Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

319.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

319.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

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

319.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.

(d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

319.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Washington Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

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

319.5 CAUSES FOR DISCIPLINE

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

319.5.1 LAWS, RULES AND ORDERS

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

(b) Disobedience of any legal directive or order issued by any department member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

319.5.2 ETHICS

(a) Using or disclosing one's status as a member of the Bainbridge Island Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.

(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.

(c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).

(d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.

(e) Offer or acceptance of a bribe or gratuity.

(f) Misappropriation or misuse of public funds, property, personnel or services.

(g) Any other failure to abide by the standards of ethical conduct.

319.5.3 DISCRIMINATION, OPPRESSION OR FAVORITISM

Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

319.5.4 RELATIONSHIPS

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

(b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.

(e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

319.5.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

319.5.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this department.

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Bainbridge Island Police Department badge, uniform, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.

(e) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

319.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

(d) Unauthorized sleeping during on-duty time or assignments.

(e) Failure to notify the Department within 24 hours of any change in residence address, contact telephone numbers or marital status.

319.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department--related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

1. While on department premises.
2. At any work site, while on--duty or while in uniform, or while using any department equipment or system.
3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Improper political activity including:

1. Unauthorized attendance while on--duty at official legislative or political sessions.
2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on department property except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.

(h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.

(i) Any act on- or off-duty that brings discredit to this department.

319.5.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.

(g) Use of obscene, indecent, profane or derogatory language while on--duty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.

(i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.

(j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.

(k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement to include fraud in securing the appointment or hire.

(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.

(m) Any other on-- or off--duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

319.5.10 SAFETY

(a) Failure to observe or violating department safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.

(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic collision.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

319.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Information Technology Use

320.1 DEPARTMENT POLICY

All Department personnel should reference the City Of Bainbridge Island, Employee Manual for applicable policy regarding technology use.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

News Media Relations

321.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

321.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Supervisors, and designated officers may prepare and release information to the media in accordance with this policy and the applicable law.

321.2.1 MEDIA REQUESTS

Any media request for information or access to a law enforcement situation shall be referred to the Chief of Police.

(a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from the Chief of Police, except for information contained on the Media Board as set forth in part (d) below.

(b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

(c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident involving this department or any other without prior approval of the Chief of Police except for minor vehicle collisions and minor incidents.

(d) Media Board - The Department maintains a daily information media board consisting of police reports of law enforcement activities that may be of interest to the media. The Media Board will be kept in the Support Services area and shall be made available, upon request, to bona fide members of the press who display appropriate credentials which may include written confirmation from the publisher or editor of an established periodic publication that the person is a reporter for that publication.

1. The following information shall automatically be redacted from reports on the media board before they are made available to the press:

    (a) Social Security Numbers

    (b) Financial information such as bank account numbers

    (c) Specific characteristics and geographic information regarding found property (which would only be known by the lawful owner)

    (d) Names and addresses of juveniles

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

2. The following types of reports shall automatically be withheld from the media board;
   (a) Any case still under active investigation
   (b) Drug cases
   (c) Sex Offense or Sex Offender Contacts
   (d) Reports with Child Protective Services or Adult Protective Services involved
   (e) Cases involving residents or patients of medical care or assisted living facilities
   (f) Cases involving death
   (g) Cases involving mental health issues or referrals to Kitsap Mental Health (or similar agencies)
   (h) Cases involving juveniles
   (i) Cases involving agency assists (the primary responding agency would determine whether to release)
   (j) Cases involving vacation house checks, false alarms or open doors

(e) Major Events or Investigations - All information released to the media regarding major incidents or investigations, or cases under current investigation must be coordinated through the Chief of Police.

(f) Internal Policy, Budget, and Personnel Issues - Media requests for information, statements, comments, or opinion regarding management of the department and its budget, goals, personnel issues, allocation of resources or the interpretation of Departmental policies shall be directed to the Chief of Police or the City of Bainbridge Island's designated Public Records Officer. This policy does not limit an employee from speaking as a private citizen or as an authorized member of a recognized bargaining unit about matters of public concern.

321.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

criminal investigation operations. All information released to the media should be coordinated through the department Chief of Police or other designated spokesperson.

2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Sergeant. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).

(c) No member of this Department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee.

(d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media should be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through the Chief of Police.

321.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

321.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information not provided on the Media Board described in section 321.2.1 (d) above shall be referred to the Chief of Police or, the City of Bainbridge Island's designated Public Records Officer. Such requests will generally be processed in accordance with the provisions of the Public Records Act (RCW Chapter 42.56.001 et seq.).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

321.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department (see the Records Maintenance and Release and Personnel Files policies). When in doubt, authorized and available legal counsel should be obtained.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Subpoenas and Court Appearances

322.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Bainbridge Island Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

322.2 POLICY

Bainbridge Island Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

322.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so.

A subpoena may be served upon a member by personal service or by leaving such copy at the place of his/her residence (Civil Rules, CR 45; Civil Rules, CRLJ 45; Criminal Rules, CrRLJ 4.8; Criminal Rules, CrR 4.8).

Criminal subpoenas may also be served upon a member by first-class mail in a limited criminal matter. A criminal subpoena in Superior Court may be served by first-class mail together with a waiver of personal service and instructions for returning such waiver to complete service (Criminal Rules, CrRLJ 4.8; Criminal Rules, CrR 4.8).

322.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.

(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

(d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Bainbridge Island Police Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Bainbridge Island Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

No member shall be retaliated against for testifying in any matter.

322.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

322.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

322.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

322.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

322.6 COURTROOM PROTOCOL

When appearing in court, members shall:

(a) Be punctual when appearing in court and prepared to proceed immediately with the case for which they are scheduled to appear.

(b) Dress in the department uniform or business attire.

(c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

322.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

322.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Reserve Officers

323.1 PURPOSE AND SCOPE

The Bainbridge Island Police Department Reserve Unit was established to supplement and assist regular sworn police officers in their duties. This unit provides professional, sworn volunteer reserve officers who can augment regular staffing levels.

323.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS

The Bainbridge Island Police Department shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by this department.

323.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular police officers before appointment (RCW 43.101.095).

Before appointment to the Police Reserve Unit, an applicant must have completed, or be in the process of completing, a CJTC approved basic academy or reserve academy (WAC 139-05-810).

323.2.2 APPOINTMENT

Applicants who are selected for appointment to the Police Reserve Unit shall, on the recommendation of the Chief of Police, be sworn in by the Chief of Police and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

The Bainbridge Island Police Department shall immediately notify the CJTC of appointments on a CJTC personnel action report form (WAC 139-05-810).

323.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS

Compensation for reserve officers is provided as follows:

All reserve officer appointees are issued two sets of uniforms and all designated attire and safety equipment. All property issued to the reserve officer shall be returned to the Department upon termination or resignation.

Reserve officers may be compensated for temporary police duty in accordance with City Ordinance number 2013-35.

323.2.4 EMPLOYEES WORKING AS RESERVE OFFICERS

Qualified employees of this department, when authorized, may also serve as reserve officers. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g., a detention officer working as a reserve officer for reduced or no pay). Therefore, the Reserve Coordinator should consult the Human Resources prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

323.3 DUTIES OF RESERVE OFFICERS

Reserve officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve officers will usually be to augment the Patrol Section. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 18 hours per month.

323.3.1 POLICY COMPLIANCE

Police reserve officers shall be required to adhere to all departmental policies and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn reserve officer unless by its nature it is inapplicable.

323.3.2 RESERVE OFFICERS ASSIGNMENTS

All reserve officers will be assigned to duties by the Reserve Coordinator or his/her designee.

323.3.3 RESERVE COORDINATOR

The Chief of Police shall delegate the responsibility for administering the Reserve Officer Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

(a) Assignment of reserve personnel.

(b) Conducting reserve meetings.

(c) Establishing and maintaining a reserve call-out roster.

(d) Maintaining and ensuring performance evaluations are completed.

(e) Monitoring individual reserve officer performance.

(f) Monitoring the overall Reserve Program.

(g) Maintaining liaison with other agency Reserve Coordinators.

323.4 FIELD TRAINING

323.4.1 TRAINING OFFICERS

Officers of this department, who demonstrate a desire and ability to train reserve officers, may train the reserves during Phase II, subject to Shift Sergeant approval.

323.4.2 PRIMARY TRAINING OFFICER

Upon completion of the Academy, reserve officers will be assigned to a primary training officer. The primary training officer will be selected from the Field Training Officers (FTO). The reserve officer will be assigned to work with his/her primary training officer during the first 160 hours of training. This time shall be known as the Primary Training Phase.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

323.4.3 FIELD TRAINING MANUAL

Each new reserve officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Bainbridge Island Police Department. The reserve officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

323.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE

At the completion of the Primary Training Phase, (Phase I) the primary training officer will meet with the Reserve Coordinator. The purpose of this meeting is to discuss the progress of the reserve officer in training.

If the reserve officer has progressed satisfactorily, he/she will then proceed to Phase II of the training. If he/she has not progressed satisfactorily, the Reserve Coordinator will determine the appropriate action to be taken.

323.4.5 SECONDARY TRAINING PHASE

The Secondary Training Phase (Phase II) shall consist of 100 hours of additional on-duty training. The reserve officer will no longer be required to ride with his/her primary training officer. The reserve officer may now ride with any officer designated by the Shift Sergeant.

During Phase II of training, as with Phase I, the reserve officer's performance will be closely monitored. In addition, rapid progress should continue towards the completion of the Officer's Field Training Manual. At the completion of Phase II of training, the reserve officer will return to his/her primary training officer for Phase III of the training.

323.4.6 THIRD TRAINING PHASE

Phase III of training shall consist of 24 hours of additional on-duty training. For this training phase, the reserve officer will return to his/her original primary training officer. During this phase, the training officer will evaluate the reserve officer for suitability to graduate from the formal training program.

At the completion of Phase III training, the primary training officer will meet with the Reserve Coordinator. Based upon the reserve officer's evaluations, plus input from the primary training officer, the Reserve Coordinator shall decide if the reserve officer has satisfactorily completed his/her formal training. If the reserve officer has progressed satisfactorily, he/she will then graduate from the formal training process. If his/her progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

323.4.7 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve officer has satisfactorily completed all three phases of formal training, he/she will have had a minimum of 284 hours of on-duty training. He/she will no longer be required to ride with a reserve training officer. The reserve officer may now be assigned to ride with any officer for the remaining 200-hour requirement for a total of 484 hours before being considered for relief of immediate supervision.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

323.4.8 IN-SERVICE TRAINING
All reserve officers will successfully complete an annual in-service training program of no less than 24 hours, which shall begin on Jan. 1 of the calendar year following appointment (WAC 139-05-300).

323.5 SUPERVISION OF RESERVE OFFICERS
Reserve officers shall be under the immediate supervision of a regular sworn officer. The immediate supervision requirement shall continue for reserve officers unless special authorization is received from the Reserve Coordinator with the approval of the Chief of Police.

323.5.1 SPECIAL AUTHORIZATION REQUIREMENTS
Reserve officers may, with prior authorization of the Reserve Coordinator and on approval of the Chief of Police, be relieved of the immediate supervision requirement. In the absence of the Reserve Coordinator and the Chief of Police, the Shift Supervisor may assign a certified reserve officer to function without immediate supervision for specific purposes and duration.

323.5.2 RESERVE OFFICER MEETINGS
All reserve officer meetings will be scheduled and conducted by the Reserve Coordinator. All reserve officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

323.5.3 IDENTIFICATION OF RESERVE OFFICERS
All reserve officers will be issued a uniform badge and a Department identification card. The uniform badge shall be the same as that worn by a regular full-time officer. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

323.5.4 UNIFORM
Reserve officers shall conform to all uniform regulation and appearance standards of this department.

323.5.5 INVESTIGATIONS AND COMPLAINTS
If a reserve officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Patrol Supervisor.

Reserve officers are considered at-will employees with the exception that the right to hearing is limited to the opportunity to clear their name.

Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the Policy Manual.

323.5.6 RESERVE OFFICER EVALUATIONS
While in training reserves will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

been completed. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

323.6 FIREARMS REQUIREMENTS

323.6.1 CARRYING WEAPON ON DUTY

It is the policy of this department to allow reserves to carry firearms only while on duty or to and from duty.

323.6.2 CONCEALED PISTOL PROHIBITED

No reserve officer will be permitted to carry a concealed pistol while in an off-duty capacity, other than to and from work, except those reserve officers who possess a valid Concealed Pistol License. An instance may arise where a reserve officer is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve officer may be permitted to carry a pistol more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to departmental standards. The weapon must be registered by the reserve officer and be inspected and certified as fit for service by a departmental armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve officer shall have demonstrated his/her proficiency with said weapon.

When a reserve officer has satisfactorily completed all three phases of training (as outlined in FIELD TRAINING), he/she may be issued a permit to carry a concealed weapon. The decision to issue a concealed weapon permit will be made by the Chief of Police with input from the Reserve Program Coordinator and administrative staff. In issuing a concealed weapon permit a reserve officer's qualification will be individually judged. A reserve officer's dedication to the program and demonstrated maturity, among other factors, will be considered before a concealed weapon permit will be issued. Once issued, the concealed weapon permit will be valid only for as long as the reserve officer remains in good standing with the Bainbridge Island Police Department Reserve Officer Program.

323.6.3 RESERVE OFFICER FIREARM TRAINING

All reserve officers are required to maintain proficiency with firearms used in the course of their assignments. Reserve officers shall comply with all areas of the firearms training section of the Policy Manual.

323.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

323.8 TERMINATION OF RESERVE OFFICER

If a reserve officer is terminated for any reason, including resignation, the Bainbridge Island Police Department shall notify the CJTC on a CJTC personnel action form within 15 days of the termination (WAC 139-05-810).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Outside Agency Assistance

324.1 PURPOSE AND SCOPE

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

324.2 POLICY

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

324.3 ASSISTING OUTSIDE AGENCIES

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

When another law enforcement agency requests assistance from this department, the Shift Sergeant may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

324.3.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Bainbridge Island Police Department shall notify his/her supervisor or the Shift Sergeant and CenCom as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

324.4 REQUESTING OUTSIDE ASSISTANCE

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

324.5 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administrative Services Supervisor or the authorized designee.

The documentation should include:

(a) The conditions relative to sharing.

(b) The training requirements for:

1. The use of the supplies and equipment.
2. The members trained in the use of the supplies and equipment.

(c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to CenCom and the Shift Sergeant to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Deputy Chief should maintain documentation that the appropriate members have received the required training.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Registered Offender Information

325.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Bainbridge Island Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered offenders.

325.2 POLICY

It is the policy of the Bainbridge Island Police Department to monitor registered offenders living within this jurisdiction per Kitsap County Sheriff's Office guidelines, and to take reasonable steps to address the risks those persons may pose.

325.3 REGISTRATION

Per RCW 9A.44.130, the Kitsap County Sheriff's Office is responsible for the registration of Sex Offenders within the county.

325.3.1 CONTENTS OF REGISTRATION FOR SEX OR KIDNAPPING OFFENDERS

Sex or kidnapping offenders who are required to register must appear in person and provide the following (RCW 9A.44.130):

- Name
- Complete residential address or where he/she plans to stay
- Date and place of birth
- Place of employment
- Crime for which the person has been convicted
- Date and place of conviction
- Aliases
- Social Security number
- Biological sample if one has not already been submitted to the WSP (see the Biological Samples Policy for collection protocol) (RCW 43.43.754)

Offenders lacking a fixed residence must report weekly, in person, to the sheriff's office where he/she is registered. Forms used to record where the offender stayed during the week should include an express request for offenders to provide an accurate accounting of where they stayed to the county sheriff.

The registering member shall take photographs and fingerprints, which may include palmprints, of all sex/kidnapping offenders.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

325.3.2 CONTENTS OF REGISTRATION FOR FELONY FIREARM OFFENDERS

Felony firearm offenders who are required to register must appear in person and provide the following to the Kitsap County Sheriff's Office:

- Name and any aliases
- Complete residential address or where he/she plans to stay
- Identifying information, including a physical description
- Crime for which the person has been convicted
- Date and place of conviction
- Names of any other county where the firearm offender may have registered

The registering employee may take photographs and fingerprints of the felony firearm offender.

325.4 MONITORING OF REGISTERED OFFENDERS

Per the Kitsap County Sheriff's Office Registered Sex/Kidnapping Offender Address & Residency Verification Program, the requirements for monitoring are "face-to-face" verification of a registered offender's "place of residence." The following are the additional requirements:

(a) Face-to-face verification of a registered offender's place of residence.

1. For Level I offenders, every six months;
2. For Level II offenders, every six months;
3. For Level III offenders, every three months.

(b) Written documentation of face-to-face residence verification.

1. Department must submit a contact sheet for each offender contact in accordance with the above mentioned verification schedule.
2. Contact sheets must be submitted to the Sheriff's Office by January 15th and July 15th for Level I & II registered offenders.
3. Contact sheets must be submitted to the Sheriff's Office each quarter for Level III registered offenders.

(c) If an officer attempts to contact a registered offender and determines that the offender no longer resides at the address he/she is registered, the officer shall complete a complaint report (CR) indicating the details of their investigation and forward this report to the Kitsap County Sheriff's Office Detective Division for follow-up investigation. The Kitsap County Sheriff's Office will complete the necessary investigation and documentation to provide to the Kitsap County Prosecutor's Office for a charging decision of "Failure to Register."

(d) Community Notification of Level III Offenders:

(a) The Department must send a press release to the local media on any new Level III offender within the City limits.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(b) The Department must conduct a community notification of any new registered Level III offender within the City limits.

The Kitsap County Sheriff's Office shall continue to:

- Register all sex offenders and kidnapping offenders residing in Kitsap County as required by law.
- Monitor all offenders registered as "transient" within Kitsap County on a weekly basis as required by law.
- Follow up on all complaint reports of "Failure to Register" submitted by municipal agencies within Kitsap County.
- Maintain a master file on each registered offender within Kitsap County.
- Complete and submit required reports and documents to WASPC as required.

325.5 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular sex/kidnapping registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a sex/kidnapping registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex/kidnapping registrants should be provided the WASPC Sex Offender Information Center website or the Kitsap County Sheriff's Office website.

The Administrative Supervisor shall refer inquiries to the Kitsap County Sheriff's Office regarding release of local sex/kidnapping registered offender information to residents in accordance with RCW 4.24.550 and in compliance with a request under the Public Records Act (RCW 42.56).

Information pertaining to felony firearm offenders should not be disseminated to the public. All inquiries should be referred to WSP.

325.5.1 SCHOOL NOTIFICATIONS

The Sheriff has the responsibility of notifying the applicable school’s principal or public safety department of any sex/kidnapping offender who attends or is employed at the school and for providing the following information about the offender (RCW 9A.44.138):

- Name
- Complete residential address
- Date and place of birth
- Place of employment
- Crime for which the person has been convicted

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

- Date and place of conviction
- Aliases
- Social Security number
- Photograph
- Risk level classification

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Death Investigation

326.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

326.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed, etc.). Officers are not authorized to pronounce death. A supervisor shall be notified in all death investigations.

326.2.1 CORONER JURISDICTION OVER REMAINS

The coroner has jurisdiction of bodies of all deceased persons who come to their death suddenly in any of the following cases (RCW 68.50.010):

(a) When in apparent good health without medical attendance within the thirty-six hours preceding death.

(b) Where the circumstances of death indicate death was caused by unnatural or unlawful means.

(c) Where death occurs under suspicious circumstances.

(d) Where a coroner's autopsy or post mortem or coroner's inquest is to be held.

(e) Where death results from unknown or obscure causes.

(f) Where death occurs within one year following an accident.

(g) Where the death is caused by any violence whatsoever.

(h) Where death results from a known or suspected abortion; whether self-induced or otherwise.

(i) Where death apparently results from drowning, hanging, burns, electrocution, gunshot wounds, stabs or cuts, lightning, starvation, radiation, exposure, alcoholism, narcotics or other addictions, tetanus, strangulations, suffocation or smothering.

(j) Where death is due to premature birth or still birth.

(k) Where death is due to a violent contagious disease or suspected contagious disease which may be a public health hazard.

(l) Where death results from alleged rape, carnal knowledge or sodomy.

(m) Where death occurs in a jail or prison.

(n) Where a body is found dead or is not claimed by relatives or friends.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

The body or human remains shall not be disturbed or moved from the position or place of death without permission of the coroner (RCW 68.50.050).

326.2.2 DEATH NOTIFICATION

When practical, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

326.2.3 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner's office will issue a "John Doe" or "Jane Doe" number for the report.

326.2.4 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

326.2.5 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Investigations Section shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Identity Theft

327.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

327.2 REPORTING

This department will initiate an incident report whenever a person reasonably suspects that his/her financial information or means of identification has been unlawfully obtained, used, or transferred to another person or entity in all cases where the victim resides or works within this jurisdiction, or where any part of the crime occurred within this jurisdiction. The employee receiving the report will ensure that the complainant receives a copy of the incident report (RCW 9.35.050).

In cases where the reporting party does not reside or work within this jurisdiction and there is no known or suspected criminal activity occurring within this jurisdiction the reporting party may be referred to the appropriate law enforcement agency having jurisdiction. If it is not reasonably practical for the reporting party to file a timely report with his/her home jurisdiction the receiving employee should take a courtesy incident report to be forwarded to the agency having jurisdiction.

Reports should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

The employee preparing the report should also cross-reference all other known reports made by the victim (e.g., US Secret Service, credit reporting bureaus, US Postal Service and DOL) with all known report numbers.

Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Limited English Proficiency Services

328.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

328.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Bainbridge Island Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

328.2 POLICY

It is the policy of the Bainbridge Island Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

328.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Patrol Supervisor or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(a) Coordinating and implementing all aspects of the Bainbridge Island Police Department's LEP services to LEP individuals.

(b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.

(c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Shift Sergeant and Director. The list should include information regarding the following:

1. Languages spoken
2. Contact information
3. Availability

(d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.

(e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.

(f) Assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.

(g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.

(h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures, or recommending modifications to this policy.

(i) Receiving and responding to complaints regarding department LEP services.

(j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

328.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.

(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

328.5 TYPES OF LEP ASSISTANCE AVAILABLE

Bainbridge Island Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

328.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

328.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

328.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

When a qualified bilingual member from this department is not available, personnel from other City departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

328.9 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

(a) The competence and ability to communicate information accurately in both English and in the target language.

(b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.

(c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(d) Knowledge of the ethical issues involved when acting as a language conduit.

328.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

328.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

328.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

328.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Bainbridge Island Police Department will take reasonable steps and will work with the Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

328.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

328.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

328.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

328.15 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

328.16 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

328.17 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Deputy Chief shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Deputy Chief shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

328.17.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Deputy Chief shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Communications with Persons with Disabilities

329.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

329.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters. Qualified interpreters should be certified pursuant to RCW 2.42.110.

329.2 POLICY

It is the policy of the Bainbridge Island Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

329.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Patrol Supervisor or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

(a) Working with the City ADA coordinator regarding the Bainbridge Island Police Department's efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

(d) Ensuring that a list of qualified interpreter services is maintained and available to each Shift Sergeant and Director. The list should include information regarding the following:

1. Contact information
2. Availability

(e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.

(g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

329.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

329.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Bainbridge Island Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

329.6 TYPES OF ASSISTANCE AVAILABLE

Bainbridge Island Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

329.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

329.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time but in no event longer than one hour if requested.

(b) Experienced in providing interpretation services related to law enforcement matters.

(c) Familiar with the use of VRS and/or video remote interpreting services.

(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

329.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

329.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

329.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

(a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

329.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

329.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

329.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.

(b) Exchange of written notes or communications.

(c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

(d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

329.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

329.15 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

329.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

329.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

329.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Deputy Chief shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Deputy Chief shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Child and Dependent Adult Safety

330.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

330.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Bainbridge Island Police Department will endeavor to create a strong cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

330.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

330.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered, children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

  1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

(b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.

  1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

(c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(d) Notify the Department of Social and Health Services, if appropriate.

(e) Notify the field supervisor or Shift Sergeant of the disposition of children and dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

Officers shall promptly notify Child Protective Services (CPS) whenever a child under 13 years of age is present in a vehicle and his/her parent, guardian or legal custodian is arrested for a drug or alcohol driving offense in accordance with the department Child Abuse Policy (RCW 26.44.250).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Service Animals

331.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Bainbridge Island Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices, and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

331.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

331.2.1 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

Examples of how service animals may be used to provide assistance include:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

331.3 EMPLOYEE RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Bainbridge Island Police Department affords to all members of the public.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability.

If it is apparent or if the officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Volunteer Program

332.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

332.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Off-Duty Law Enforcement Actions

333.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Bainbridge Island Police Department with respect to taking law enforcement action while off-duty.

333.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

333.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations, state law, and department policy. All department authorized firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying department authorized firearms while off-duty officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage,taken any drugs or medication or any combination thereof that would tend to adversely affect the officer's senses or judgment.

333.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

(a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(b) The inability to communicate with responding units.

(c) The lack of equipment, such as handcuffs, OC or baton.

(d) The lack of cover.

(e) The potential for increased risk to bystanders if the off-duty officer were to intervene.

(f) Unfamiliarity with the surroundings.

(g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

333.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an Bainbridge Island Police Department officer until acknowledged. Official identification should also be displayed.

333.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

333.4.3 CIVILIAN NON SWORN RESPONSIBILITIES

Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

333.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

333.5 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Shift Sergeant as soon as practicable. The Shift Sergeant shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

CJI Physical Protection Policy

334.1 PURPOSE

The purpose of this policy is to provide guidance for department personnel, support personnel, and private contractors/vendors for the physical, logical, and electronic protection of Criminal Justice Information (CJI).

334.2 PHYSICALLY SECURE LOCATION

A physically secure location is a facility or an area, a room, or a group of rooms within a facility with both the physical and personnel security controls sufficient to protect the CJI and associated information systems. The perimeter of the physically secure location shall be prominently posted and separated from non-secure locations by physical controls. Security perimeters shall be defined, controlled, and secured. Restricted non-public areas in Bainbridge Island Police Department (BIPD) shall be identified with a sign at the entrance.

334.3 VISITOR ACCESS

A visitor is defined as a person who visits the BIPD facility on a temporary basis who is not employed by the Department and has no unescorted access to the physically secure location within the Department where CJI and associated information systems are located.

Visitors shall:

1. Be accompanied by a BIPD escort at all times to include delivery or service personnel. An escort is defined as an authorized personnel who accompanies a visitor at all times while within a physically secure location to ensure the protection and integrity of the physically secure location and any CJI therein. The use of cameras or other electronic means used to monitor a physically secure location does not constitute an escort.

2. Show BIPD personnel a valid form of photo identification, sign the visitor log-in sheet, and be issued a visitor pass.

3. Follow BIPD policy for authorized unescorted access.

a. Noncriminal Justice Agency (NCJA) like city or county IT who require frequent unescorted access to restricted area(s) will be required to establish a Management Control Agreement between the BIPD and NCJA. Each NCJA employee with CJI access will appropriately have state and national fingerprint-based record background check prior to this restricted area access being granted.

b. Private contractors/vendors who have frequent unescorted access to restricted area(s) will be required to establish a Security Addendum between the BIPD and each private contractor personnel. Each private contractor personnel will appropriately have state and national fingerprint-based record background check prior to this restricted area access being granted.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

4. Not be allowed to view screen information mitigating shoulder surfing.

5. Individuals not having any legitimate business in a restricted area shall be courteously escorted to a public area of the facility. Strangers in physically secure areas without an escort should be challenged. If resistance or behavior of a threatening or suspicious nature is encountered, sworn personnel shall be notified or call 911.

6. Not be allowed to sponsor another visitor.

7. Not enter into a secure area with electronic devices unless approved by the BIPD Information Technology point of contact to include cameras and mobile devices. Photographs are not allowed without permission of the BIPD assigned personnel.

8. All requests by groups for tours of the BIPD facility will be referred to the proper agency point of contact for scheduling. In most cases, these groups will be handled by a single form, to be signed by a designated group leader or representative. Remaining visitor rules apply for each visitor within the group. The group leader will provide a list of names to front desk personnel for instances of emergency evacuation and accountability of each visitor while on agency premises.

334.4 AUTHORIZED PHYSICAL ACCESS

Only authorized personnel will have access to physically secure non-public locations. BIPD will maintain and keep current a list of authorized personnel. All physical access points into the agency's secure areas will be authorized before granting access. The agency will implement access controls and monitoring of physically secure areas for protecting all transmission and display mediums of CJI. Authorized personnel will take necessary steps to prevent and protect the agency from physical, logical and electronic breaches.

All personnel that are not escorted with CJI physical and logical access must:

1. Meet the minimum personnel screening requirements prior to CJI access.

a. To verify identification, a state of residency and national fingerprint-based record checks shall be conducted within 30 days of assignment for all personnel who have direct access to CJI and those who have direct responsibility to configure and maintain computer systems and networks with direct access to CJI.

b. Support personnel, private contractors/vendors, and custodial workers with access to physically secure locations or controlled areas (during CJI processing) shall be subject to a state and national fingerprint-based record check unless these individuals are escorted by authorized personnel at all times.

c. Refer to the CJIS Security Policy for handling cases of felony convictions, criminal records, arrest histories, etc.

2. Complete Security Awareness Training.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

a. All authorized BIPD Noncriminal Justice Agencies (NCJA) like city or county IT and private contractor/vendor personnel will receive “Security Awareness Training” within six months of being granted duties that require CJI access and every two years thereafter.

3. Be aware of who is in their secure area before accessing confidential data.

a. Take appropriate action to protect all confidential data.

b. Protect all terminal monitors with viewable CJI displayed on monitor and not allow viewing by the public or escorted visitors.

4. Properly protect and not share any individually issued keys, proximity cards, computer account passwords, etc.

a. Report loss of issued keys, proximity cards, etc. to authorized agency personnel.

b. If the loss occurs after normal business hours, or on weekends or holidays, personnel are to call the BIPD POC to have authorized credentials like a proximity card de-activated and/or door locks possibly rekeyed.

c. Safeguard and not share passwords, Personal Identification Numbers (PIN), Security Tokens (i.e. Smartcard), and all other facility and computer systems security access procedures.

5. Properly protect from viruses, worms, Trojan horses, and other malicious code.

6. Web usage—allowed versus prohibited; monitoring of user activity. (allowed versus prohibited is at the agency’s discretion)

7. Use of electronic media is allowed only by authorized BIPD personnel. Controls shall be in place to protect electronic media and printouts containing CJI while in transport. When CJI is physically moved from a secure location to a non-secure location, appropriate controls will prevent data compromise and/or unauthorized access.

8. Encrypt emails when electronic mail is allowed to transmit CJI-related data as such in the case of Information Exchange Agreements.

a. If CJI is transmitted by email, the email must be encrypted and email recipient must be authorized to receive and view CJI.

9. Report any physical security incidents to the department’s IT POC to include facility access violations, loss of CJI, loss of laptops, Blackberries, thumb drives, CDs/DVDs and printouts containing CJI.

10. Properly release hard copy printouts of CJI only to authorized vetted and authorized personnel in a secure envelope and shred or burn hard copy printouts when no longer needed. Information should be shared on a “need to know” basis.

11. Ensure data centers with CJI are physically and logically secure.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

12. Keep appropriate BIPD security personnel informed when CJI access is no longer needed. In the event of ended employment, the individual must surrender all property and access managed by the local agency, state and/or federal agencies.

Ensure the perimeter security door securely locks after entry or departure. Do not leave any perimeter door propped opened and take measures to prevent piggybacking entries.

334.5 POLICY VIOLATIONS

Violation of any of the requirements in this policy by any authorized personnel may result in suitable disciplinary action, up to and including loss of access privileges, civil and criminal prosecution and/or termination.

Violation of any of the requirements in this policy by any visitor can result in similar disciplinary action against the sponsoring employee, and can also result in termination of services with any associated consulting organization or prosecution in the case of criminal activity.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Native American Graves Protection and Repatriation

335.1 PURPOSE AND SCOPE

This policy is intended ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

335.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American human remains - The physical remains of the body of a person of Native American ancestry.

Objects of cultural patrimony - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

335.2 POLICY

It is the policy of the Bainbridge Island Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

335.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land - Coroner (RCW 68.50.645)
- Tribal land - Responsible Indian tribal official

335.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Criminal Investigations

336.1 PURPOSE AND SCOPE

The reduction in crime depends in part on the success of the criminal investigation process. This policy establishes accountability for the conduct of preliminary and follow-up criminal investigations by agency personnel and establishes procedures for accomplishment of these tasks.

336.2 POLICY

Officers are responsible for identifying and apprehending offenders, recovering property, gathering, documenting, and evaluating facts regarding criminal activity, and assisting in the prosecution of those charged with criminal offenses.

All criminal investigations will be conducted in such a manner as to assure that the constitutional rights of the accused will be maintained.

336.3 PRELIMINARY INVESTIGATIONS

(a) The preliminary investigation of all crimes and incidents reported to the department will generally be conducted by the patrol officers assigned to the call.

(b) Patrol officers are expected to investigate reported criminal activity, exhausting all reasonable efforts within their abilities and consistent with available resources.

(c) The responsibility for the preliminary investigation shall be assigned to the patrol officer that was assigned the call unless a supervisor removes and/or reassigns the investigative responsibility.

(d) In the case of serious, unusual, or complex crimes, the decision to call in a detective on a preliminary investigation will be made by patrol and investigations supervisors on a case-by-case basis.

336.3.1 PRELIMINARY INVESTIGATION STEPS

The preliminary investigation includes the following steps:

(a) Determine if an offense has been committed.

(b) Determine the nature of the offense.

(c) Observe all conditions, events, and remarks.

(d) Locate and identify all parties. Complete contact information (multiple phone numbers if available), date of birth, email addresses, and place of employment.

(e) Maintain the crime scene and protect evidence.

(f) Interview the complainant and the witnesses.

(g) Canvass the area for witnesses or additional information.

(h) Identify and interrogate suspects.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(i) Arrange for the collection of evidence.

(j) Detain and/or arrest the suspect if appropriate.

(k) Write an incident report documenting the incident.

336.4 FOLLOW-UP INVESTIGATION

As a general rule, patrol officers will follow-up misdemeanor crimes and all cases, including appropriate felonies, nor requiring special skills, knowledge and abilities. This increases the effectiveness of patrol officers, enhances their role, and allows detectives to concentrate on complex investigations.

All incident reports that have been forwarded to detectives will be screened by the detective sergeant. Patrol will be responsible for follow-up investigations of incidents not investigated by detectives.

When assigning a case for follow-up, the Detective Sergeant will enter the appropriate information into case management. Once the investigation is completed and reviewed the Detective Sergeant will record the case disposition in case management.

336.4.1 FOLLOW-UP INVESTIGATION STEPS TO BE FOLLOWED

Follow-up investigations should include the following steps (as are applicable):

(a) Reviewing and analyzing all previous reports prepared in the preliminary investigation.

(b) Conducting additional interviews and interrogations.

(c) Reviewing departmental records.

(d) Seeking additional information (from uniformed officers, informants).

(e) Reviewing results from laboratory examinations.

(f) Arranging for dissemination of information as appropriate.

(g) Planning, organizing, and conducting searches.

(h) Preparing cases for court presentation.

(i) Assisting in prosecution.

(j) Identifying and apprehending suspects.

(k) Collecting physical evidence.

(l) Determining involvement of suspects in other crimes.

(m) Checking suspects' criminal histories.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Canines

337.1 PURPOSE AND SCOPE

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

337.2 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Patrol to function primarily in assist or cover assignments. However, they may be assigned by the Shift Sergeant to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the Shift Sergeant.

337.3 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Patrol section or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.

(b) Maintaining a liaison with the vendor kennel.

(c) Maintaining a liaison with command staff and functional supervisors.

(d) Maintaining a liaison with other agency canine coordinators.

(e) Maintaining accurate records to document canine activities.

(f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.

(g) Scheduling all canine-related activities.

(h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

337.4 REQUESTS FOR CANINE TEAMS

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

337.4.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Shift Sergeant and are subject to the following:

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

(b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.

(c) Calling out off-duty canine teams is discouraged.

(d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

(e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

337.4.2 PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

337.5 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

(a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officers, or the handler.

(b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.

(c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Shift Sergeant. Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

337.5.1 PREPARATION FOR DEPLOYMENT

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

(a) The nature and seriousness of the suspected offense.

(b) Whether violence or weapons were used or are anticipated.

(c) The degree of resistance or threatened resistance, if any, the suspect has shown.

(d) The suspect's known or perceived age.

(e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.

(f) Any potential danger to the public and/or other officers at the scene if the canine is released.

(g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

337.5.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

handler shall document in any related report how the warning was given and, if none was given, the reasons why.

337.5.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

337.6 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

(a) Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

(b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

(c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

(d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

337.6.1 ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

337.7 HANDLER RESPONSIBILITIES

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

The canine handler will be responsible for the following:

(a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

(b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.

(c) When not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view.

(d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Bainbridge Island Police Department facility.

(e) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.

(f) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.

(g) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.

(h) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.

(i) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Shift Sergeant.

(j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Shift Sergeant.

(k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

337.7.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

(a) A canine shall not be left unattended in any area to which the public may have access.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

337.8 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Shift Sergeant as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Extreme Risk Protection Orders

338.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving extreme risk protection orders and accounting for the firearms obtained pursuant to those orders (RCW 7.94.010 et seq.).

338.1.1 DEFINITIONS

Definitions related to this policy include:

Extreme risk protection order – An order prohibiting a named person from controlling, owning, purchasing, possessing, accessing, receiving, or otherwise having custody of any firearms.

Ex parte extreme risk protection order – An extreme risk protection order that has been issued in the absence of or without notification to the named person.

338.2 POLICY

It is the policy of the Bainbridge Island Police Department to petition for and serve extreme risk protection orders in compliance with state law and to properly account for firearms obtained by the Department pursuant to such orders.

338.3 EXTREME RISK PROTECTION ORDERS

An officer who reasonably believes a person, including a person under the age of 18, is a present danger to him/herself or another person by controlling, owning, purchasing, possessing, accessing, receiving, or otherwise having custody of a firearm may request permission from his/her supervisor to petition the court for an extreme risk protection order (RCW 7.94.030).

Officers petitioning the court shall use any standard petition and order forms created by the administrative office of the court (RCW 7.94.030; RCW 7.94.150).

The petition shall (RCW 7.94.030):

(a) Allege that the person poses a significant danger of causing personal injury to him/herself or others by controlling, owning, purchasing, possessing, accessing, receiving, or otherwise having custody of a firearm and be accompanied by an affidavit, made under oath, that provides the specific statements, actions, or facts that give rise to a reasonable fear of future dangerous acts by the person.

(b) Identify the number, types, and locations of any firearms that the officer believes to be owned, possessed, accessed, controlled, or in the custody of the person.

(c) Identify any other known existing protection orders governing the person.

(d) Identify, if reasonably identifiable, any pending lawsuits, complaints, petitions, or other action between the person and the Bainbridge Island Police Department.

(e) Include an attestation that the officer provided notice of the intent to seek the order to a family or household member of the person and to any third party who the officer

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

reasonably believes may be at risk of violence, or an attestation to the steps that will be taken to provide this notice.

An officer may also seek an ex parte extreme risk protection order, without notice to the person, by including in the petition detailed allegations based on personal knowledge that the person poses a significant danger of causing personal injury to him/herself or others in the near future by having in his/her custody or control, purchasing, possessing, or receiving a firearm. If necessary, the ex parte may be petitioned using an on-call, after-hours judge using the same procedures for after-hours search warrants (RCW 7.94.030; RCW 7.94.050).

338.3.1 NOTICE OF PETITION

When a member of the Bainbridge Island Police Department petitions for an extreme risk protection order, he/she shall make a good faith effort to provide notice to a family or household member of the person and to any third party who the member reasonably believes may be at risk of violence. The notice shall state the intention to seek an extreme risk protection order or that the order has already been sought and include referrals to appropriate resources, including behaviorial health, domestic violence, and counseling (RCW 7.94.030).

338.4 SERVICE

Service of notice of hearing and petitions, ex parte extreme risk protection orders, and extreme risk protection orders should take precedence over the service of other documents, unless the other documents are of a similar emergency nature (RCW 7.94.040; RCW 7.94.060).

Officers serving a notice of hearing and petition for an extreme risk protection order should make reasonable efforts to personally serve the person no less than five court days prior to the hearing. If an ex parte extreme risk protection order was issued, then the order, notice of hearing, and the petition are served together (RCW 7.94.040; RCW 7.94.050).

Officers assigned to serve an extreme risk protection order should make reasonable efforts to personally serve the order not more than 10 days after the Bainbridge Island Police Department received the order. If the order is issued against a minor under the age of 18, officers should also make reasonable efforts to serve a copy of the order on the parent or guardian of the minor at the address where the minor resides, or the Department of Children, Youth, and Families in the case where the minor is the subject of a dependency or court approved out-of-home placement (RCW 7.94.060).

When timely personal service is not completed, the officer should notify the court and take reasonable steps to notify the petitioner (RCW 7.94.040; RCW 7.94.060).

The officer serving any extreme risk protection order, including an ex parte order, shall (RCW 7.94.090):

(a) Request that any firearms and any concealed pistol license be immediately surrendered and issue a receipt for the surrendered items.

1. The officer should ensure the original receipt is forwarded to the Administrative Supervisor.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(b) Take into custody any firearms discovered in plain view or pursuant to consent or other lawful search.

(c) As soon as practicable, but by the end of his/her shift, submit the proof of service to the Administrative Supervisor.

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

338.5 SEARCH WARRANTS

If a person who has been served with an extreme risk protection order refuses to surrender any firearm, the officer should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy.

338.6 ADMINISTRATIVE SUPERVISOR RESPONSIBILITIES

The Administrative Supervisor is responsible for ensuring that:

(a) Orders received by the court are entered into the national instant criminal background check system or any other federal or state computer-based system used by the Department that identifies prohibited purchasers of firearms, and into any other computer-based criminal intelligence information systems used by the Department that lists outstanding warrants (RCW 7.94.110).

(b) The original receipt of surrendered firearms is filed with the court within 72 hours of service of an extreme risk protection order. A copy of the receipt shall also be properly maintained by the Department (RCW 7.94.090).

(c) Any proofs of service for notices or orders are filed with the court.

(d) Expired or terminated orders entered into computer based-systems by the Department are removed (RCW 7.94.110).

338.7 COURT-ORDERED FIREARMS SURRENDERS

Authorized members should accept firearms and a concealed pistol license from any person who is the subject of an extreme risk protection order. The member receiving any firearm shall:

(a) Record the person’s name, address and telephone number.

(b) Record the serial number of the firearm.

(c) Prepare an incident report and property report.

(d) Provide a property receipt to the person who surrendered the firearms (RCW 7.94.90).

1. The original receipt is to be forward to the Administrative Supervisor.

(e) Package and submit the firearms in accordance with the Property and Evidence Policy.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

338.8 RELEASE OF FIREARMS

Firearms that were taken into custody or surrendered pursuant to an extreme risk protection order should be returned to the restrained person upon the expiration of the order, in accordance with the Property and Evidence Policy (RCW 7.94.100).

338.9 RENEWAL OF EXTREME RISK PROTECTION ORDER

The Detectives supervisor is responsible for review of an extreme risk protection order obtained by the Department, to determine if renewal should be requested within the time prescribed by law (RCW 7.94.080).

338.10 STANDARD FOR ARREST

When an officer has confirmed that a valid extreme risk protection order exists and has probable cause to believe the person has knowledge of the order and violated that order, the officer shall make an arrest and take the person into custody (RCW 10.31.100).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Community Relations

339.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Function Policy.
- Suspicious Activity Reporting Policy.

339.2 POLICY

It is the policy of the Bainbridge Island Police Department to promote positive relationships between department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

339.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

(a) Make casual and consensual contacts with community members to promote positive community relationships (see the Detentions and Photographing Detainees Policy).

(b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.

(c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.

(d) Conduct periodic foot and/or bicycle patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot/bicycle patrols should notify an appropriate supervisor and CenCom of their status (i.e., on foot/bicycle patrol) and location before beginning and upon completion of the foot/bicycle patrol. They should also periodically inform CenCom of their location and status during the foot or bicycle patrol.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

339.4 COMMUNITY RELATIONS COORDINATOR

The Chief of Police or the authorized designee should designate a member of the Department to serve as the community relations coordinator. He/she should report directly to the Chief of Police or the authorized designee and is responsible for:

(a) Obtaining department-approved training related to his/her responsibilities.

(b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.

(c) Organizing surveys to measure the condition of the department's relationship with the community.

(d) Working with community groups, department members and other community resources to (RCW 43.101.240):

1. Identify and solve public safety problems within the community.
2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.

(e) Working with the Patrol Supervisor to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.

(f) Recognizing department and community members for exceptional work or performance in community relations efforts.

(g) Attending community meetings to obtain information on community relations needs.

(h) Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.

(i) Informing the Chief of Police and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

339.5 SURVEYS

The Administrative Supervisor should arrange for a survey of community members and department members to be conducted at least annually to assess the condition of the relationship between the Department and the community. Survey questions should be designed to evaluate perceptions of the following:

(a) Overall performance of the Department

(b) Overall competence of department members

(c) Attitude and behavior of department members

(d) Level of community trust in the Department

(e) Safety, security or other concerns

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

A written summary of the compiled results of the survey should be provided to the Chief of Police.

339.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community relations coordinator should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

(a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).

(b) Police-community get-togethers (e.g., cookouts, meals, charity events).

(c) Youth leadership and life skills mentoring.

(d) School resource officer/Drug Abuse Resistance Education (D.A.R.E.®) programs.

(e) Neighborhood Watch and crime prevention programs.

339.7 INFORMATION SHARING

The community relations coordinator should work with the Chief of Police to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

(a) Community meetings.

(b) Social media (see the Department Use of Social Media Policy).

(c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

339.8 LAW ENFORCEMENT OPERATIONS EDUCATION

The community relations coordinator should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

(a) Development and distribution of informational cards/flyers.

(b) Department website postings.

(c) Presentations to driver education classes.

(d) Instruction in schools.

(e) Department ride-alongs (see the Ride-Along Policy).

(f) Scenario/Simulation exercises with community member participation.

(g) Youth internships at the Department.

(h) Citizen academies.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the department regarding alleged misconduct or inappropriate job performance by department members.

339.9 SAFETY AND OTHER CONSIDERATIONS

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

339.10 COMMUNITY ADVISORY COMMITTEE

The Chief of Police or designee should establish a committee of volunteers consisting of community members, community leaders and other community stakeholders (e.g., representatives from schools, churches, businesses, social service organizations). The makeup of the committee should reflect the demographics of the community as much as practicable.

The committee should convene regularly to:

(a) Provide a public forum for gathering information about public safety concerns in the community.

(b) Work with the Department to develop strategies to solve public safety problems.

(c) Generate plans for improving the relationship between the Department and the community.

(d) Participate in community outreach to solicit input from community members, including youth from the community.

The Deputy Chief should arrange for initial and ongoing training for committee members on topics relevant to their responsibilities.

The Chief of Police may include the committee in the evaluation and development of department policies and procedures and may ask them to review certain personnel complaints for the purpose of providing recommendations regarding supervisory, training or other issues as appropriate.

339.10.1 LEGAL CONSIDERATIONS

The Chief of Police and the community relations coordinator should work with the City Attorney as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and any other associated obligations or procedures.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

339.11 TRANSPARENCY

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officers, suspects or case numbers. The community relations coordinator should work with the community advisory committee to identify information that may increase transparency regarding department operations.

339.12 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

(a) Effective social interaction and communication skills.

(b) Cultural, racial and ethnic diversity and relations.

(c) Building community partnerships.

(d) Community policing and problem-solving principles.

(e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Chapter 4 - Patrol Operations

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-department cooperation and information sharing.

400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol jurisdictional areas of the City of Bainbridge Island, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

(a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions.

(b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.

(c) Calls for service, both routine and emergency in nature.

(d) Investigation of both criminal and non-criminal acts.

(e) The apprehension of criminal offenders.

(f) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature, walking beats, bicycle patrol, etc..

(g) The sharing of information between Patrol and other section within the Department, as well as other outside governmental agencies.

(h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies.

(i) Traffic direction and control, as needed.

400.1.2 TERRORISM

It is the goal of the Bainbridge Island Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview Report (FIR). The supervisor should ensure that all terrorism related reports and FIs are forwarded to the Detectives and a report to the Washington State Fusion Center by a Department Fusion Liaison Officer and other appropriate agency is submitted in a timely fashion.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various sections of the Bainbridge Island Police Department.

400.2.1 CRIME REPORTS

A report should be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate supervisor for retention or follow-up investigation. Reports or copies of reports should be used during the shift patrol brief by the shift supervisor in order to maintain awareness of recent criminal activity and trends by all officers.

400.2.2 PATROL SHIFT BRIEFING

Patrol supervisors, detectives, and special unit personnel are encouraged to share information as much as possible. All supervisors and officers will be provided an opportunity to share information at the daily patrol Shift Briefings as time permits. Reports, or copies of reports, should be utilized during the shift briefing. A map of the City should also be utilized in order to identify the areas of the City with recent criminal activity. Supervisor should ensure that all officers on their shift have received the latest information regarding criminal activity and trends.

400.2.3 SHIFT PASSDOWN INFORMATION

Several information clipboards and binders will be maintained in the squad room and will be available for review by all officers. These will include, but not be limited to, the Shift Briefing Passdown Log clipboard, the patrol check binder, the vacation house check binder, and the written directive binder.

400.2.4 BULLETIN BOARDS

A bulletin board will be kept in the squad room and the Detectives office for display of suspect information, intelligence reports and photographs. New Departmental Directives will be made available for patrol supervisors and will be discussed at briefings and shift meetings. A copy of the Departmental Directive will be placed on the briefing room bulletin board.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Officers should consider enforcement of applicable state and local laws, when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Bainbridge Island Police Department 's commitment to policing that is fair and objective. Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships) (RCW 43.101.410).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

401.2 POLICY

The Bainbridge Island Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.3.1 OTHER PROHIBITIONS

The Bainbridge Island Police Department also condemns the illegal use of an individual or group's attire, appearance, or mode of transportation, including the fact that an individual rides a motorcycle or wears motorcycle-related paraphernalia, as a factor in deciding to stop and question, take enforcement action, arrest, or search a person or vehicle with or without a legal basis under the United States Constitution or Washington State Constitution (RCW 43.101.419).

Additionally, members shall not collect information from a person based on religious belief, practice, or affiliation unless permitted under state law. Members shall not (RCW 42.60.020; RCW 42.60.030):

(a) Provide or disclose to federal government authorities personally identifiable information about a person's religious belief, practice, or affiliation unless the member is being questioned as a witness to a crime.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(b) Assist federal government authorities in compiling personal information about a person's religious belief, practice, or affiliation.

(c) Investigate or enforce any requirement that a person register with the federal government or a federal agency based on religion.

401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 REPORTING TRAFFIC STOPS

Each time an officer makes a traffic stop, the officer shall report any demographic information required by the Department (RCW 43.101.410).

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.

    (a) Supervisors should document these discussions, in the prescribed manner.

(b) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(c) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.6 STATE REPORTING

Subject to any fiscal constraints, the Deputy Chief should review available data related to traffic stops, including demographic data, existing procedures, practices and training, as well as complaints. The data should be analyzed for any patterns or other possible indicators of racial- or

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

bias-based profiling and included in an annual report for the Washington Association of Sheriffs and Police Chiefs (RCW 43.101.410(3)).

401.7 ADMINISTRATION

The Deputy Chief should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The annual report should not contain any identifying information about any specific complaint, citizen or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report submitted to the Washington Association of Chiefs of Police and discuss the results with those they are assigned to supervise.

401.8 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Deputy Chief (RCW 43.101.410).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Shift Briefing

402.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the Department's requirements for the effective sharing of critical information related to public safety, officer safety and criminal activity. This policy is intended to solidify a consistent means to ensure that officers are equipped with the operational information they need to make effective decisions during the course of their duties. In order to affect this intent, the following policy is established.

402.2 POLICY

The Shift Supervisor should, barring extenuating circumstances, conduct a Shift Brief with all available patrol and detective personnel near the beginning of each shift. A summary of the previous 24 to 72 hours of criminal activity for the City, and any pertinent public and officer safety information, shall be relayed to all personnel by the Shift Supervisor. The Shift Supervisor should also assign officers and detectives required tasks to be accomplished during the shift, and any other coordinating information.

402.3 TASKS AND RESPONSIBILITIES

402.3.1 SHIFT SUPERVISORS

Shift Supervisor tasks and responsibilities for Shift Brief include:

(a) Provide a summary of past 24 to 72 hours of criminal activity to all shift personnel.

(b) Brief wanted persons, stolen vehicles, major investigations and BOLOs.

(c) Notify all shift personnel of any officer safety concerns or warnings.

(d) Identify and advise all shift personnel of public safety concerns or warnings.

(e) Task shift officers and detectives appropriately. Provide notifications of changes of policy, Department Directives, schedule changes, assignments, further guidance, clarification and coordinating instructions as required.

402.3.2 DETECTIVES

Detective tasks and responsibilities for Shift Brief include:

(a) Provide identified and relevant criminal activity trends and modus operandi.

(b) Identify requests for information / requests for action for patrol officers.

(c) Review all reports generated between last work day and start of shift.

402.3.3 OFFICERS

Officer tasks and responsibilities for Shift Brief include:

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(a) Include a summary at the beginning of each report narrative to facilitate efficient information exchange.

(b) Update the incident map as required.

(c) Ensure a copy of each report is placed into the Pass Down Binder, Clipboard or Basket.

(d) Notify the Shift Supervisor of any criminal activity and public or officer safety issues known to the officer but not covered by the Shift Supervisor during Shift Brief.

402.4 COORDINATING INSTRUCTIONS

If, due to operational requirements, the shift personnel cannot meet in person, the Shift Supervisor should, at a minimum, ensure that all shift personnel receive a Shift Briefing via phone, e-mail or MCT message.

All available personnel, including personnel from the Support Services Division, should attend the Shift Briefing.

Shift Briefing should take between 15 and 30 minutes to accomplish. Only in special circumstances or during special operations should Shift Briefing last longer than 30 minutes.

Training and/or inspections may be conducted during Shift Briefing. All training should be documented, and a copy of the training accomplished provided to the Training Coordinator.

The Shift Supervisor should utilize the Department Shift Brief Format in order to ensure all topics and information required are covered during the Shift Brief.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Marine Patrol Operations

403.1 PURPOSE AND SCOPE

To establish the general operational guidelines of the Department's Marine Patrol Program. The Marine Patrol Program has three primary functions; Boating Safety/Education, Search & Rescue, and Law Enforcement. The Department accomplishes these functions using the "Marine 8" and "Marine 11" patrol boats to conduct enforcement and safety patrols in the waters surrounding the City, and emergency call-outs for search and rescue operations.

403.1.1 DEFINITIONS

Boat Operator - A sworn member of the Department, regular or reserve, who has been properly trained and authorized to start, deploy, pilot, pull-alongside, and dock the Department's patrol boat. It is the policy of the Department that the boat operator of a patrol boat in operation is the Captain of the vessel and therefore has tactical authority to direct the actions and conduct of all personnel aboard the vessel, regardless of rank, in order to facilitate the safe operation of the patrol boat.

Crewmember - A member of the Department or other agency, sworn and/or non-sworn, who are assigned duties to assist the boat operator in the operation of the Department patrol boat.

Passenger - A member of the public, or other law enforcement agency, permitted by the ride on-board the Department's patrol boat (reference the Ride-Along Policy for the process and procedures for civilian passenger approval).

403.2 JURISDICTION

The Department's jurisdiction for maritime law enforcement and boater safety extends from the shore of the City, to a point half-way to the next shoreline adjacent to the City, and all jurisdictions designated by mutual aid agreements. However, all officers assigned to conduct maritime enforcement patrols are peace officers as defined by RCW 9A.04.110(13) and RCW 9A.04.110(15) and have the authority of any such peace officer to make an arrest without a warrant as enumerated in RCW 10.31.100. Jurisdictional designations do not apply during search and rescue operations inside US waters.

403.3 POLICY

The Department recognizes and is committed to watercraft and watercraft operator safety. It is the policy of the Department that all personnel shall follow established safety rules and regulations associated with operating on and around the patrol boat.

403.3.1 TASKS AND RESPONSIBILITIES

The Department Marine Patrol has the following tasks and responsibilities:

(a) Promote recreational boating safety through vessel inspections, speed and wake zone enforcement, and boating under the influence patrols.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(b) Conduct search and rescue operations in coordination with the USCG and other local maritime agencies, both locally and at the request of other agencies in nearby jurisdictions.

(c) Investigate and report on all fatal, serious injury and major property damage boating accidents occurring within the Department's jurisdiction.

(d) Enforce federal, state and local maritime laws and ordinances through vessel inspections for registration requirements, pollution control, fish and game violations, and waterborne environmental crimes.

(e) Be prepared to conduct maritime critical incident interdiction operations aboard Washington State Ferries, in coordination with WSP and other federal, state and local law enforcement agencies.

(f) Conduct special event / public engagement and education operations to improve boater and water safety.

(g) Assist Harbormaster with derelict vessel removal and prevention.

403.4 PATROL BOAT

The patrol boat shall always be operated in safe manner not to exceed the capabilities of the boat or the operator. The patrol boat shall only be used for official business of the Department, not for recreation or unofficial transportation. Alcohol and/or drugs are prohibited on the patrol boat, except when legally seized in the performance of duty. Only trained and authorized boat operators shall deploy the patrol boat during regularly scheduled maritime patrols, or upon proper authorization of the shift supervisor during call-outs. Marine 8 should always have a crew of two or more (18 max), one of which is a trained boat operator, whenever the boat is in operation, except in exigent circumstances. Marine 11 only requires one boat operator.

403.4.1 PATROL BOAT PURSUITS

The policy for pursuits of other watercraft by the Department patrol boat shall be governed by the Department's Vehicle Pursuit Policy.

403.5 BOAT OPERATORS

403.5.1 SELECTION

Patrol boat operators shall be selected and approved by the Chief of Police from the sworn regular and reserve members of the Department by the Program Manager. Being selected, trained and assigned as a Patrol Boat Operator is a collateral duty in addition to regularly assigned duties.

403.5.2 TRAINING

Boat operators shall initially attend and complete a Department approved maritime law enforcement boat operator's course and all prerequisites associated with the course. After completion of the Department approved course, all boat operators shall receive additional training

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

on the Department's patrol boat, and demonstrate the ability to safely operate the boat before being authorized to deploy the Department's patrol boat.

All Department trained and authorized boat operators shall receive both classroom and hands-on semi-annual sustainment training covering water safety, patrol boat operation, maintenance, maritime code enforcement and any policy or procedure changes.

403.5.3 RESPONSIBILITIES

The following are the responsibilities of the boat operator when operating the Department patrol boat:

(a) Follow established federal, state and Department safety rules and regulations.

(b) Responsible for the safety of all crew and passengers.

(c) Ensure all members of the crew and passengers are properly fitted with a PFD when operating the patrol boat.

(d) Conduct pre-operation checks and inspections prior to patrol boat deployement.

(e) Assign and direct crew actions and responsibilities while patrol boat is in operation, regardless of rank or position.

(f) Assign and direct crew and watercraft rescue responsibilities.

(g) Operate the patrol boat within its capability and the capability of the operator.

(h) Enforce violations of maritime law and safety.

403.5.4 LEAD MARINE OFFICER

The Lead Marine Officer shall be appointed in writing by the Chief of Police. The Lead Marine Officer's responsibilities include, but are not limited to:

(a) Maritime patrol scheduling.

(b) Patrol boat special event scheduling.

(c) Patrol boat maintenance scheduling.

(d) Maritime training scheduling and coordination.

(e) Quarterly maritime activity report to the state.

(f) Maritime coordination and liaison with adjacent maritime agencies.

(g) Maritime policy and procedure development and updates.

403.5.5 MARINE GRANT MANAGEMENT

The writing, application, acceptance, management and fiduciary responsibility for all federal, state and other grants associated with the Marine Program shall be the responsibility of the Department Grant Manager.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

403.6 WATER SAFETY

The Department is committed to watercraft safety for both the members of the Department and the public operating watercraft in and around the City. The Department shall enforce all rules and regulations regarding water safety, regardless of jurisdiction or homeport. All Department boat operators, crewmembers and passengers shall wear properly fitted Personal Floatation Devices (PFD) whenever onboard the Department patrol boat in operation.

403.7 ACCIDENT REPORTING

The Department recognizes that a boat afloat is an inherently unstable vehicle and will therefore bump against adjacent structures or vessels during routine operations. Routine contact with other structures or vessels without damage to either, or injury to personnel aboard, is not reportable. Any damage or injury incurred by, or to, Department personnel or equipment shall be reported. If a serious injury or death occurs as a result, the USCG shall be requested to investigate and the boat operator shall immediately notify the shift supervisor.

The Chief of Police shall determine the necessity to report the accident to the City Manager and WCIA.

403.8 MAINTENANCE

Maintenance of the Department patrol boat is critical to safe operation and effective employment. All boat operators shall conduct pre- and post- operations maintenance as required by procedures. The Lead Marine Officer is responsible for planning, scheduling and ensuring the conduct of regularly scheduled maintenance in accordance with factory boat, engine and equipment operator manuals and publications. All maintenance, including pre-operation and regularly scheduled maintenance should be documented. Boat operators should record and/or forward maintenance documentation to the Lead Marine Officer. The Lead Marine Officer should maintain accurate records of all maintenance.

All boat operators should promptly report equipment defects for repair to the Lead Marine Officer. At no time should a boat operator operate the patrol boat with defective or inoperative equipment that could endanger the safety and welfare of the passenger and crew or other vessels.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Crime and Disaster Scene Integrity

404.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

404.2 POLICY

It is the policy of the Bainbridge Island Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

404.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officersshall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

404.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Broadcast emergency information, including requests for additional assistance and resources.

(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.

(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(d) Provide first aid to injured parties if it can be done safely.

(e) Evacuate the location safely as required or appropriate.

(f) Secure the inner perimeter.

(g) Protect items of apparent evidentiary value.

(h) Secure an outer perimeter.

(i) Identify potential witnesses.

(j) Start a chronological log noting critical times and personnel allowed access.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

404.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

404.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

404.6 DETECTIVES SUPERVISOR RESPONSIBILITIES

The Detectives Supervisor is responsible for ensuring procedures are established that are consistent with the Washington State Patrol Crime Laboratory Division Crime Scene Procedures Manual, including, but not limited to:

(a) Ensuring reasonable access to qualified personnel, equipment and supplies for processing crime scenes.

(b) Establishing procedures for collecting, processing and preserving physical evidence in the field.

(c) Establishing procedures for photographing, video-recording and other imaging used to collect and preserve evidence.

(d) Establishing procedures for processing, developing, lifting and labeling fingerprints.

(e) Establishing procedures for the safe collection, storage, transportation and submission of biological and other evidence for DNA testing and evaluation.

404.7 EXECUTION OF HEALTH ORDERS

Sworn members of this department shall enforce all lawful orders of the local health officer, issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (RCW 70.05.070; WAC 246-100-040(2)).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Ride-Along Policy

405.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

405.1.1 ELIGIBILITY

The Bainbridge Island Police Department Ride-Along Program is offered to residents, students and those employed within the City. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 15 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against the Department.
- Denial by any supervisor.

405.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police, Supervisor, or Shift Sergeant.

405.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Supervisor. The participant will complete a ride-along waiver form. Information requested will include a valid ID or Washington driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Supervisor will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Shift Sergeant as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

405.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Cadets, Explorers, RSVP, Chaplains, Reserves, police applicants, and all others with approval of the Shift Sergeant.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

Ride-along requirements for police cadets are covered in the Police Cadet Program Policy.

405.2.2 SUITABLE ATTIRE
Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Shift Sergeant or field supervisor may refuse a ride along to anyone not properly dressed.

405.2.3 PEACE OFFICER RIDE-ALONGS
Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the Shift Sergeant. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

405.3 OFFICER’S RESPONSIBILITY

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Supervisor is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the form shall be returned to the Supervisor with any comments which may be offered by the officer.

405.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

(a) The ride-along will follow the directions of the officer.

(b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment.

(c) The ride-along may terminate the ride-along at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer’s duties.

(d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.

(f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Hazardous Material Response

406.1 PURPOSE AND SCOPE

Exposure to hazardous materials present potential harm to department members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities.

406.1.1 DEFINITIONS

Definitions related to this policy include:

Hazardous material - A substance which, by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

406.2 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill, or fire. When members come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond to and mitigate most incidents involving hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training. A responder entering the area may require decontamination before he/she is allowed to leave the scene, and should be evaluated by appropriate technicians and emergency medical services personnel for signs of exposure.

406.3 REPORTING EXPOSURE

Department members who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in an incident report that shall be forwarded via chain of command to the Shift Sergeant as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report as applicable.

406.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that a member has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to mitigate the exposure or continued exposure.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

To ensure the safety of members, PPE is available from supervisors. PPE items not maintained by this department may be available through the appropriate fire department or emergency response team.

406.4 POLICY

It is the policy of the Bainbridge Island Police Department to respond to hazardous material emergencies with due regard for the safety of the public and those members responding to such incidents.

406.5 CONSIDERATIONS

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Make the initial assessment of a potentially hazardous material from a safe distance.

(b) Notify CenCom, appropriate supervisors, the appropriate fire department and hazardous response units.

1. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.

(c) Wear personal protective equipment (PPE), being cognizant that some hazardous material can be inhaled.

(d) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.

(e) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars or spotting scopes) if they are available. Identification can be determined by:

1. Placards or use of an emergency response guidebook.

2. Driver’s manifest or statements or shipping documents from the person transporting the material.

3. Information obtained from any involved person with knowledge regarding the hazardous material. Information should include:

(a) The type of material.

(b) How to secure and contain the material.

(c) Any other information to protect the safety of those present, the community and the environment.

(f) Provide first-aid to injured parties if it can be done safely and without contamination.

(g) Make reasonable efforts to secure the scene and prevent access from unauthorized individuals and to protect and identify any evidence.

(h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered; mandatory evacuation may be necessary and will depend on the type of material.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(i) Establish a decontamination area when needed.

(j) Activate automated community notification systems, if applicable.

(k) Dependent upon the substance and other specific conditions, consider initiating an emergency public notification or evacuation. The decision to initiate public notifications and/or evacuations shall be in accordance with the Bainbridge Island Police Department Local Emergency Planning Committee (LEPC) procedures.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Hostage and Barricade Incidents

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

407.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

407.2 POLICY

It is the policy of the Bainbridge Island Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

407.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

407.3.1 EMERGENCY COMMUNICATIONS

A supervisor may order the telephone company to cut, reroute or divert telephone lines in order to prevent a suspect from communicating with anyone other than designated personnel in a barricade or hostage situation (RCW 70.85.100).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Response to Bomb Calls

408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Bainbridge Island Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

408.2 POLICY

It is the policy of the Bainbridge Island Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

408.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the is immediately advised Shift Sergeantand informed of the details. This will enable the Shift Sergeant to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

408.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

408.4.1 BAINBRIDGE ISLAND POLICE DEPARTMENT FACILITY

If the bomb threat is against the Bainbridge Island Police Department facility, the Shift Sergeant will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

408.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Bainbridge Island Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Shift Sergeant deems appropriate.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

408.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

408.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Bainbridge Island Police Department, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

(a) The location of the facility.

(b) The nature of the threat.

(c) Whether the type and detonation time of the device is known.

(d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.

(e) Whether the individual is requesting police assistance at the facility.

(f) Whether there are any internal facility procedures regarding bomb threats in place, such as:

1. No evacuation of personnel and no search for a device.
2. Search for a device without evacuation of personnel.
3. Evacuation of personnel without a search for a device.
4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Shift Sergeant is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

408.5.1 ASSISTANCE

The Shift Sergeant should be notified when police assistance is requested. The Shift Sergeant will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Shift Sergeant determine that the Department will assist or control such an incident, he/she will determine:

(a) The appropriate level of assistance.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(b) The plan for assistance.

(c) Whether to evacuate and/or search the facility.

(d) Whether to involve facility staff in the search or evacuation of the building.

1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
2. The safety of all participants is the paramount concern.

(e) The need for additional resources, including:

1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

408.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.

(b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.

(c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:

1. Two-way radios
2. Cell phones
3. Other personal communication devices

(d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

(e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.

(f) A safe access route should be provided for support personnel and equipment.

(g) Search the area for secondary devices as appropriate and based upon available resources.

(h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.

(i) Promptly relay available information to the Shift Sergeant including:

1. The time of discovery.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

408.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

408.7.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

(a) Assess the scope of the incident, including the number of victims and extent of injuries.

(b) Request additional personnel and resources, as appropriate.

(c) Assist with first aid.

(d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.

(e) Assist with the safe evacuation of victims, if possible.

(f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.

(g) Preserve evidence.

(h) Establish an outer perimeter and evacuate if necessary.

(i) Identify witnesses.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Emergent Detentions

409.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under an emergent detention (RCW 71.05.153).

409.2 POLICY

It is the policy of the Bainbridge Island Police Department to protect the public and individuals through legal and appropriate use of the emergent detention process.

409.3 AUTHORITY

An officer who has reasonable cause to believe that a person is suffering from a mental disorder or a substance abuse disorder and presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, may take the person into emergent detention and immediately transport the person to a triage facility, crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital (RCW 71.05.153).

An officer may also take a person into emergent detention and deliver the person to an evaluation and treatment facility upon the written or oral request of a crisis responder designated by the county or other authority who has determined that the person, as the result of a mental disorder or substance abuse disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled (RCW 71.05.153).

An officer shall take a person who is the subject of a written court order for apprehension issued pursuant to RCW 71.05.201 into initial detention and transport the person to the designated facility or emergency room as determined by the designated crisis responder (RCW 71.05.201).

409.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for an emergent detention, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the officers should:

(a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to emergent detention.

(b) If at any point the individual changes his/her mind regarding voluntary evaluation officers should proceed with the emergent detention, if appropriate.

(c) Document the circumstances surrounding the individual’s desire to pursue voluntary evaluation and/or admission.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

409.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for an emergent detention should consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.

(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.

(d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Emergent detentions should be preferred over arrest for individuals with mental disorders, who are suspected of committing minor crimes or creating other public safety issues.

409.5 TRANSPORTATION

When transporting any individual for an emergent detention, the transporting officer should have CenCom notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Shift Sergeant approval is required before transport commences.

409.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking voluntary treatment, the officer should provide the staff member with the written application for an emergent detention and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

409.7 DOCUMENTATION

The officer should complete an application for emergency admission, provide it to the facility staff member assigned to the individual and retain a copy of the emergency application for inclusion in the case report.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary emergent detention.

409.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on an emergent detention should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for an emergent detention has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

(a) Arrest the individual when there is probable cause to do so.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the emergent detention.

(c) Facilitate the individual's transfer to the jail facility.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for an emergent detention.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard), and other relevant factors in making this decision.

409.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for an emergent detention, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g. safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officers should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

409.10 TRAINING

This department will endeavor to provide department-approved training on interaction with mentally disabled persons, emergent detentions and crisis intervention.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Citation Releases

410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Bainbridge Island Police Department with guidance on when to release adults who are suspected offenders on a citation and notice to appear in court for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

410.2 POLICY

The Bainbridge Island Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation and notice to appear in court, when authorized to do so.

410.3 RELEASE

A suspected offender may be released on issuance of a citation and notice to appear in court by an officer whenever a person is arrested or could have been arrested pursuant to statute for a violation of law which is punishable as a misdemeanor or gross misdemeanor (Criminal Rules, CrRLJ 2.1(b)(1)).

410.3.1 CHARGE BY REPORT

In certain cases, it may be impractical to release a person detained for misdemeanor offenses in the field with a citation, or transport them to the jail. The person may instead be charged by report through the Prosecutor's Office. The officer should complete a report of the incident and forward it to the Prosecutor's Office with the recommendation of charging the suspect with the offense. The officer may inform the individual that they may be charged by report through the Prosecutor's Office.

410.4 PROHIBITIONS

The release of a suspected offender on a citation and notice to appear is not permitted when:

(a) A person has been arrested pursuant to RCW 10.31.100(2) (restraining orders).

(b) An officer has probable cause to believe that the person arrested has violated RCW 46.61.502 (DUI) or RCW 46.61.504 (physical control of a vehicle while DUI) or equivalent local ordinance and the officer has knowledge that the person has a prior offense as defined in RCW 46.61.5055 (alcohol and drug violators) within the last 10 years, or that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense under RCW 46.61.5055 if it were a conviction (RCW 10.31.100; Criminal Rules, CrRLJ 3.2(o)(3)).

See the Domestic Violence Policy for release restrictions related to those investigations.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

410.5 CONSIDERATIONS

In determining whether to cite and release a person, officers shall consider whether (Criminal Rules, CrRLJ 2.1(b)(2)):

(a) The suspected offender has identified him/herself satisfactorily.

(b) Detention appears reasonably necessary to prevent imminent bodily harm to the suspected offender or another, property damage or breach of the peace.

(c) The suspected offender has ties to the community reasonably sufficient to assure his/her appearance or whether there is substantial likelihood that he/she will refuse to respond to the citation and notice.

(d) The suspected offender previously has failed to appear in response to a citation and notice issued pursuant to the court rule or to other lawful process.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Arrest or Detention of Foreign Nationals

411.1 PURPOSE AND SCOPE

Article 36 of the Vienna Convention on Consular Relations, sets forth certain rights of foreign nationals from member countries when arrested, detained or imprisoned by law enforcement officials in this country. This section provides direction to officers when considering a physical arrest or detention of a foreign national. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate our authorities to notify the consulate upon the person's detention, regardless of whether the detained person(s) request that his/her consulate be notified. The list of specific countries that the United States is obligated to notify is listed in the U.S. Department of State website.

411.1.1 DEFINITIONS

Foreign National - Anyone who is not a citizen of the United States (U.S.). A person with dual-citizenship, U.S. and foreign, is not a foreign national.

Immunity - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official "missions" (i.e., embassies, consulates, etc.) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State's Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

411.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Officers should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the officer, and the officer has verified or reasonably suspects that the claim of immunity is valid.

411.3 LEVELS OF IMMUNITY

The specific degree of immunity afforded to foreign service personnel within the U.S. is directly related to their function and position in this country.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

411.3.1 DIPLOMATIC AGENTS

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities. Currently there are no diplomatic agents permanently assigned to Washington; but they do occasionally visit the state.

411.3.2 CONSULAR OFFICERS

Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul, and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. Official acts immunity must be raised as an affirmative defense in the court jurisdiction, and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity, however, any family member who enjoys a higher level of immunity is issued an identification card by Department of State (DOS) enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

There are approximately 40 consular officers in Washington, with most located in Seattle and Spokane.

411.3.3 HONORARY CONSULS

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained; limited immunity for official acts may be available as a subsequent defense. Family members have no immunity.

411.4 IDENTIFICATION

All diplomatic and consular personnel who are entitled to immunity are registered with the Department of State and are issued distinctive identification cards by the Department of State Protocol Office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information, and, on the reverse side, a brief description of the bearer's immunity status. Unfortunately, these identification cards are not always promptly issued by the Department of State. In addition to the Department of State identification card, Foreign Service personnel should also have a driver license issued by the Department of State Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator's license issued by the state.

411.4.1 VEHICLE REGISTRATION

Vehicles that are owned by foreign missions or Foreign Service personnel and their dependents are registered with the Department of State OFM and display distinctive red, white, and blue

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words "Diplomat" or "Consul." Vehicles owned by honorary consuls are not issued OFM license plates; but may have Washington license plates with an "honorary consul" label. Driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state, if the officer has reason to question the legitimate possession of the license plate.

The State of Washington may also issue honorary consul or official representative of any foreign government who is a citizen or resident of the United States of America, duly licensed and holding an exequatur issued by the department of state of the United States of America special plates of a distinguishing color and numerical series.

411.5 ENFORCEMENT PROCEDURES

The following procedures provide a guideline for handling enforcement of foreign nationals:

411.5.1 CITABLE OFFENSES

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current Department of State guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the arresting officer:

(a) Identification documents are to be requested of the claimant.

(b) The title and country represented by the claimant are to be recorded on the back of the officer's copy of the Notice to Appear for later reference. Do not include on the face of the notice to appear.

(c) The identity and immunity status of the individual shall be conclusively established.

(d) Verified diplomatic agents and consular officers, including staff and family members from countries with which the U.S. has special agreements, are not required to sign the Notice to Appear. The word "Refused" shall be entered in the signature box, and the violator shall be released.

(e) Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the Notice to Appear, but a signature shall not be required if their immunity status is uncertain.

(f) All other claimants are subject to the provisions of the policy and procedures outlined in this chapter.

(g) The violator shall be provided with the appropriate copy of the notice to appear.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

411.5.2 IN-CUSTODY ARRESTS

Diplomatic agents and consular officers are immune from arrest or detention (unless they have no identification and the detention is to verify their diplomatic status). Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in Policy Manual § 422.6.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim (unless restraint is necessary for the protection of the officer or others.)

A supervisor shall be promptly notified and should respond to the scene when possible.

Field verification of the claimant's identity is to be attempted as follows:

(a) Identification cards issued by the Department of State, Protocol Office, are the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered), and Official (green bordered), The Department of State identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.

(b) Initiate telephone verification with the Department of State. Newly arrived members of diplomatic or consular missions may not yet have official Department of State identity documents. Verify immunity by telephone with the Department of State any time an individual claims immunity and cannot present satisfactory identification, the officer has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Law enforcement personnel should use the following numbers in order of preference:

Office of Foreign Missions

San Francisco, CA

(415) 744-2910, Ext. 22 or 23

(415) 744-2913 FAX

(0800-1700 PST)

Diplomatic Security Service

915 Second Avenue, Room 3410

Seattle, WA 98174

(206) 220-7721(206) 220-7723 FAX

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Office of Foreign Missions

Diplomatic Motor Vehicle Office

Washington D.C.

(202) 895-3521 (Driver License Verification) or

(202) 895-3532 (Registration Verification)

(202) 895-3533 FAX

(0815-1700 EST)

Department of State

Diplomatic Security Service

Command Center

Washington D.C.

(202) 647-7277

(202) 647-1512

(Available 24 hours)

(202) 647-0122 FAX

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by Office of Emergency Services, local law enforcement agencies, the foreign embassy, or consulate; driver licenses issued by Department of State; and, Department of State license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified, but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained then the official shall be released. A supervisor's approval for the release shall be obtained whenever possible. The necessary release documents and/or a Certificate of Release form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever possible, however, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in a Driving Under the Influence (DUI) Arrest-Investigation Report, Arrest-Investigation Report and/or any other relevant Report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued by the command concerned. The Department of State will take appropriate sanctions against errant foreign service personnel, even where prosecution is not undertaken by the agency.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

411.6 TRAFFIC COLLISIONS

Persons involved in traffic collisions who possess a Department of State OFM Diplomatic Driver License, issued by the DMVO, shall have the collision report coded as required. If subsequent prosecution of the claimant is anticipated, the claimant's title, country, and type of identification presented should be recorded for future reference. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in Policy Manual § 422.5 of this chapter.

411.6.1 VEHICLES

Vehicles, which are owned by subjects with full immunity, may not be searched, stored, or impounded without the owner's permission. (Such permission may be assumed if the vehicle has been stolen.) These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

411.6.2 REPORTS

A photocopy of each traffic collision report involving an identified diplomat and/or immunity claimant shall be forwarded to the office of the Chief of Police within 48 hours whether or not the claim is verified. The words "Immunity Claim" shall be marked on the photocopy, together with a notation of the claimant's title, country, and type of identification presented (if applicable). In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to the Department of State for further action. The Shift Sergeant/Supervisor apprised of the incident/accident shall also send a copy of all documents and reports submitted by the investigating officer along with any supervisor's notes, materials and/or logs to the Chief of Police's office within 48 hours of the incident. The Chief of Police's office will check to ensure that notification of Department of State and all necessary follow-up occur.

411.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY

These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Officers shall arrest foreign nationals only under the following circumstances:

(a) There is a valid warrant issued for the person's arrest.

(b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law, or a local ordinance.

(c) Officers shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. unless the undocumented entry is committed in the officer's presence.

After a lawful detention or criminal arrest, officers may detain foreign nationals solely for alleged undocumented presence in the U.S. if the U.S. Immigration and Customs Enforcement (ICE) is contacted and can respond to take custody within a reasonable time. Officers shall not arrest foreign nationals for undocumented presence. Federal courts have consistently held that

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.

- Officers shall not stop or detain persons solely for determining immigration status.
- International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
- Whenever an officer arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the officer shall promptly advise the individual that he/she is entitled to have his/her government notified of the arrest or detention. If the individual wants his/her government notified, the officer shall begin the notification process.

411.7.1 ARREST PROCEDURE

Whenever an officer physically arrests or detains an individual for criminal investigation and the officer reasonably believes the person to be a foreign national, the officer shall inquire to determine the person's citizenship.

This procedure applies to detentions of more than two hours. An inquiry is not required if the individual is detained less than two hours for criminal investigation.

If the individual indicates that he/she is other than a U.S. citizen, the officer shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention (Vienna Convention on Consular Relations, Art. 36, (1969)). If the individual requests such notification, the officer shall contact CenCom as soon as practical and request the appropriate embassy/consulate be notified. Officers shall provide CenCom with the following information concerning the individual:

- Country of citizenship.
- Full name of individual, including paternal and maternal surname if used.
- Date of birth or age.
- Current residence.
- Time, date, place, location of incarceration/detention, and the 24-hour telephone number of the place of detention if different from the Department itself.

If the individual claims citizenship of one of the countries for which notification of the consulate/embassy is mandatory, officers shall provide CenCom with the information above as soon as practicable, regardless of whether the individual desires that the embassy/consulate be notified. This procedure is critical because of treaty obligations with the particular countries. The list of countries and jurisdictions that require notification can be found on the U.S. Department of State website.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

411.7.2 DOCUMENTATION

Officers shall document on the face page and in the narrative of the appropriate Arrest-Investigation Report the date and time CenCom was notified of the foreign national's arrest/detention and his/her claimed nationality.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Rapid Response and Deployment

412.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

412.2 POLICY

The Bainbridge Island Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

412.3 CONSIDERATIONS

When dealing with a crisis situation members should:

(a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.

(b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.

(c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.

(d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

412.4 PLANNING

The Patrol Supervisor should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

(f) Patrol first-response training.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(g) Response coordination and resources of emergency medical and fire services.

(h) Equipment needs.

(i) Mutual aid agreements with other agencies.

(j) Coordination with private security providers in critical incident target sites.

412.5 TRAINING

The Deputy Chief should include rapid response to critical incidents in the training plan. This training should address:

(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Communications interoperability with other law enforcement and emergency service agencies.

(c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.

(d) First aid, including gunshot trauma.

(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

412.6 SCHOOL NOTIFICATION

The Patrol Supervisor should establish protocols for public and private school notification in the event an incident reasonably appears to require a lockdown or evacuation. Protocols should include notification to all known schools in the vicinity of the incident that may be similarly threatened (RCW 28A.320.125).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Immigration Violations

413.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Bainbridge Island Police Department relating to immigration laws and interacting with federal immigration officials (Chapter 440 § 7, 2019 Laws).

413.2 POLICY

It is the policy of the Bainbridge Island Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

413.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, ethnicity, or national origin in any way that would violate the United States or Washington constitutions.

413.3.1 BASIS FOR CONDUCT

Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring,smuggling, terrorism), the fact that an individual is suspected of being an undocumented alienshall not be the sole basis for contact, detention or arrest.

413.3.2 SWEEPS

The Bainbridge Island Police Department does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

When enforcement efforts are increased in a particular area, equal consideration should be givento all suspected violations and not just those affecting a particular race, ethnicity, age, gender,sexual orientation, religion, socioeconomic status or other group.

The disposition of each contact (e.g., warning, citation, arrest), while discretionary in each case,should not be affected by such factors as race, ethnicity, age, gender, sexual orientation, religionor socioeconomic status.

413.3.3 ICE REQUEST FOR ASSISTANCE

If a specific request is made by ICE or any other federal agency, this Department will provide available support services, such as traffic control or peacekeeping efforts, during the federal operation.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Employees of this Department should not participate in such federal operations as part of anydetention team unless it is in direct response to a request for assistance on a temporary basisor for officer safety. Any detention by an employee of this Department should be based upon thereasonable belief that an individual is involved in criminal activity.

413.3.4 IDENTIFICATION
Whenever any individual is reasonably suspected of a criminal violation (infraction, misdemeanor,or felony), the investigating officer should take reasonable steps to determine the person's identity through valid identification or other reliable sources. If an individual would have otherwise been released for an infraction or misdemeanor on a citation, the person should be given a reasonable opportunity to verify his/her true identity. If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

413.3.5 ARREST
If the officer intends to take enforcement action and the individual is unable to reasonably establish his/her true identity, the officer may take the person into custody on the suspected criminal violation(RCW 10.31.100).

413.3.6 BOOKING
If the officer is unable to reasonably establish an arrestee's identity, the individual may be booked into jail for the suspected criminal violation and held for bail.

Any person detained for an infraction pursuant to the authority of RCW 46.61.021, may be detained for a reasonable period for the purpose of determining the person's true identity.

413.4 WASHINGTON STATE IMMIGRATION RESTRICTIONS

Members shall not (Chapter 440 § 6, 2019 Laws):

(a) Inquire into or collect information about an individual’s immigration or citizenship status, or place of birth unless there is a connection between such information and an investigation into a violation of state or local criminal law.

(b) Provide information pursuant to notification requests from federal immigration authorities for the purposes of civil immigration enforcement, except as required by law.

(c) Provide nonpublicly available personal information about an individual to federal immigration authorities in a noncriminal matter, except as required by state or federal law.

(d) Give federal immigration authorities access to interview individuals about a noncriminal matter while they are in custody, except as required by state or federal law, a court order, or written consent of the individual.

(e) Allow a federal immigration authority to conduct an interview regarding federal immigration violations with a person who is in custody if the person has not consented in writing to be interviewed. In order to obtain consent, the person shall be provided

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

with an oral explanation and a written consent form that explains the purpose of the interview, that the interview is voluntary, and that the person may decline to be interviewed or may choose to be interviewed only with the person's attorney present.

(f) Detain individuals solely for the purpose of determining their immigration status.

(g) Take a person into custody or hold a person in custody:

1. Solely for the purposes of determining immigration status
2. Based solely on a civil immigration warrant issued by a federal immigration authority
3. On an immigration hold request

413.4.1 SCHOOL RESOURCE OFFICERS

Members who are school resource officers shall not (Chapter 440 § 6, 2019 Laws):

(a) Inquire or collect information about an individual's immigration or citizenship status, or place of birth.

(b) Provide information pursuant to notification requests from federal immigration officials for the purposes of civil immigration enforcement, except as required by law.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Vacation House Checks

414.1 PURPOSE AND SCOPE

This policy establishes the Department's Vacation House Check Program and associated procedures.

414.2 POLICY

It is the policy of the Department to provide visual inspections of the exterior of single-family residences, for periods not to exceed 30 days, upon written request of the property owner. This service is provided only as officer availability permits, and no special duty, assurance or guarantee is given against loss, theft or damage to the premises.

414.3 PROCEDURES

The following procedures apply:

(a) Only signed, written requests are accepted, utilizing the Department's Vacation House Check Request form.

(b) Forms are available on-line, at the Police Station or at City Hall. Phone requests are not accepted.

(c) The homeowner should identify the inclusive dates for vacation house checks not to exceed 30 days.

(d) The homeowner must sign a waiver agreement that holds the Department harmless for any loss suffered as a result of the service provided.

(e) The Department will verify the identification of the person making the request.

(f) The Vacation House Check Request form should be turned in at the front desk of the Police Station.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Field Training Officer Program

415.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Bainbridge Island Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment possessing all skills needed to operate in a safe, productive and professional manner.

415.2 FIELD TRAINING OFFICER SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

415.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

(a) Desire to be an FTO.

(b) Minimum of three years of patrol experience, one of which shall be with this department.

(c) Demonstrated ability as a positive role model.

(d) Participate and pass an internal oral interview selection process.

(e) Evaluation by supervisors and current FTOs.

(f) Holds a valid Peace Officer Certificate with CJTC.

415.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a Certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

All FTOs will receive additional training as it becomes available to maintain proficiency.

415.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training Officer Program supervisor will be selected by the Chief of Police and shall possess a CJTC Supervisory Certificate.

The responsibilities of the FTO Program Supervisor include the following:

(a) Assignment of trainees to FTOs.

(b) Conduct FTO meetings.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(c) Maintain and ensure FTO/Trainee performance evaluations are completed.

(d) Maintain, update and issue the Field Training Manual to each trainee.

(e) Monitor individual FTO performance.

(f) Monitor overall FTO Program.

(g) Maintain liaison with FTO Coordinators of other agencies.

(h) Maintain liaison with academy staff on recruit performance during the academy.

(i) Develop ongoing training for FTOs.

415.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the Bainbridge Island Police Department who has not yet completed a CJTC approved Basic or Lateral Academy, nor completed the required FTO Training Program.

415.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks.

With approval of the Chief of Police, the training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts and geographical areas during their Field Training Program.

415.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Bainbridge Island Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations enacted by the Bainbridge Island Police Department.

415.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

415.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO program supervisor on a daily basis.

(b) Review the Daily Trainee Performance Evaluations with the trainee each day.

(c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.

(d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

415.6.2 IMMEDIATE SUPERVISOR
The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Officer Program Supervisor.

415.6.3 FIELD TRAINING ADMINISTRATOR
The Field Training Officer Program Supervisor will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

415.6.4 TRAINEE
At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTO's and on the Field Training Program to the Chief of Police.

415.7 DOCUMENTATION
All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

(a) Daily Trainee Performance Evaluations.

(b) End of phase evaluations.

(c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Contacts and Temporary Detentions

416.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

416.1.1 DEFINITIONS

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person’s freedom of movement.

416.2 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer’s suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Bainbridge Island Police Department to strengthen community involvement, community awareness, and problem identification.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

416.2.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

(a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.

(b) Actions suggesting that he/she is engaged in a criminal activity.

(c) Presence in an area at an inappropriate hour of the day or night.

(d) Presence in a particular area is suspicious.

(e) Carrying of suspicious objects or items.

(f) Excessive clothes for the climate or clothes bulging in a manner that suggests he/she is carrying a dangerous weapon.

(g) Location in proximate time and place to an alleged crime.

(h) Physical description or clothing worn that matches a suspect in a recent crime.

(i) Prior criminal record or involvement in criminal activity as known by the officer.

416.3 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer’s training and experience, an officer may pat a suspect’s outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to the following:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.

(b) Where more than one suspect must be handled by a single officer.

(c) The hour of the day and the location or neighborhood where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.

(e) The actions and demeanor of the suspect.

(f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, pat-down searches should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

416.4 POLICY

The Bainbridge Island Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, pat-down search, or field

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

416.5 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

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

1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, [officers/deputies] should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department members.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Shift Supervisors

417.1 PURPOSE AND SCOPE

In order to maintain effective command and control of the Department's on-duty officers, a supervisor or qualified officer shall be designated as the Shift Supervisor. Each Shift Supervisor has specific duties and responsibilities required of them, detailed in this policy.

417.1.1 CONCEPT

The designated Shift Supervisor is responsible for the employment of the officer's assigned to that shift, during the hours of that shift. The Shift Supervisor has tactical control of those officers assigned, and may task them appropriately in order to accomplish assigned work. The Shift Supervisor should supervise the work assigned, including but not limited to: patrol checks, traffic stops, follow-ups and reports.

417.2 CONTINUITY OF COMMAND

The regularly assigned sergeant for each shift shall be the designated supervisor during the shift they are normally scheduled to work.

During shifts when a sergeant is not scheduled to work, a corporal shall be the designated supervisor

When neither a sergeant or corporal is on duty, the officer with the most time in service shall be the designated supervisor until a sergeant or corporal signs onto duty.

In order to ensure adequate patrol manning, a senior supervisor may work patrol at the same time as the regularly scheduled supervisor. In those situations, the regularly scheduled supervisor shall still be considered the Shift Sergeant regardless of seniority between the two supervisors.

The designated Shift Sergeant shall report directly to the Chief of Police, or Deputy Chief of Police as directed, for all matters that require decisions, direction and/or advisement that the Shift Sergeant cannot handle.

417.3 TASKS AND RESPONSIBILITIES

The Shift Supervisor is responsible for the following each shift:

1. Analyze (Pre-Shift Brief)

    (a) Review all reports and initial

    (b) Review incident map

    (c) Review e-mail and phone messages

    (d) Review requests for information / action (Shift Tasks)

2. Plan (Shift Brief)

    (a) Assign tasks to officers for the shift

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(b) Receive / review officers' patrol plan (Verbally)

(c) Equip Officers with requested assets / information

3. Act / Supervise (Patrol)

(a) Supervise the conduct of officer patrols

(b) Supervise the accomplishment of assigned tasks

(c) Request additional personnel and/or resources if required

1. Intra-Department for non-emergent situations

2. Inter-agency for emergent situations

4. Assess / Report (Passdown)

(a) Review and approve shift reports

(b) Ensure copy of each report is placed in Pass Down

(c) Ensure incident map is updated

(d) Submit requests for information / follow-on action

417.4 COMMUNICATIONS

Shift Supervisors should ensure they have an updated recall roster and contact information for the Department and adjacent agencies.

417.5 SHIFT SUPERVISOR RELIEF

The on-coming Shift Supervisor shall ensure they receive a brief from the off-going Shift Supervisor prior to shift brief. The off-going Shift Supervisor shall not be relieved of duties and free to sign off duty until all relevant information has been passed to the on-coming Shift Supervisor.

417.6 TRAINING

Within the first year of being promoted and/or assigned, all corporals should attend the CJTC First Level Supervisors Course.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Mobile Computer Terminals Use

418.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Computer Terminals (MCT) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and CenCom.

418.2 POLICY

Bainbridge Island Police Department members using the MCT shall comply with all appropriate federal and state rules and regulations and shall use the MCT in a professional manner, in accordance with this policy.

418.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

418.4 RESTRICTED ACCESS AND USE

MCT use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MCT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MCT by another member to their supervisors or Shift Sergeants.

Use of the MCT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MCT system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MCT system unless directed to do so by a supervisor. Members are required to log off the MCT or secure the MCT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

418.4.1 USE WHILE DRIVING

Use of the MCT by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

418.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Shift Sergeant or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MCT unless security or confidentiality prevents such broadcasting.

MCT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

(a) All contacts or activity shall be documented at the time of the contact.

(b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.

(c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MCT.

418.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MCT system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MCT when the vehicle is not in motion.

418.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Shift Sergeant are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

418.6 EQUIPMENT CONSIDERATIONS

418.6.1 MALFUNCTIONING MCT

Whenever possible, members will not use vehicles with malfunctioning MCTs. Whenever members must drive a vehicle in which the MCT is not working, they shall notify CenCom. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

418.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MCTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MCT could cause some devices to detonate.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Portable Audio/Video Recorders

419.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment. These recording systems may be commonly referred to as Mobile Audio Video (MAV) recording systems.

This policy does not apply to authorized undercover operations.

419.2 POLICY

The Bainbridge Island Police Department shall provide members with access to portable recorders, either audio or video or both, in-car video cameras with the capability of, at a minimum, both front and rear facing, and equipment that automatically activates the MAVs, both portable and in-car, when certain events occur (holster sensor activation, emergency light activation, other officer activation) for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

419.3 DEFINITIONS

Advisement – Statement made by an officer that a communication, conversation or interaction with a citizen is being recorded.

Activation – The process that turns on the MAV and causes it to record or to store audio and video data.

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.

Mobile Audio Video (MAV) - Portable audio/video recording devices including all recording systems whether body-worn, hand held or integrated into portable equipment.

In-Car Camera – Camera system that captures audio and video signals, installed or attached to an officer's patrol vehicle.

419.4 COORDINATOR

The Chief of Police or the authorized designee should appoint a coordinator responsible for overseeing compliance with this policy and for :

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(a) Establishing procedures for the security, storage and maintenance of data and recordings.

(b) Establishing procedures for transferring, downloading, tagging or marking events.

(c) Establishing procedures for accessing data and recordings.

(d) Establishing procedures for logging or auditing access.

419.5 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity of the department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

419.6 MEMBER RESPONSIBILITIES

Prior to going into the field, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable.

Unless conducting a lawful recording in an authorized undercover capacity, members shall notify those people in direct contact with the member that they are being recorded as soon as practical, and the notification should, when practical, be on the recording.

Members will document the existence of a MAV recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members will include the reason for deactivation unless the reason for the deactivation is dictated by the member at the time the
recording was made.

419.7 ACTIVATION OF MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident. In some circumstances it is not possible to capture images of the event due to conditions or the location of the camera. However, the audio portion can be valuable evidence and should be activated if safe to do so.

The MAV system will be activated in any of the following situations:

(a) All field contacts involving actual or potential criminal conduct within video or audio range

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(b) Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)

(c) Priority responses

(d) Vehicle pursuits

(e) Suspicious vehicles and suspicious persons

(f) Arrests

(g) Vehicle searches

(h) Physical or verbal confrontations or use of force

(i) DWI/DUI investigations including field sobriety tests

(j) Crimes in progress

(k) Responding to an in-progress call

Self-initiated activity in which the officer believes that there may be evidentiary value in activating the MAV system

Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:

(a) Domestic violence calls

(b) Disorderly conduct calls

(c) Offenses involving violence or weapons

Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise be recorded

Any other circumstance where the officer believes that a recording of an event would be appropriate

Members will activate the portable recorder to record the above events, even if the event is out of view of the camera. If circumstances prevent recording at the beginning
of an event, the member will begin recording as soon as practical.

Employees will notify persons placed under arrest, while being recorded, they are being recorded and verbally give Miranda warnings on the recording.

Employees shall make a reasonable effort to ensure that non-English speakers, those with limited English proficiency, deaf persons, or persons hard of hearing understand that they are being recorded.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Members will ask for consent to record in residences or other private areas not open to the public unless there is a crime in progress or other circumstances exist that would allow the member to be lawfully present without a warrant. The consent to be being recorded should be recorded on the MAV, when practicable.

Members will not record inside of a healthcare facility unless investigating a crime or present with a search warrant. MAV may be activated in exigent circumstances inside of a healthcare facility.

Safety is paramount, including officers, citizens and suspects. At no time is a member expected to jeopardize his/her safety, or the safety of others in order to activate a portable recorder or change the recording media. The MAV should be activated in situations described above as soon as reasonably practicable without jeopardizing safety.

419.7.1 SURREPTITIOUS USE OF THE AUDIO/VIDEO RECORDER

Washington law prohibits any individual from surreptitiously recording any private conversation, except as provided in RCW 9.73.040, RCW 9.73.090 and RCW 9.73.210.

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

419.7.2 CESSATION OF RECORDING

Once activated, the MAV shall remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

419.7.3 DECISION TO NOT RECORD

The decision to not record law enforcement activity shall be made by the officer wearing the camera and shall be justified by facts and circumstances. Facts supporting such a decision may include the following:

(a) When unsafe or impractical – Law enforcement activity requiring a response that prevents an officer from activating the MAV. Officers are advised to put safety ahead of the requirement to record the encounter.

(b) Sensitive communications – Law enforcement activity involving matters of law enforcement intelligence or where recording the encounter could hinder a criminal investigation. Members have discretion to not record conversations with crime victims, witnesses, and members of the community who wish to report or discuss criminal activity in confidentiality.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(c) When a citizen objects to being recorded – Members are required to record incidents as described in this Policy. The objection of a citizen is not a sufficient basis to stop recording. However, a member may exercise discretion not to record if it reasonably appears to the member that the dignity and privacy of individuals being recorded outweighs any legitimate law enforcement interest in recording.

Officer shall document, by written report, CAD notes, or on the MAV recording itself, any decision to not activate, or to turn off the MAV prior to the conclusion of incident, and their reasons for doing so.

419.7.4 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

419.8 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with a department-issued or personally owned recorder.

Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the chief of police. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

419.9 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, the City shall provide services/ programs to download, categorize, and label videos in conjunction with the current Computer Aided Dispatch system used by the Department. Members will download MAV recordings in accordance with Department procedure and document the existence of the recording in any related case report. If a download is not completed before the end of a member's shift, the member should notify a supervisor and complete the download when practical on the first on-duty opportunity.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

A member should transfer, tag or mark recordings when the member reasonably believes the MAV was made outside of a CAD call and:

(a) The recording contains evidence relevant to potential criminal, civil or administrative matters.

(b) A complainant, victim or witness has requested non-disclosure.

(c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.

(d) Disclosure may be an unreasonable violation of someone's privacy.

(e) Medical or mental health information is contained.

(f) Disclosure may compromise an undercover officer or confidential informant.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

419.10 RETENTION OF RECORDINGS

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period of less than 60 days. Data will be collected and stored in a secure manner.

419.10.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with applicable law and Department policy.

419.11 REVIEW OF RECORDED MEDIA FILES

MAV will not be used as the sole means to supervise officer behavior while on duty. MAV recordings will not be used to monitor officer performance, conduct, or policy compliance except as permitted by this policy.

Members shall not access recorded data for personal use, or to retain personal copies of recordings. Members must submit a formal public records request in order to obtain and retain a personal copy of a MAV.

Recordings may be reviewed in any of the following situations:

(a) By the members for use when preparing reports or statements. Members should review the MAV recordings as a resource, and are not required to watch MAV recordings prior to preparing a report or a statement. Members should not use the fact that a MAV recording was made as a reason to write a less detailed report.

(b) By a supervisor and/or investigator who is investigating a report of meritorious conduct, a specific act of officer conduct that has been logged and assigned a complaint identification number, an administrative inquiry, or a criminal investigation.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

For noncriminal investigations, prior to the review, if legally permissible, the involved officer and the Bainbridge Island Police Guild (Guild) will be provided notice of the review, and the involved officer and their Guild representative will be given the opportunity to be present during the review of the MAV.

(c) To assess proper functioning of MAV systems.

(d) When authorized by the Chief of Police, including but not limited to, review of collisions and vehicle pursuits.

(e) By an officer who is captured on or referenced in the MAV recording and needs such data for any purpose relating to his/her employment with permission of the Chief of Police or authorized designee.

(f) By court personnel through proper process or with permission of the Chief of Police or authorized designee.

(g) By the media personnel through proper process or with permission of the Chief of Police or authorized designee.

(h) To assess possible training value. Recordings may be shown for training purposes unless an involved officer objects to showing a recording.

(i) For purposes of records management and responding to public records requests.

All recordings should be reviewed by the Public Records Officer or designee prior to public release. Officers shall not perform video redaction duties.

419.12 TRAINING

Before a member deploys a portable recorder, the member will complete Department training on the proper use of the equipment and procedures for uploading recordings. This training will include proper camera operation and placement, Department policy on camera usage and applicable state law, and recording advisements. Supervisors will ensure that those members issued a portable recorder receive this initial training upon issue. Training will be reviewed or renewed at least annually.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Bicycle Patrol Unit

420.1 PURPOSE AND SCOPE

The Bainbridge Island Police Department has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

420.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Unit supervisor or the Shift Sergeant.

420.3 OFFICER RESPONSIBILITY

Officers must operate the bicycle in compliance with applicable codes under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and/or tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

It shall be the policy of this department that all other bicycle operation shall be in compliance with the rules of the road except when responding to an emergency call or when in the pursuit of an actual or suspected violator. An emergency response or pursuit shall be conducted only with emergency lights and siren and under the conditions required by RCW 46.61.035 and with due regard and caution for the safety of all persons using the highway as required by RCW 46.61.035(4).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Foot Pursuit Policy

421.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

421.2 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

421.3 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual that the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

(a) Containment of the area.

(b) Saturation of the area with law enforcement personnel, including assistance from other agencies.

(c) A canine search.

(d) Thermal imaging or other sensing technology.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(e) Air support.

(f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

421.4 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

(a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.

(b) The officer is acting alone.

(c) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The officer is unsure of his/her location and direction of travel.

(e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.

(f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.

(g) The officer loses radio contact with the dispatcher or with assisting or backup officers.

(h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

(k) The officer loses possession of his/her firearm or other essential equipment.

(l) The officer or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

(m) The suspect’s location is no longer known.

(n) The identity of the suspect is established or other information exists that will allow for the suspect’s apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(o) The officer's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

421.5 RESPONSIBILITIES IN FOOT PURSUITS

421.5.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit and containment. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

(a) Location and direction of travel

(b) Call sign identifier

(c) Reason for the foot pursuit, such as the crime classification

(d) Number of suspects and description, to include name if known

(e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the dispatcher of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

421.5.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

421.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible;

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

the supervisor does not, however, need to be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

421.6 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate crime/arrest reports documenting, at a minimum:

(a) Date and time of the foot pursuit.

(b) Initial reason and circumstances surrounding the foot pursuit.

(c) Course and approximate distance of the foot pursuit.

(d) Alleged offenses.

(e) Involved vehicles and officers.

(f) Whether a suspect was apprehended as well as the means and methods used.

1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

(g) Arrestee information, if applicable.

(h) Any injuries and/or medical treatment.

(i) Any property or equipment damage.

(j) Name of the supervisor at the scene or who handled the incident.

(k) A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Homeless Persons

422.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Bainbridge Island Police Department recognizes that members of the homeless community are often in need of special protection and services. The Bainbridge Island Police Department will address these needs in balance with the overall missions of this department. Therefore, officers will consider the following policy sections when serving the homeless community (see the Emergent Detentions Policy).

422.1.1 POLICY

It is the policy of the Bainbridge Island Police Department to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

422.2 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

422.2.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

(a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.

(b) Document places the homeless person may frequent.

(c) Provide homeless victims with victim/witness resources when appropriate.

(d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(e) Consider whether the person may be a vulnerable adult and if so, proceed in accordance with the Adult Abuse Policy.

(f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.

(g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

(h) Document any facts indicating that the offense was intentionally committed because the victim was homeless or perceived to be homeless (RCW 9.94A.535).

422.3 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested, or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor. When practicable, requests by the public for clean-up operations of a homeless encampment should be referred to the Chief of Police.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform a supervisor if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the supervisor to address the matter in a timely fashion.

422.4 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention.

When a mental illness detention is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

422.5 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Public Recording of Law Enforcement Activity

423.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

423.2 POLICY

The Bainbridge Island Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

423.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:

1. Tampering with a witness or suspect.
2. Inciting others to violate the law.
3. Being so close to the activity as to present a clear safety hazard to the officers.
4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the officers, him/herself or others.

423.4 OFFICER/DEPUTY RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

423.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

423.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

  1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

  1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Crisis Intervention Incidents

424.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

424.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

424.2 POLICY

The Bainbridge Island Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

424.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental illness

(b) Threats of or attempted suicide

(c) Loss of memory

(d) Incoherence, disorientation or slow response

(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas

(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt

(g) Social withdrawal

(h) Manic or impulsive behavior, extreme agitation, lack of control

(i) Lack of fear

(j) Anxiety, aggression, rigidity, inflexibility or paranoia

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

424.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Supervisor to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

424.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) Request available backup officers , CIOs, and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

(d) Attempt to determine if weapons are present or available.

(e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.

(f) Secure the scene and clear the immediate area as necessary.

(g) Employ tactics to preserve the safety of all participants.

(h) Determine the nature of any crime.

(i) Request a supervisor, as warranted.

(j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

(k) If circumstances reasonably permit, consider and employ alternatives to force.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

424.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

424.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.

(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.

(c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

424.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(a) Attempt to secure appropriate and sufficient resources.

(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

(c) Ensure a CIO responds to the scene if available. Consider the availability of CIOs from other agencies as additional resources.

(d) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

(e) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

(f) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Supervisor.

(g) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

424.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

424.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Emergent Detentions Policy.

424.9.2 SUICIDE THREATS OR ATTEMPTS

Officers should consider a referral to mental health services when a person has threatened or attempted suicide and the person does not qualify for an emergent detention or voluntarily consent to immediate evaluation at a mental health facility (RCW 71.05.457).

(a) Referrals should be made to the person by providing the name and phone number of the mental health agency and any available handouts.

(b) The officer may notify the mental health agency of the referral by phone or other method, in addition to preparing a written incident report.

Incident reports documenting a referral to a mental health agency should be sufficiently detailed regarding the nature of the incident and the person’s behavior, to facilitate the mental health agency’s prioritization and nature of their response. The officer should promptly provide a copy of the report to the referred mental health agency (RCW 71.05.457).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

424.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

(a) Members should treat all individuals equally and with dignity and respect.

(b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

424.11 EVALUATION

The Supervisor designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

424.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

Training shall include mandated training in crisis intervention, certified by the Criminal Justice Training Commission, as required by Washington law (RCW 43.101.427; WAC 139-09-020 et seq.).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Aircraft Accidents

425.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

425.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

425.2 POLICY

It is the policy of the Bainbridge Island Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

425.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

(a) Protect persons and property.

(b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.

(c) Preserve ground scars and marks made by the aircraft.

(d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.

(e) Maintain a record of persons who enter the accident site.

(f) Consider implementation of an Incident Command System (ICS).

425.4 MEDIA RELATIONS

The Chief of Police (Chief of Police) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The Chief of Police should coordinate with other involved entities before the release of information.

425.5 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

425.6 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

(a) Fire department

(b) Appropriate airport tower

(c) Emergency medical services (EMS)

425.7 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.

(b) Fire department, EMS or other assisting law enforcement agencies.

(c) Coroner.

(d) Air Carrier/Operators investigative teams with NTSB approval.

(e) Appropriate branch of the military, when applicable.

(f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

425.8 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

(a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.

(b) Pressure vessels, compressed gas bottles, accumulators and tires.

(c) Fluids, batteries, flares and igniters.

(d) Evacuation chutes, ballistic parachute systems and composite materials.

425.9 DOCUMENTATION

All aircraft accidents occurring within the City of Bainbridge Island Police Department shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of BIPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

425.9.1 WRECKAGE

When reasonably safe, members should:

(a) Obtain the aircraft registration number (N number) and note the type of aircraft.

(b) Attempt to ascertain the number of casualties.

(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.

1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).

(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.

(e) Acquire copies of any recordings from security cameras that may have captured the incident.

425.9.2 WITNESSES

Members tasked with contacting witnesses should obtain:

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(a) The location of the witness at the time of his/her observation relative to the accident site.

(b) A detailed description of what was observed or heard.

(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.

(d) The names of all persons reporting the accident, even if not yet interviewed.

(e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Medical Marijuana

425.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for handling and distinguishing between claims of medical marijuana use under Washington's Medical Use of Cannabis Act and criminal controlled substance violations (RCW 69.51A).

425.1.1 DEFINITIONS

Definitions related to this policy include (RCW 69.51A.010):

Designated provider - A person who is 18 years of age or older, who has been designated in writing by a patient to serve as a designated provider. An individual can act as a designated provider to no more than one patient at a time and is prohibited from consuming marijuana obtained for the use of the patient.

Medical use of marijuana - The production, possession, or administration of marijuana, as defined in RCW 69.50.101, for the exclusive benefit of a qualifying patient in the treatment of his/her terminal or debilitating medical condition.

Qualifying patient - Any person who meets all of the following criteria:

- Has been diagnosed by his/her health care professional as having a terminal or a debilitating medical condition.
- Is a resident of the state of Washington at the time of such diagnosis.
- Has been advised by his/her health care professional about the risks and benefits of the medical use of marijuana.
- Has been advised by the health care professional that he/she may benefit from the medical use of marijuana.

Valid documentation - Documentation that meets all of the following criteria:

- A statement signed and dated by a qualifying patient's health care professional, written on tamper-resistant paper, which states that in his/her professional opinion, the patient may benefit from the medical use of marijuana.
- Proof of identity, such as a Washington state driver's license or identi-card (RCW 46.20.035).

425.2 POLICY

It is the policy of the Bainbridge Island Police Department to prioritize resources to avoid making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

Washington medical marijuana laws are intended to provide protection from prosecution for those who use, possess, deliver or produce marijuana to mitigate the symptoms of certain debilitating or

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

terminal medical conditions. However, Washington medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana.

Officers should exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both the individuals protected under Washington law and the resources of the Department.

425.3 INVESTIGATION

Investigations involving the possession, delivery or production of marijuana generally fall into one of several categories:

(a) No medicinal claim is made.

(b) A medicinal claim is made by a qualifying patient or designated provider who is in possession of amounts within the limits (designated by RCW 69.51A.040).

(c) A medicinal claim is made by a qualifying patient or designated provider who is in possession of amounts exceeding the limits designated by RCW 69.51A.040 or who presented no valid documentation when initially contacted.

425.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery or production of marijuana where there is no claim that the marijuana is for medicinal purposes, the officer should proceed with reasonable enforcement action. A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana is possessed or produced for medicinal purposes.

425.3.2 MEDICAL CLAIMS BY QUALIFYING PATIENTS OR DESIGNATED PROVIDERS

A qualifying patient or designated provider with valid documentation should not be arrested if he/she possesses no more than 15 cannabis plants and (RCW 69.51A.040; RCW 69.51A.043):

(a) 24 ounces of usable cannabis, or

(b) No more cannabis product than what could reasonably be produced with no more than 24 ounces of usable cannabis, or

(c) A combination of usable cannabis and cannabis product that does not exceed a combined total representing possession and processing of no more than 24 ounces of usable cannabis.

If a person is both a qualifying patient and a designated provider for another, he/she may possess no more than double the amounts described above (RCW 69.51A.040(1)(b)).

Officers may take enforcement action against a designated caregiver even when the above thresholds are not exceeded if there is evidence that the provider has converted the marijuana for

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

his/her personal use or benefit or has provided for more than one patient within a 15-day period (RCW 69.51A.040).

Officers may take enforcement action against a qualifying patient even when the above thresholds are not exceeded if there is evidence that the patient possesses or uses the marijuana for his/her personal, non-medical use or benefit (RCW 69.51A.040).

425.3.3 EXCESS AMOUNTS OR NO VALID DOCUMENTATION

A qualifying patient or designated provider may raise an affirmative defense to charges that the amount of marijuana in his/her possession exceeds the amount legally allowed by RCW 69.51A.040 or that he/she presented no valid documentation when initially contacted by law enforcement (RCW 69.51A.045; RCW 69.51A.047).

Officers should conduct a thorough investigation in such cases, but in general, should not arrest a subject for possession, delivery or production of marijuana if an excess amount appears reasonable based upon the above policy considerations. Similarly, if an officer can verify that valid documentation exists, even though it was not presented by a qualified patient or designated caregiver, an arrest generally should not be made.

All facts should be thoroughly documented and if evidence is not seized, it shall be photographed and detailed in the report.

425.3.4 ADDITIONAL CONSIDERATIONS

Prior to making a physical arrest or confiscating cannabis plants, usable cannabis or product, officers should consider the following:

(a) Whenever the initial investigation reveals an amount greater than specified by law, officers should, in anticipation of an affirmative defense, consider and document:

1. The medical condition itself.
2. The quality of the marijuana (chemical content).
3. The method of ingestion (e.g. smoking, eating, nebulizer).
4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
5. Whether the marijuana is being cultivated indoors or outdoors, and the climate.

(b) Before proceeding with enforcement related to collective gardens, officers should consider conferring with appropriate legal counsel.

(c) Investigations regarding collective gardens should consider pertinent City ordinances and that (RCW 69.51A.140; RCW 69.51A.085):

1. No more than 10 qualifying patients may participate in a single collective garden at any time.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

2. The collective garden may contain no more than 15 plants per patient and no more than a total of 45 plants.
3. The garden may contain no more than 24 ounces of usable cannabis per patient or no more than a total of 72 ounces of usable cannabis.
4. Each collective garden participant must have a copy of his/her valid documentation and proof of identification available for inspection on site at all times.
5. No usable cannabis from the collective garden may be delivered to anyone other than one of the qualifying patients participating in the garden.

(d) Medical use and possession of marijuana authorized under the Washington medical marijuana statute does not support the forfeiture of property as set forth in the Asset Forfeiture Policy (RCW 69.51A.050).

425.4 EXCEPTIONS

This policy does not apply to the following offenses; officers may take enforcement action if the person (RCW 69.51A.060):

(a) Engages in the medical use of cannabis in a way that endangers the health or well-being of any person through the use of a motorized vehicle on a street, road, or highway, including violations of RCW 46.61.502 or RCW 46.61.504, or equivalent local ordinances.

(b) Uses or displays medical cannabis in a manner or place open to the view of the public.

(c) Produces fraudulent documentation.

425.5 FEDERAL LAW ENFORCEMENT

Officers may exchange information regarding a marijuana investigation with federal law enforcement authorities when information is requested by federal law enforcement authorities or whenever the officer reasonably believes federal law enforcement authorities would request the information if the authorities were aware of the information.

425.6 PROPERTY SUPERVISOR RESPONSIBILITIES

The Property and Evidence Supervisor shall ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed.

Upon a determination by the prosecuting attorney that the person from whom marijuana, drug paraphernalia or related property was seized is entitled to possession under the law, the Property and Evidence Supervisor should return to that person any usable marijuana, plants, drug paraphernalia or other seized property. That determination is the result of a decision not to prosecute, by the dismissal of charges or an acquittal.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

The Property and Evidence Supervisor may destroy marijuana that was alleged to be for medical purposes upon receipt of a court order.

The Property and Evidence Supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Detectives Supervisor.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Radiation Detection Policy

426.1 PURPOSE AND SCOPE

Uncontrolled or weaponized radioactive materials present a hazard to employees, the public, and/or the environment. Due to the increase of terrorist threats throughout the country, the possibility exists of malicious radioactive material use, transport or storage within the State of Washington. To support early detection and response to radioactive threats and potential public safety issues, this Department may employ radiation detection systems throughout the jurisdiction. This policy establishes requirements and guidelines for Department radiation detection equipment use and response to radiation alerts.

426.2 DEFINITIONS

Adjudication - The process of identifying, with reasonable certainty, the type or nature of material or device causing a radiation detector to alert and assessing the potential threat that the material might pose and the need for further action. The alert adjudication process will result in the alert being classified as a Threat or Non-Threat.

Consensual Encounter - Occurs when an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Detention - Occurs when an officer intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person's freedom of movement.

Field Interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

Legitimate radiation source - Transportation or possession of radioactive materials as intended and within regulatory requirements, such as people with nuclear medicine treatments, industrial applications, consumer products, radioactive material shipments, and naturally occurring radioactive material (NORM).

Radiation Alert - Either an audible, vibratory or visual notification from the radiation detector indicating the detection and presence or possible presence of radioactive material.

Radioactive material – Material containing unstable atoms that disintegrate spontaneously, emitting radiation.

Reasonable Suspicion - Occurs when, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Resolution - After a radiation alert has been adjudicated as Threat or Non-Threat, follow-up action may be required to resolve the incident. Actions can include operational response

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

activities to mitigate actual or perceived radiation hazards and risks to workers, the public, and the environment.

Threat - Any radioactive material/device out of regulatory control within or in route to the United States that may be used with the intent to harm individuals, the public or the environment.

426.3 POLICY

It is the policy of the Bainbridge Island Police Department to protect the public and individuals from radiological threats and hazards through legal and appropriate use of radiation detection equipment and approved radiation alert response and resolution processes.

426.4 RADIATION DETECTION EQUIPMENT

Radiation detection equipment shall always be operated in a safe manner not to exceed the capabilities of the equipment or the operator. Radiation detection equipment shall only be used for official business of the Department, not for recreation or other unofficial personal use. Only trained and authorized radiation detection operators shall deploy the equipment during regularly scheduled maritime patrols, traffic patrols, Bomb/HazMat activities, or as authorized by the shift supervisor during routine duties or call-outs.

426.5 EQUIPMENT MAINTENANCE

Maintenance of the Department radiation detection equipment is critical to safe operation and effective deployment. All radiation detection operators shall conduct pre- and post- operations maintenance as required by procedures.

The Equipment Maintenance Officer is responsible for planning, scheduling and ensuring the conduct of regularly scheduled maintenance in accordance with factory equipment manuals and publications. All maintenance, including pre-operation and regularly scheduled maintenance should be documented. Radiation detection operators should record and/or forward maintenance documentation to the Maintenance Officer. The Equipment Maintenance Officer should maintain accurate records of all maintenance.

All radiation detection operators should promptly report equipment defects to the Equipment Maintenance Officer. At no time should radiation detection equipment be used when defective or in a condition that could impact its reliability or result confidence.

426.6 RADIATION DETECTION EQUIPMENT OPERATORS

426.6.1 SELECTION

Radiation detection operators shall be selected and approved by the Chief of Police or designee from the sworn regular and reserve members of the Department. Being selected, trained and assigned as a Radiation Detection Operator is a collateral duty in addition to regularly assigned duties.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

426.6.2 TRAINING

Radiation detection operators should initially attend and complete a Department approved preventive radiological/nuclear detection operator's course and all prerequisites associated with the course. After completion of the Department approved course, all radiation detection operators should demonstrate the ability to safely and effectively operate the Department equipment before being authorized to deploy the Department's equipment.

All Department trained and authorized radiation detection operators should receive both classroom and hands-on sustainment training covering radiation safety, equipment operation, maintenance, and any policy or procedure changes as required.

426.6.3 RESPONSIBILITIES

(a) Conduct pre-operation checks and inspections prior to radiation detection equipment deployment.

(b) Resolve and report radiation detection alerts per this Policy and applicable Department procedures.

426.7 RADIATION ALERT RESPONSE AND RESOLUTION PROCEDURE

Officers may come into contact with legitimate radioactive material; radioactive material out of regulatory control; or malicious use or transport of radioactive material during conduct of their regularly assigned duties. The Officers should practice due diligence to find the source of radiation and determine if there is a hazard to the public or environment, or a criminal element involved.

Utilizing tactics and techniques learned in training, Officers may detect, verify and localize the source of the elevated radiation. Officers may use the totality of the information available to them, including behaviors, interview information, and the nature/location of the possible radiological concern to support a preliminary assessment of the alert and determine if there is reasonable suspicion to further investigate.

The responding officer should notify the shift supervisorin accordance with Department procedure. Other agencies, such as Bomb Squad, FBI, HazMat, and Washington State Department of Health may be notified as necessary to respond to potential public safety or environmental issues, criminal activity, or threat conditions.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Medical Aid and Response

427.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons who appear to be in need of medical aid and establishes a law enforcement response to such situations.

427.2 POLICY

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

427.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR and use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact CenCom and request response by emergency medical services (EMS) as the member deems appropriate.

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

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

(a) The location where EMS is needed.

(b) The nature of the incident.

(c) Any known scene hazards.

(d) Information on the person in need of EMS, such as:

1. Signs and symptoms as observed by the member.
2. Changes in apparent condition.
3. Number of patients, sex and age, if known.
4. Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol.
5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

427.4 TRANSPORTING ILL, DISABLED , OR INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members shall not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation. Disabled prisoners shall be transported via patrol car or by EMS personnel depending on circumstances.

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

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

427.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with an emergent detention in accordance with the Emergent Detentions Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

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

427.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

427.7 AIR AMBULANCE

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

427.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A semi-automatic external defibrillator or AED should only be used by members who have completed a course approved by the Washington State Department of Health (DOH) that includes instruction in CPR and the use of an AED (RCW 70.54.310).

427.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Deputy Chief who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED shall contact CenCom as soon as possible and request response by EMS (RCW 70.54.310).

427.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use. Any data from usage shall be made available, upon request, to EMS or other health care providers (RCW 70.54.310).

427.8.3 AED TRAINING AND MAINTENANCE

The Deputy Chief should ensure appropriate training is provided to members authorized to use an AED.

The Deputy Chief is responsible for ensuring AED devices are appropriately maintained and tested consistent with the manufacturer's operational guidelines, and will retain records of all maintenance in accordance with the established records retention schedule (RCW 70.54.310).

427.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Members may administer opioid overdose medication in accordance with protocol specified by the health care practitioner who prescribed the overdose medication for use by the member (RCW 69.41.095).

427.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Deputy Chief.

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

427.9.2 OPIOID OVERDOSE MEDICATION REPORTING

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

The Deputy Chief will ensure that the Administrative Supervisor is provided enough information to meet applicable state reporting requirements.

427.9.3 OPIOID OVERDOSE MEDICATION TRAINING

The Deputy Chief should ensure training is provided to members authorized to administer opioid overdose medication.

427.10 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor’s approval.

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

427.11 FIRST AID TRAINING

Subject to available resources, the Deputy Chief should ensure officers receive periodic first aid training appropriate for their position.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

First Amendment Assemblies

428.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

428.2 POLICY

The Bainbridge Island Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

428.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront or intimidate participants.

(c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

428.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

428.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to CenCom, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

428.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

428.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

- The potential time, duration, scope and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or the race, ethnicity, national origin or religion of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

428.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide:

(a) Command assignments, chain of command structure, roles and responsibilities.

(b) Staffing and resource allocation.

(c) Management of criminal investigations.

(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).

(e) Deployment of specialized resources.

(f) Event communications and interoperability in a multijurisdictional event.

(g) Liaison with demonstration leaders and external agencies.

(h) Liaison with City government and legal staff.

(i) Media relations.

(j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.

(k) Traffic management plans.

(l) First aid and emergency medical service provider availability.

(m) Prisoner transport and detention.

(n) Review of policies regarding public assemblies and use of force in crowd control.

(o) Parameters for declaring an unlawful assembly.

(p) Arrest protocol, including management of mass arrests.

(q) Protocol for recording information flow and decisions.

(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.

(s) Protocol for handling complaints during the event.

(t) Parameters for the use of body-worn cameras and other portable recording devices.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

428.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

428.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

428.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER (TM) devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

428.8 ARRESTS

The Bainbridge Island Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of officers and arrestees.

(b) Dedicated arrest, booking and report writing teams.

(c) Timely access to medical care.

(d) Timely access to legal resources.

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence.

(g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

428.9 MEDIA RELATIONS

The Chief of Police should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

428.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

428.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

(a) Operational plan

(b) Any incident logs

(c) Any assignment logs

(d) Vehicle, fuel, equipment and supply records

(e) Incident, arrest, use of force, injury and property damage reports

(f) Photographs, audio/video recordings, CenCom records/tapes

(g) Media accounts (print and broadcast media)

428.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

(a) Date, time and description of the event

(b) Actions taken and outcomes (e.g., injuries, property damage, arrests)

(c) Problems identified

(d) Significant events

(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

428.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Civil Disputes

429.1 PURPOSE AND SCOPE

This policy provides members of the Bainbridge Island Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Washington law.

429.2 POLICY

The Bainbridge Island Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

429.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.

(d) Members are reminded that they shall not enter a residence or other non-public location without legal authority.

(e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

429.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document with either an Incident Number or a Report Number.

429.4.1 STANDBY REQUESTS

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items (RCW 26.50.080). Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or he/she may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

429.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

429.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

429.6.1 REQUEST TO REMOVE TRESPASSER DECLARATION

Officers possessing a lawful declaration signed under penalty of perjury and in the form required by law, may take enforcement action to remove a person from a residence when (Chapter 284 § 1, 2017 Washington laws):

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

- The person has been allowed a reasonable opportunity to secure and present evidence that the person is lawfully on the premises
- The officer reasonably believe he/she has probable cause to believe the person is committing criminal trespass under RCW 9A.52.070

An officer should give the trespasser a reasonable opportunity to vacate the premises before taking enforcement action.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Chapter 5 - Traffic Operations

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Bainbridge Island Police Department. Information provided by the Electronic Traffic Information Processing (eTRIP) data retrieval system is a valuable resource for traffic accident occurrences and officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance. The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations. Warnings are issued at the discretion of the officer.

500.3.2 CITATIONS AND NOTICES OF INFRACTION

Citations or Notices of Infraction may be issued at an officer's discretion when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation or notice of infraction for a traffic violation. Officers should provide the following information at a minimum:

(a) Explanation of the violation or charge.

(b) Court appearance procedure including the optional or mandatory appearance by the motorist.

(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

500.3.3 ARRESTS FOR TRAFFIC OFFENSES

Officers may issue a traffic citation for any criminal traffic offense or infraction when such violations are committed in an officer's presence or as allowed pursuant to RCW 10.31.100. With limited exceptions, the detention in such cases may not be for a period of time longer than is reasonably necessary to issue and serve a citation to the violator.

A traffic-related detention may expand to a physical arrest under the following circumstances:

(a) When the officer has probable cause to believe that a felony has been committed, whether or not it was in the officer’s presence

(b) When the offense is one or more of the traffic violations listed in RCW 10.31.100

(c) When a driver has been detained for a traffic offense listed in RCW 46.63.020 and fails to provide adequate identification or when the officer has reasonable grounds to believe that the person to be cited will not respond to a written citation. In such cases, officers should, when practicable, obtain the approval of a supervisor before making an arrest.

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

If an officer contacts a traffic violator who is also driving on a suspended or revoked license, the officer should issue a traffic citation or make an arrest as appropriate.

500.4.1 SUSPENDED, REVOKED OR CANCELED COMMERCIAL LICENSE PLATES

If an officer contacts a traffic violator who is operating a commercial truck, truck tractor or tractor with registration that a computer check confirms to be revoked, suspended or canceled, the officer shall confiscate the license plates. The Department may either recycle or destroy the plates (RCW 46.32.100).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

500.5 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

500.6 HAZARDOUS ROAD CONDITIONS

The Bainbridge Island Police Department will make all reasonable efforts to address all reported hazardous road conditions in a timely manner as circumstances and resources permit.

500.7 TRAFFIC COMPLAINTS BY CROSSING GUARDS

Crossing guards have the authority to submit reports to this department for certain violations occurring in and around crosswalks (RCW 46.61.275). Generally these reports may be for offenses involving a driver’s failure to stop at a crosswalk or to exercise due care for pedestrians. Reports must be received no later than 72 hours after the violation occurred.

This department will give due consideration and will investigate, to a reasonable degree, reports of violations submitted by crossing guards, in an effort to identify the alleged violator. If the driver is identified and there is reasonable cause to believe a violation of RCW 46.61.235(5), RCW 46.61.245(2) or RCW 46.61.261(2) has occurred, a notice of traffic infraction should be issued.

The Supervisor shall ensure that appropriate forms for reporting violations are available to crossing guards and that a procedure for investigating the reports received by this department is in place.

500.7.1 NOTIFICATION OF INFRACTION

The Administrative Supervisor or a designee may initiate an investigation of the reported violation after receiving a report from a crossing guard. The investigator should contact the last known owner of the violator vehicle and request the owner to supply information identifying the driver. If

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

the driver is identified and there is reasonable cause to believe that a traffic violation has occurred, a notice of infraction may be served upon the driver of the vehicle (RCW 46.61.275(2)).

500.8 SCHOOL BUS SAFETY

Any school district with buses properly equipped with stop-arms may report such violations to the Bainbridge Island Police Department whenever they occur within the department's jurisdiction.

The Supervisor should establish a report form and procedure for school districts to report school bus stop-arm violations (RCW 46.63.180).

500.8.1 NOTIFICATION OF INFRACTION

The Supervisor or the authorized designee should initiate an investigation of the reported violation after receiving a stop-arm violation report from a school district.

Issuance of a citation shall conform to state requirements (RCW 46.63.180). The notice of infraction shall be mailed to the registered owner or renter, if applicable, of the vehicle within 14 days of the violation.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Traffic Collision Reporting

501.1 PURPOSE AND SCOPE

The Bainbridge Island Police Department prepares traffic collision reports and as a public service makes traffic collision reports available to the community with some exceptions.

501.2 TRAFFIC COLLISION REPORTS

All traffic collision reports taken by members of this department shall be forwarded to a Supervisor for approval and data entry into the Records Management System. The Administrative Supervisor will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded to the Chief of Police, or other persons as required.

501.2.1 STATEWIDE ELECTRONIC COLLISION AND TICKET ONLINE RECORDS (SECTOR)

This department utilizes SECTOR software to complete traffic citations and traffic collision reports. SECTOR shall only be used by those authorized employees who have completed department-approved training in the use of SECTOR software. All traffic collision reports completed with SECTOR software shall comply with established report approval requirements.

All reports completed using SECTOR software should be downloaded to the designated server as soon as practicable or in any case prior to the end of the employee's shift.

501.3 REPORTING SITUATIONS

501.3.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic collision investigation reports shall be taken when a City-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a City vehicle, a Vehicle Damage Memorandum shall be completed and forwarded to the appropriate Supervisor.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

501.3.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the Bainbridge Island Police Department, the Shift Sergeant, will notify the Kitsap County Sheriff's Officer or Washington State Patrol for assistance. (Refer to Employee Involved Collisions Policy)

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

501.3.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS
The Shift Sergeant may request assistance from the Kitsap County Sheriff's Officer or Washington State Patrol for the investigation of any traffic collision involving any City official or employee where a serious injury or fatality has occurred.

501.3.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY
Traffic collision reports should be taken for traffic collisions occurring on private property. An Incident Report may be taken in lieu of a traffic collision report at the discretion of a supervisor.

501.3.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS
Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

(a) When there is a death or injury to any persons involved in the collision.

(b) When there is an identifiable violation of the Revised Code of Washington.

(c) Property damage exceeding the dollar amount currently established by WSP.

(d) When a report is requested by any involved driver.

In all cases where a traffic collision report is required by policy, the current state authorized form will be used to document the collision (RCW 46.52.070).

501.4 NOTIFICATION OF CHIEF OF POLICE
In the event of a serious injury or death related traffic collision, the Shift Sergeant shall notify the Chief of Police to relate the circumstances of the traffic collision and may seek assistance from the Kitsap County Sheriff's Office or Washington State Patrol. The Shift Sergeant or any supervisor may still assign an officer to investigate the traffic collision.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Vehicle Towing Policy

502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Bainbridge Island Police Department.

502.2 RESPONSIBILITIES

The responsibilities of those employees storing or impounding a vehicle are as follows.

502.2.1 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in CenCom.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the official towing garage for the City of Bainbridge Island Police Department. The officer will then store the vehicle using the Washington Uniform Inventory Impound form.

502.2.2 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, or to comply with posted signs.

502.2.3 OFFICER RESPONSIBILITIES

Whenever a stolen vehicle is impounded by the Bainbridge Island Police Department, the officer will promptly attempt to notify the legal owner of the recovery (RCW 7.69.030(7)).

502.3 TOWING SERVICES

The City of Bainbridge Island Police Department periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.

(b) When a vehicle is being held as evidence in connection with an investigation.

(c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations.

Nothing in this policy shall require the Department to tow a vehicle.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

502.4 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping for the arrestee's vehicle. The vehicle shall be stored whenever it is mandated by law, needed for the furtherance of an investigation or prosecution of the case or when the Community Caretaker Doctrine would reasonably suggest it. For example, the vehicle would present a traffic hazard if not removed, or due to a high crime area the vehicle would be in jeopardy of theft or damage if left at the scene.

No impound should occur if other alternatives are available that would ensure the vehicle's protection. Factors that should be considered by officers in determining whether to impound a vehicle pursuant to this policy include:

(a) Whether the offense for which the subject was arrested mandates vehicle impound (i.e. DUI, commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, or promoting travel for commercial sexual abuse of a minor (RCW 9A.88.140(2); RCW 46.55.360).

(b) Whether someone is available at the scene of the arrest to whom the vehicle could be released.

(c) Whether the vehicle is impeding the flow of traffic or is a danger to public safety.

(d) Whether the vehicle can be secured.

(e) Whether the detention of the arrestee will likely be of such duration as to require protection of the vehicle.

(f) Whether there is some reasonable connection between the crime/arrest and the vehicle, or the vehicle is related to the commission of another crime (i.e., the vehicle itself has evidentiary value).

(g) Whether the owner/operator requests that the vehicle be stored.

(h) Whether the vehicle would be in jeopardy of theft or damage if left at the scene in a high-crime area.

In cases where a vehicle is not stored, the handling employee shall note in the report that the owner was informed that the Department will not be responsible for theft or damages to the vehicle.

502.5 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. A locked vehicle trunk shall not be opened, even if it may be opened without a key from an accessible area of the passenger compartment. Locked or closed containers located within the passenger compartment should be inventoried as a sealed unit, absent exigent circumstances.

Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

502.6 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g. cash, jewelry, cell phone, prescriptions) which are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, search personnel shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Vehicle Impound Hearings

503.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound validity hearings.

503.2 IMPOUND HEARING

When a vehicle is impounded by any member of the Bainbridge Island Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or their agent (RCW 46.55.240).

503.2.1 HEARING PROCEDURES

When requested, a hearing will be held at the Bainbridge Island Police Department within five days of the receipt of the request. The Department will appoint a Hearing Officer who will conduct the hearing and render a judgment. The employee who caused the removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on an impounded vehicle shall be submitted in person, writing, or by telephone within ten days of the date appearing on the notice. The person requesting the hearing may record the hearing at his/her own expense.

The vehicle impound hearing officer shall consider all information provided and determine whether the vehicle was impounded consistent with law and department policy. The Department will have the burden of proving by preponderance of the evidence that the vehicle was impounded lawfully and within policy.

If a decision is made that the vehicle was impounded within the law and department policy, the hearing officer shall advise the inquiring party that they may appeal the decision with the district court for a final judgment (RCW 46.55.240(1)(d)).

A decision that the vehicle was not impounded in a lawful manner or within department policy will require that the vehicle in impound be released immediately. Towing and storage fees will be paid at the Department's expense (RCW 46.55.120(3)(e)).

If a decision is made that the vehicle was not impounded in a lawful manner or within department policy, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Supervisor. The hearing officer will recommend to the appropriate Supervisor that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Impaired Driving

504.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

504.2 POLICY

The Bainbridge Island Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Washington's impaired driving laws.

504.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

504.4 CHEMICAL TESTS

A person implies consent under Washington law to a chemical test or tests of the person's breath and to providing the associated chemical sample under any of the following (RCW 46.20.308):

(a) The arresting officer has reasonable grounds to believe the person was driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor or drug.

(b) The arresting officer has reasonable grounds to believe a person under the age of 21 was driving or in actual physical control of a motor vehicle while having a blood alcohol concentration of at least 0.02 (RCW 46.61.503).

(c) The officer has stopped a person operating a commercial motor vehicle license (CDL) and has reasonable grounds to believe that the person was driving while having alcohol in the person's system (RCW 46.25.120).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

504.4.1 BREATH SAMPLES

The Supervisor should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Supervisor.

Generally, chemical tests to determine alcohol concentration shall be of the breath only (RCW 46.20.308; RCW 46.25.120).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

504.4.2 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (RCW 46.61.506). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be drawn and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by department policy..

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

A blood sample may be obtained only with the consent of the individual or as otherwise provided in this policy (RCW 46.20.308; RCW 46.25.120).

504.4.3 STATUTORY NOTIFICATIONS

An officer requesting that a person submit to a chemical test shall provide the person, prior to administering the test, with the mandatory warnings pursuant to RCW 46.20.308(2) or if driving a commercial vehicle the warnings pursuant to RCW 46.25.120(3).

504.5 REFUSALS

When an arrestee refuses to provide a chemical sample, officers shall:

(a) Advise the arrestee of the requirement to provide a sample.

(b) Audio- and/or video-record the admonishment and the response when it is practicable.

(c) Document the refusal in the appropriate report.

504.5.1 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who has been arrested and does not consent to a blood test when any of the following conditions exist (RCW 46.20.308; RCW 46.25.120):

(a) A search warrant has been obtained.

(b) The officer can articulate that exigent circumstances exist.

Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

504.6 ARREST AND INVESTIGATION

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

504.6.1 WARRANTLESS ARREST

An officer having probable cause to believe that a person is DUI may make a warrantless arrest of the person whether or not the officer observed the violation first hand (RCW 10.31.100).

Arrests supported by probable cause for DUI are mandatory if the person has been convicted of DUI in the past 10 years or if the officer has knowledge based on the information available to him/her that the person is charged with, or is waiting arraignment for, an offense that would qualify as a prior offense as defined by RCW 46.61.5055 if it were a conviction (RCW 10.31.100).

504.6.2 OFFICER RESPONSIBILITIES

If a person refuses to submit to a chemical test, or the results from the test render a prohibited alcohol or THC concentration in the person's breath or blood, the officer shall (RCW 46.20.308(5)):

(a) Serve the notice of intention to suspend, revoke, or deny the person's license or permit to drive.

(b) Provide the person with a written notice of his/her right to a hearing before the Department of Licensing (DOL).

(c) Advise the person that his/her license or permit is a temporary license.

(d) Immediately notify the DOL of the arrest and within 72 hours transmit to the DOL a sworn report that states:

1. The officer had reasonable grounds to believe the person was DUI.

2. After having received the required statutory warnings, the person either refused to submit to a test of his/her blood or breath or submitted to a test that rendered a prohibited alcohol or THC concentration of the person's breath or blood.

(e) Submit a sworn report to the DOL when the person has a CDL and either refused or had a test administered that disclosed a prohibited amount of alcohol or any amount of THC concentration (RCW 46.25.120(5)).

When a person is arrested for a violation of RCW 46.61.502 (DUI) or RCW 46.61.504 (Physical control of vehicle while DUI), the officer shall make a clear notation on the report if there is a child under the age of 16 present in the vehicle and promptly notify child protective services as required in the Child Abuse Policy (RCW 46.61.507).

504.6.3 ADDITIONAL TESTING

A person submitting to a chemical test pursuant to this policy may have a qualified person of his/her own choosing administer one or more tests in addition to any administered at the direction of an officer (RCW 46.20.308(2); RCW 46.61.506).

504.7 SENIOR POLICE CLERK RESPONSIBILITIES

The Administrative Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

504.8 ADMINISTRATIVE HEARINGS

The Administrative Supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the DOL.

An officer called to testify at an administrative hearing should document the hearing date and the DOL file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

504.9 TRAINING

The Deputy Chief should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Deputy Chief should confer with the prosecuting attorney's office and update training topics as needed.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Traffic Citations and Notices of Infraction

505.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations and notices of infraction.

505.2 RESPONSIBILITIES

The Administrative Supervisor shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council. They shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

505.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the Supervisor. Upon a review of the circumstances involving the issuance of the traffic citation, the Supervisor may request the Chief of Police to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Supervisor for review.

505.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Chief of Police.

SECTOR infractions - Officers may use the void function within SECTOR, providing thatthey have not issued the citation and/or the violator was not served with their copy of the citation. The officer voiding the SECTOR citation shall note on the citation why the citation is being voided.

505.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Support Services Division. The Support

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Services Division shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

505.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Senior Police Clerk.

Upon separation from employment with this department, all employees issued traffic citations books shall return any unused citations to the Senior Police Clerk.

505.7 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Disabled Vehicles

506.1 PURPOSE AND SCOPE

This department has adopted the following policy on assisting motorists in disabled vehicles within this jurisdiction.

506.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance.

506.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

506.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

506.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

506.3.3 RELOCATION OF MOTORIST

The relocation of a motorist with a disabled vehicle should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

506.4 POLICY

It is the policy of the Bainbridge Island Police Department to assist motorists with disabled vehicles until those vehicles are safely removed from the roadway. Members should take appropriate action to mitigate potential problems when a vehicle constitutes a traffic hazard or the safety of the motorist is a concern.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Unauthorized 24 Hour Vehicle Violations

507.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of unauthorized vehicles parked in violation of 24 hour time limitations.

507.2 MARKING VEHICLES

Vehicles suspected of being subject to removal from a highway after being left unattended for 24 hours shall be marked and noted on the Bainbridge Island Police Department Marked Vehicle Card. No case number is required at this time (RCW 46.55.010(14)).

A notification sticker shall be applied in a visible location and a visible chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. Any deviation in markings shall be noted on the Marked Vehicle Card (RCW 46.55.085(1)).

All Marked Vehicle Cards shall be submitted to the Support Services Division for computer data entry.

If a marked vehicle has been moved or the markings have been removed during a 24-hour investigation period, the vehicle shall be re-marked for another 24-hour period and a Marked Vehicle Card completed and forwarded to the Support Services Division.

507.2.1 MARKED VEHICLE FILE

The Support Services Division shall be responsible for maintaining a file for all Marked Vehicle Cards.

Parking Control Officers assigned to the Administrative Division shall be responsible for the follow up investigation of all 24-hour unauthorized vehicle violations noted on the Marked Vehicle Cards. If a marked vehicle has current Washington registration plates, the Parking Control Officers shall check the records to learn the identity of the last owner of record. The Parking Control Officers shall make a reasonable effort to contact the owner by telephone and provide notice that if the vehicle is not removed within twenty-four hours from the time the sticker was attached, the vehicle may be taken into custody and stored at the owner's expense (RCW 46.55.085(2)).

507.2.2 VEHICLE STORAGE

An officer may store any vehicle not removed 24 hours after marking (RCW 46.55.085(3)).

The officer authorizing the storage of the vehicle shall complete a uniform impound authorization and inventory form. The completed form shall be submitted to the Senior Police Clerk immediately following the storage of the vehicle (RCW 46.55.075(2)).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Vehicle Seizure and Forfeiture

508.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure and forfeiture of vehicles associated with the arrest of subjects for driving under the influence (RCW 46.61.502) or physical control of a vehicle while under the influence (RCW 46.61.504).

508.2 SUSPENSION OF WASHINGTON DRIVER LICENSES

RCW 46.61.5058 provides for the forfeiture of any vehicle when the driver of such vehicle has been arrested for driving under the influence or physical control of a vehicle while under the influence, if such person has a prior offense within seven years as defined in RCW 46.61.5055.

508.3 VEHICLE SEIZURE PROCEDURES

When an officer arrests a subject for driving under the influence (RCW 46.61.502) or physical control of a vehicle while under the influence (RCW 46.61.504), the officer may initiate steps to seize the arrestee's vehicle under the following circumstances:

(a) The arrestee has a prior offense within seven years as defined in RCW 46.61.5055,

(b) The arrestee must be provided with a department form to notify the arrestee, in writing, that it is unlawful to transfer, sell or encumber in any way the subject's interest in the vehicle in which they were driving or had physical control when the violation occurred, and

(c) The vehicle is not a rental (RCW 46.61.5058(1)(b)).

The vehicle should be impounded as provided under the authority of RCW 46.55.113(1).

508.3.1 PHYSICAL SEIZURE OF VEHICLE

Physical seizure of the vehicle shall occur only upon the following circumstances:

(a) Upon conviction of either driving under the influence or physical control of a vehicle while driving under the influence where the person convicted has a prior offense within seven years as defined in RCW 46.61.5055 and the person driving has a financial interest in the vehicle.

(b) Upon a court order.

(c) If there is reasonable cause to believe that the vehicle subject to seizure has been the subject of a prior judgment in favor of the state in a forfeiture proceeding, the officer may seize the vehicle immediately.

Any vehicle that is seized pursuant to any of the above subsections should immediately be impounded and held pending further court action (RCW 46.61.5058(3)).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

508.4 VEHICLE FORFEITURE

It is the policy of the Bainbridge Island Police Department to initiate forfeiture proceedings on all vehicles seized pursuant to RCW 46.61.5058.

Within fifteen days after vehicle seizure, the legal owner of the seized vehicle shall be notified of the seizure and intended forfeiture. Such notification shall be accomplished in writing to the last known address of the legal owner by certified mail with a return of service requested, or any other form of notification required by court order (RCW 46.61.5058(4)).

508.4.1 FORFEITURE HEARING

Persons notified of seizure have forty-five days to respond. Upon written response, such persons shall have the opportunity to be heard as to the claim or right (RCW 46.61.5058(6)).

(a) The following procedure shall apply in such cases:

1. Persons requesting a forfeiture hearing must complete and sign an Bainbridge Island Police Department Forfeiture Request Form;
2. All hearings shall be scheduled and conducted in a timely fashion.
3. The hearing officer(s) shall be designated by the Chief of Police.
4. The decision of the hearing officer shall be considered final.

(b) The owner of the seized vehicle may, through his/her initiation and legal process, choose to remove the hearing to court.

(c) The vehicle shall be considered forfeited under the following circumstances:

1. If, forty-five days after the seizure, no person has notified the Bainbridge Island Police Department of a claim of ownership or right to the vehicle.
2. After a hearing officer has determined that the vehicle was lawfully seized and is subject to forfeit.
3. A court of local jurisdiction has determined that the vehicle was lawfully seized and is subject to forfeit.

(d) In any case where it is determined that the vehicle is not subject to forfeit, it shall be immediately returned to the legal owner.

508.5 PROCEDURES FOLLOWING FORFEITURE

Vehicles that have been lawfully seized and through forfeit the ownership is transferred to the Bainbridge Island Police Department may be sold or retained for official use provided that all bona fide security interests to the vehicle are first satisfied (RCW 46.61.5058(7)). The following procedure shall apply after vehicles are legally forfeited to the Bainbridge Island Police Department:

(a) The Supervisor or his/her designee shall determine the disposition of all vehicles legally forfeited to the Bainbridge Island Police Department. Such disposition shall be

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

determined based on vehicle value, existing security interest, and the needs of the Department.

(b) The value of the vehicle is the sale price, or if retained, the fair market value of the vehicle at the time of the seizure (RCW 46.61.5058(14)).

(c) A record of the forfeited vehicle shall be maintained. The record shall indicate the prior owner's information, if known, a description of the vehicle, the disposition of the vehicle, its value at time of seizure and the amount of proceeds realized from disposition of the vehicle (RCW 46.61.5058(8)).

1. Such records shall be maintained for at least seven years (RCW 46.61.5058(9)).

(d) A copy of the records of all forfeited vehicles shall be filed with the state treasurer each calendar quarter (RCW 46.61.5058(10)).

(e) By January 31st of each year, ten percent of the net proceeds of vehicles forfeited during the preceding calendar year shall be remitted to the state treasurer (RCW 46.61.5058(12)(13)).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Employee Involved Collisions

509.1 PURPOSE AND SCOPE

The contents of this policy is to give guidance and direction to members of the Bainbridge Island Police Department when involved in a collision while driving a City-owned or leased vehicle.

509.2 POLICY

All collisions involving police department employees will be thoroughly investigated to ensure the facts and circumstances of the collision are documented, regardless of the degree of damage, injury, or death.

For the purpose of this policy, "collision" shall mean a vehicle unintentionally impacts, or is impacted by, another vehicle or object (including striking or running over animals, objects, terrain, or curbs) which causes damage to the vehicle or the object.

If the impact is intended, (P.I.T. or intentional use of a vehicle as deadly force), the impact will not be considered a collision. Intended vehicle impacts will be fully investigated as uses of force, pursuit interventions, or as appropriate under the circumstances.

509.3 RESPONSIBILITIES

Employees involved in a collision while on-duty or driving a City owned or leased vehicle will notify CenCom of the collision and its location and request aid for any injured persons. If the collision does not involve another motor vehicle or injured person the employee may immediately contact their supervisor in lieu of CENCOM.

A supervisor shall respond to the scene of the collision unless distance or other exigent duties prevent the supervisor from responding.The supervisor will facilitate reporting and documentation of the incident including photos of the scene.

509.4 COLLISIONS OUTSIDE THE CITY

Any member of the department involved in a traffic collision while on-duty or operating a City owned or leased vehicle outside the City limits shall, by the quickest means possible, notify the appropriate law enforcement agency to investigate the collision.

The employees will notify their supervisor as soon as possible (preferably while still at the scene) of the collision and advise them of the circumstances surrounding the collision.The employee will also complete the necessary reports upon return to the city.

Employees should immediately contact the supervisor to report any collision occurring at home on private property, whether the city vehicle was occupied or not.

509.5 INVESTIGATING AGENCY

The Washington State Patrol, or another law enforcement agency, shall investigate all collisions involving department employees or city officials meeting the accident reporting threshold as

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

established by R.C.W.46.52.030. Collisions not meeting the accident reporting threshold as established by R.C.W.46.52.030 may be investigated by the Bainbridge Island Police Department with command staff approval.

509.6 COLLISION REPORTS

A SECTOR or Washington State Collision Report should be completed on all employee involved collisions resulting in injury or damage to property which meets the accident reporting threshold as established by the Chief of the Washington State Patrol (R.C.W. 46.52.030).

An incident report, including a diagram and photographs, may be taken in lieu of a traffic collision report when the collision does not meet the accident reporting threshold established by R.C.W. 46.52.030. Collision damage to unattended City vehicles shall be documented as appropriate for the location and circumstances (amount of damage, hit & run, etc.).

Copies of all reports are distributed to the Deputy Chief for review and forwarded to the Chief of Police.

509.7 OTHER REQUIRED REPORTS

A Damage to City Property Report is required for all employee involved collisions.

509.8 COLLISION REVIEW BOARD

Collisions which cause vehicle or property damage or injuries and involve Police Department employees operating City or City-leased vehicles will be reviewed by the Collision Review Board.

The CRB will also review “driving incidents” that are not collisions as defined by Policy Manual 509.2, but where careless or negligent vehicle operation resulted in delayed response or immobilized or unserviceable vehicles. The Chief of Police may propose corrective action or discipline in accordance with the provisions of the Policy Manual.

The CRB collision review will be conducted within the following parameters:

(a) The amount of damage or cost of repair is not a determining factor in review of collisions. All collisions are subject to review.

(b) Properly parked police vehicles that are damaged by another vehicle will not normally be the subject of review.

(c) Normal "wear and tear" damage (i.e. minor scratches, rub marks or stone chips) is not reviewed by the CRB.

(d) Collisions occurring while the vehicle is being operated as an emergency vehicle, including vehicle pursuits, are subject to review.

The Collision Review Board (CRB) will be composed of the following members:

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(a) Deputy Chief

(b) Sergeant

(c) Officer

The Deputy Chief will select the sergeant and officer members of the CRB. All members of the CRB have equal voting authority. All investigative reports and evidence regarding the circumstances surrounding the collision will be reviewed by CRB members. Collisions that may be the subject of a criminal action are not reviewed by the CRB until the matter is closed.

The Deputy Chief will ensure the investigative package includes (if applicable):

(a) A case number.

(b) Estimated cost of damage to all vehicles and/or involved structures.

(c) Forms that are completed properly.

(d) Photographs.

(e) Reports.

(f) Diagrams.

(g) Witness statements.

(h) Any other relevant evidence.

After all pertinent reports, evidence and details have been reviewed, the CRB will determine the following:

(a) Was the collision investigation adequate and complete?

(b) Was the collision preventable or non-preventable?

1. Non-preventable: Any collision where the employee was following department policy, driving in a legally appropriate manner, exercising due caution, and using proper defensive actions but the collision occurred anyway through no fault of the employee.

2. Preventable: Any vehicle collision which was avoidable had the driver used prudent caution, defensive driving and/or followed department policies, procedures, rules and regulations. Preventable collisions include those instances where the driver failed to recognize hazardous conditions, including roadway conditions, failed to take appropriate action to maintain control of the vehicle or when they failed to drive within the confines of their personal capabilities or the limitations imposed by each vehicle's design and handling characteristics.

Following review of the collision, the Deputy Chief will forward all investigative material and the CRB findings to the Chief of Police for disposition. The Chief of Police will determine the appropriate action.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Chapter 6 - Investigation Operations

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

When assigned to a case for initial or follow-up investigation, detectives shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.

600.2 MODIFICATION OF CHARGES FILED

Employees are not authorized to recommend to the County Prosecutor, City Attorney, or to any other official of the court that charges on a pending case be altered or the case dismissed. In all cases resulting in court prosecution, any request to modify the charges filed or to recommend dismissal of charges in a pending case shall be made to the County Prosecutor's Office or City Attorney's Office only as authorized by the Chief of Police.

600.3 CONSTITUTIONAL MATTERS

All employees of the Bainbridge Island Police Department shall follow all United States and Washington State Constitutional requirements pertaining to custodial situations; including, but not limited to, search and seizure, access to counsel and interview and interrogation.

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Any custodial interrogation of a person who is suspected of having committed any violent felony offense should be electronically recorded (audio/video or both as available) in its entirety as otherwise allowed by law. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Officers should also consider electronically recording a custodial interrogation, or any investigative interview, for any other offense when the officer reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of an interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Detectives supervisor. Copies of recorded interrogations or interviews may be made in the same or different format provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes.

Officers should continue to prepare written summaries of custodial questioning and investigative interviews and continue to obtain written statements from suspects when applicable.

600.5 ARRESTS BY PRIVATE PERSONS

Private persons may make a common law arrest for crimes constituting a breach of the peace or may detain a person under the authority of RCW 9A.16.020 (felonies, retail theft, etc.) Any officer presented with a private person wishing to make an arrest must determine whether there is probable cause to believe that such an arrest would be lawful.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(a) Should any officer determine that there is no probable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.

2. Absent probable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever an officer determines that there is probable cause to believe that a private person's arrest is lawful, the officer shall take a written statement from the person who has made the arrest. In addition, the officer may exercise one of the following options:

1. Take the individual into physical custody for booking.

2. Release the individual subsequent to the issuance of a citation for the individual to appear in the appropriate court.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Asset Forfeiture

601.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Bainbridge Island Police Department seizes property for forfeiture or when the Bainbridge Island Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Property subject to forfeiture - Generally includes, but is not limited to:

(a) Firearms that were carried, possessed or sold illegally (RCW 9.41.098).

(b) Devices, profits, proceeds, associated equipment and conveyances related to illegal gambling (RCW 9.46.231).

(c) Interests, proceeds, etc. related to organized crime (RCW 9A.82.060), criminal profiteering (RCW 9A.82.080), human trafficking (RCW 9A.40.100), commercial sexual abuse of a minor (RCW 9.68A.100) or promoting prostitution (RCW 9A.88.070) (RCW 9A.82.100).

(d) Proceeds traceable to or derived from money laundering (RCW 9A.83.020; RCW 9A.83.030).

(e) Property acquired or maintained in relation to commercial sexual abuse of a minor (RCW 9.68A.100), promoting commercial sexual abuse of a minor (RCW 9.68A.101) or promoting prostitution in the first degree (RCW 9A.88.070), and conveyances used to facilitate these offenses (RCW 9A.88.150).

(f) Personal property, money, a vehicle, etc. that was used to commit a felony or was acquired through the commission of a felony not covered under another forfeiture statute (RCW 10.105.010).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(g) Personal property, money, a vehicle, etc. that was acquired through the commission of a crime involving theft, trafficking or unlawful possession of commercial metal property, or facilitating such crimes (RCW 19.290.230).

(h) Conveyances, including aircraft, vehicles or vessels, used for the violation of the Uniform Controlled Substances Act and proceeds from these violations (money, real property, etc.) (RCW 69.50.505).

(i) Boats, vehicles, gear, etc. used for poaching/wildlife crimes (RCW 77.15.070).

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

601.2 POLICY

The Bainbridge Island Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Bainbridge Island Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

601.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

601.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

(a) Real or personal property subject to forfeiture identified in a court order authorizing seizure.

(b) Property subject to forfeiture without a court order when the property is lawfully seized incident to an arrest, the service of a search warrant or the service of an administrative inspection warrant.

(c) Property subject to forfeiture can also be seized without a court order when:

1. There is probable cause to believe that the property was used or is intended to be used for illegal gambling (RCW 9.46.231).

2. There is probable cause to believe that the property was used or is intended to be used for the commercial sexual abuse of a minor (RCW 9.68A.100; RCW 9. 68A.101) or promoting prostitution in the first degree (RCW 9A.88.070) (RCW 9A.88.150).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

3. There is probable cause to believe that the property was used or is intended to be used in the commission of any felony (RCW 10.105.010). See also separate statutes regarding seizures for felonies involving commercial metal, “bootlegging,” criminal profiteering or money laundering (RCW 19.290.230; RCW 66.32.020; RCW 9A.82.100; RCW 9A.83.030).
4. There is probable cause to believe that the property was used or is intended to be used in violation of the Uniform Controlled Substances Act (RCW 69.50.505).
5. There is probable cause to believe that the property was used or is intended to be used for poaching/wildlife crimes (RCW 77.15.070).

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

Whenever practicable, a court order for seizure prior to making a seizure is the preferred method.

601.3.2 PROPERTY NOT SUBJECT TO SEIZURE
The following property should not be seized for forfeiture:

(a) Cash and property that does not meet the forfeiture counsel’s current minimum forfeiture thresholds should not be seized.

(b) Property from an “innocent owner,” or a person who had no knowledge of the offense or who did not consent to the property’s use.

(c) No vehicle or other conveyance based on a misdemeanor involving marijuana (RCW 69.50.505).

(d) Vehicles/conveyances that would be subject to forfeiture if more than 10 days have elapsed since the owner’s arrest and no court order has been issued (RCW 9.46.231; RCW 9A.88.150; RCW 69.50.505).

601.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

(a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.

(b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, “Seized Subject to Forfeiture.” Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

601.5 MAINTAINING SEIZED PROPERTY

The Property and Evidence Supervisor is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

(d) Property received for forfeiture is not used unless the forfeiture action has been completed.

601.6 FORFEITURE REVIEWER

The Chief of Police will appoint a forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

(a) Remaining familiar with forfeiture laws, particularly those cited in this policy and the forfeiture policies of the forfeiture counsel.

(b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.

(c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.

(e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:

1. Names and contact information for all relevant persons and law enforcement officers involved.
2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
3. A space for the signature of the person from whom cash or property is being seized.
4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.

(g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Departmental Directives. The training should cover this policy and address any relevant statutory changes and court decisions.

(h) Reviewing each asset forfeiture case to ensure that:

1. Written documentation of the seizure and the items seized is in the case file.
2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property.
   (a) Generally, 15 days' notice. (Gambling RCW 9.46.231; Money laundering RCW 9A.83.030; Child prostitution RCW 9A.88.150; Felonies RCW 10.105.010; Commercial metal RCW 19.290.230; Controlled substances RCW 69.50.505; Fish and wildlife enforcement RCW 77.15.070).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(b) Generally, 10 days' notice for conveyances. (Gambling RCW 9.46.231; Child prostitution RCW 9A.88.150; Controlled substances RCW 69.50.505).

4. Property is promptly released to those entitled to its return.

5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.

6. Any cash received is deposited with the fiscal agent.

7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.

8. Current minimum forfeiture thresholds are communicated appropriately to officers.

9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

(i) Ensuring that a written plan is available that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.

(j) Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.

(k) Upon completion of any forfeiture process, ensuring that no property is retained by the Bainbridge Island Police Department unless the Chief of Police authorizes in writing the retention of the property for official use.

(l) Addressing any landlord claims for reimbursement through forfeited assets or damage to property (RCW 9.46.231; RCW 69.50.505).

(m) Compensating victims of commercial metal crimes within 120 days (RCW 19.290.230).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives.

601.7 DISPOSITION OF PROPERTY

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Chief of Police has given written authorization to retain the property for official use. No department member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Asset Forfeiture

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Confidential Informants

602.1 PURPOSE AND SCOPE

In many instances, a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the Bainbridge Island Police Department and the officers using informants, it shall be the policy of this department to take appropriate precautions by developing sound informant policies.

602.2 INFORMANT FILE SYSTEM

The Detectives Supervisor or his/her designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

602.2.1 FILE SYSTEM PROCEDURE

Each file shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and include the following information:

(a) Informant's name and/or aliases.

(b) Date of birth.

(c) Physical description: height, weight, hair color, eye color, race, sex, scars, tattoos or other distinguishing features.

(d) Current home address and telephone numbers.

(e) Current employer(s), position, address(es) and telephone numbers.

(f) Vehicles owned and registration information.

(g) Places frequented.

(h) Informant's photograph.

(i) Briefs of information provided by the informant and his/her subsequent reliability. If an informant is determined to be unreliable, the informant's file is marked as "Unreliable".

(j) Name of officer initiating use of the informant.

(k) Signed informant agreement.

(l) Update on active or inactive status of informant.

(m) WACIC and NCIC III Check

The informant files shall be maintained in a secure area within the Detectives office. These files shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant, and minimize incidents that could be used to question the integrity of detectives or the reliability of the confidential informant.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Access to the informant files shall be restricted to the Chief of Police, the Detectives and the Detectives Supervisor.

602.3 USE OF INFORMANTS

Before using an individual as a confidential informant, an officer must receive approval from the Detectives Supervisor. The officer shall compile sufficient information through a background investigation in order to determine the reliability, credibility and suitability, of the individual, including age, maturity and risk of physical harm.

602.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS

All confidential informants are required to sign and abide by the provisions of the departmental Informant Agreement. The officer using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved in writing by the detectives supervisor before being finalized with the confidential informant.

602.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No member of the Bainbridge Island Police Department shall knowingly maintain a social relationship with a confidential informant while off duty, or otherwise become intimately involved with a confidential informant. Members of the Bainbridge Island Police Department shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain officer/informant integrity, the following must be adhered to:

(a) Officers shall not withhold the identity of an informant from their superiors.

(b) Identities of informants shall otherwise be kept confidential.

(c) Criminal activity by informants shall not be condoned.

(d) Informants shall be told they are not acting as police officers, employees or agents of the Bainbridge Island Police Department, and that they shall not represent themselves as such.

(e) The relationship between officers and informants shall always be ethical and professional.

(f) Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of the Detectives supervisor.

(g) Officers shall not meet with informants of the opposite sex in a private place unless accompanied by at least one additional officer or with prior approval of the Detectives Supervisor. Officers may meet informants of the opposite sex alone in an occupied public place such as a restaurant. When contacting informants of either sex for the

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

purpose of making payments officers shall arrange for the presence of another officer, whenever possible.

(h) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

602.5 NARCOTICS INFORMANT PAYMENT PROCEDURES

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

602.5.1 PAYMENT PROCEDURE

The amount of funds to be paid to any confidential informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case.
- The significance, value or effect on crime.
- The amount of assets seized.
- The informant's previous criminal activity.
- The level of risk taken by the informant.

The Detectives Supervisor will discuss the above factors with the Chief of Police and arrive at a recommended level of payment that will be subject to the approval of the Chief of Police.

602.5.2 CASH DISBURSEMENT POLICY

The following establishes a cash disbursement policy for confidential informants. No informant will be told in advance or given an exact amount or percentage for services rendered.

(a) When both assets and drugs have been seized, the confidential informant shall receive payment based upon overall value and the purchase price of the drugs seized not to exceed a maximum of $10,000.

(b) A confidential informant may receive a cash amount for each quantity of drugs seized whether or not assets are also seized, not to exceed a maximum of $5,000.

602.5.3 PAYMENT PROCESS

A check shall be requested, payable to the case agent. The case number shall be recorded justifying the payment. The Chief of Police and the City Manager's signatures are required for disbursements over $500. Payments $500 and under may be paid in cash out of the Detectives Buy/Expense Fund. The Detectives Supervisor will be required to sign the voucher for amounts under $500.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

To complete the transaction with the confidential informant the case agent shall have the confidential informant initial the cash transfer form. The confidential informant will sign the form indicating the amount received, the date, and that the confidential informant is receiving funds in payment for information voluntarily rendered in the case. The Bainbridge Island Police Department case number shall be recorded on the cash transfer form. The form will be kept in the confidential informant's file.

If the payment amount exceeds $500.00, a complete written statement of the confidential informant's involvement in the case shall be placed in the confidential informant's file. This statement shall be signed by the confidential informant verifying the statement as a true summary of his/her actions in the case(s).

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income.

602.5.4 REPORTING OF PAYMENTS

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the IRS as income. If funds distributed exceed $600 in any reporting year, the confidential informant should be provided IRS Form 1099 (26 CFR § 1.6041-1). If such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant (26 CFR § 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the confidential informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the confidential informant's file.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Eyewitness Identification

603.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

603.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

603.2 POLICY

The Bainbridge Island Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

603.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

603.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Detectives supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.

(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

(j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

603.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

603.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

603.7 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect.

If possible, the member presenting a lineup to a witness should not know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup to a witness should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

603.8 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect’s face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness’s opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.

(e) The person who is the subject of the show-up should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

(g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Brady Material Disclosure

604.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

604.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the Bainbridge Island Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

604.2 POLICY

The Bainbridge Island Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Bainbridge Island Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

604.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files); the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

604.4 DISCLOSURE OF PERSONNEL INFORMATION

If a member of this department is a material witness in a criminal case, a person or persons designated by the Chief of Police shall examine the personnel file and/or internal affairs file of the officer to determine whether they contain *Brady* information. If *Brady* information is located, the following procedure shall apply:

(a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member shall be notified of the potential presence of *Brady* material in the member's personnel file.

(b) The prosecuting attorney or department counsel should be requested to file a motion in order to initiate an in camera review by the court.

1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.

(c) The Custodian of Records shall accompany all relevant personnel files during any in camera inspection to address any issues or questions raised by the court.

(d) If the court determines that there is relevant *Brady* material contained in the files, only that material ordered released will be copied and released to the parties filing the motion.

1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.

(e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

The person or persons designated by the Chief of Police should periodically examine the personnel files and/or internal affairs files of all officers who may be material witnesses in criminal cases to determine whether they contain *Brady* information. The obligation to provide *Brady* information is ongoing. If any new *Brady* information is identified, the prosecuting attorney should be notified.

604.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty, or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy (RCW 10.93.150).

604.6 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Operations Planning and Deconfliction

605.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

605.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

605.2 POLICY

It is the policy of the Bainbridge Island Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

605.3 OPERATIONS DIRECTOR

The Chief of Police will designate a member of this department to be the operations director.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

605.4 RISK ASSESSMENT

605.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.

(b) Maps of the location.

(c) Diagrams of any property and the interior of any buildings that are involved.

(d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).

(e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).

(f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).

(g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).

(h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

605.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

605.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

(a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:

1. Special Weapons and Tactics Team (SWAT)
2. Additional personnel
3. Outside agency assistance
4. Special equipment
5. Medical personnel
6. Persons trained in negotiation
7. Additional surveillance

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

8. Canines
9. Property and Evidence or analytical personnel to assist with cataloguing seizures
10. Forensic specialists
11. Specialized mapping for larger or complex locations

(b) Contact the appropriate department members or other agencies as warranted to begin preparation.

(c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.

(d) Coordinate the actual operation.

605.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

605.6 OPERATIONS PLAN

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

(a) Operation goals, objectives and strategies.

(b) Operation location and people:

1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces,

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids

3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)

4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children

(c) Information from the risk assessment form by attaching a completed copy in the operational plan.

1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.

(d) Participants and their roles.

1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.

2. How all participants will be identified as law enforcement.

(e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.

(f) Identification of all communications channels and call-signs.

(g) Use of force issues.

(h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).

(i) Plans for detaining people who are not under arrest.

(j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control Procedures policies.

(k) Communications plan

(l) Responsibilities for writing, collecting, reviewing and approving reports.

605.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

605.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.

(b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.

(c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.

1. Exceptions may be made by the operations director for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.

(d) The briefing should include details of the communications plan.

1. It is the responsibility of the operations director to ensure that CenCom is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.

2. If the radio channel needs to be monitored by CenCom, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.

3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

605.8 SWAT PARTICIPATION

If the operations director determines that SWAT participation is appropriate, the director and the SWAT supervisor shall work together to develop a written plan. The SWAT supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the SWAT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

605.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

605.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SWAT debriefing.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

605.11 TRAINING

The Deputy Chief should ensure officers and SWAT team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Sexual Assault Investigations

606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in RCW 9A.44.010 et seq. and RCW 9A.64.020.

Sexual Assault Investigations and Victim Services (SAIVS) - A multidisciplinary team generally comprised of advocates, law enforcement officers, the Coroner's Office, sexual assault nurse examiners (SANEs), and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

606.2 POLICY

It is the policy of the Bainbridge Island Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

606.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies, and medical personnel as needed.

(e) Provide referrals to therapy services, victim advocates and support for the victim.

(f) Participate in or coordinate with SAIVS or other multidisciplinary investigative teams as applicable.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

606.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

606.5 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to CenCom, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of the SAIVS should be included in the initial victim interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded should be included in a report.

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim Witness Assistance Policy.

606.5.1 POLYGRAPH EXAMINATION OF VICTIM

Victims of alleged sex offenses shall not be asked or required to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of the offense. The refusal of a victim to submit to a polygraph or other truth telling device shall not by itself prevent the investigation, charging or prosecution of the offense (RCW 10.58.038; 34 USC § 10451).

606.5.2 VICTIM PERSONAL REPRESENTATIVE

A victim may choose a personal representative to accompany him/her to the hospital or other health care facility and to any proceeding concerning the alleged sexual assault, including interviews. A personal representative includes a friend, relative, attorney, employee or volunteer from a community sexual assault program or specialized treatment service provider (RCW 70.125.030; RCW 70.125.060).

606.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SAIVS member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing. Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

606.6.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating sexual assaults or handling related evidence are required to do the following:

(a) Sexual assault examination kits shall be submitted to an approved lab within 30 days with a request for testing prioritization when either of the following conditions are met (RCW 70.125.090):

1. A related report or complaint is received by the Department alleging a sexual assault or other crime has occurred and the victim has consented to the submission.
2. The victim is an unemancipated person 17 years or age or younger.

(b) Facilitate the collection of an unreported sexual assault kit from a collecting entity when this department has jurisdiction to investigate any related criminal allegations (Chapter 26 § 3, 2020 Laws).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

606.6.2 STATEWIDE SEXUAL ASSAULT KIT TRACKING SYSTEM

Members investigating a sexual assault should ensure that that biological evidence is tracked appropriately in the statewide sexual assault kit tracking system (RCW 35.21.195; RCW 36.28.200).

606.6.3 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable.

A SAIVS member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim Witness Assistance Policy.

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

606.7 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Detectives supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

606.8 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Detectives supervisor.

Classification of a sexual assault case as unfounded requires the Detectives supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

606.9 CASE REVIEW

The Detectives supervisor should ensure cases are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SAIVS and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

606.9.1 RETENTION

The Detectives supervisor should ensure evidence, investigatory reports, and records related to violent or sex offenses are appropriately marked for retention under RCW 5.70.010.

606.10 TRAINING

Subject to available resources, periodic training should be provided to:

(a) Members who are first responders. Training should include:

1. Initial response to sexual assaults.
2. Legal issues.
3. Victim advocacy.
4. Victim’s response to trauma.

(b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

1. Interviewing sexual assault victims.
2. SAIVS.
3. Medical and legal aspects of sexual assault investigations.
4. Serial crimes investigations.
5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
6. Techniques for communicating with victims to minimize trauma.
7. The course provided by the Washington State Criminal Justice Training Commission on investigating and prosecuting sexual assault cases developed pursuant to RCW 43.101.270.
8. Proper protocol for the use of the statewide sexual assault kit tracking system (RCW 35.21.195; RCW 36.28.200).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Warrant Service

607.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

607.2 POLICY

It is the policy of the Bainbridge Island Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

607.3 RISK ASSESSMENT

The Deputy Chief or designee (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service

The Deputy Chief or designee will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

607.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

607.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

607.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

(a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime execution.

(b) A clear explanation of the affiant's training, experience and relevant education.

(c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.

(d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.

(e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.

(f) A specific description of the location to be searched, including photographs of the location, if reasonably available.

(g) A sufficient description of the items to be seized.

(h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

607.7 HIGH-RISK WARRANT SERVICE

The deputy chief or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

(a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

(b) The warrant service is video-recorded when practicable and reasonable to do so. The warrant service may be audio-recorded when announcing to everyone present that

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

the conversation is going to be recorded and said announcement is recorded except if allowed by the warrant (RCW 9.73.030).

(c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.

(d) Reasonable efforts are made during the search to maintain or restore the condition of the location.

(e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.

(f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).

(g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.

(h) A copy of the search warrant is left at the location.

(i) The condition of the property is documented with video recording or photographs after the search.

607.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

607.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

607.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The deputy chief will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the deputy chief. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Bainbridge Island Police Department are utilized appropriately. Any concerns regarding the requested use of Bainbridge Island Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Shift Sergeant should assume this role.

If officers intend to serve a warrant outside Bainbridge Island Police Department jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Bainbridge Island Police Department when assisting outside agencies or serving a warrant outside Bainbridge Island Police Department jurisdiction.

607.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

607.12 TRAINING

The Deputy Chief should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Chapter 7 - Equipment

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

(a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.

(b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

(e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.2.1 ACCOUNTABILITY OF DEPARTMENT PROPERTY

All City purchased property will be accounted for by the Department. Responsible Officers (RO) will be assigned in writing to maintain accountability of designated groups or types of property, i.e. firearms, radios, vehicles, etc.. ROs will ensure that all property issued to individual officers is sub-signed by the Issued Officer who accepts the property. Serialized property shall be accounted for by serial number when applicable. Non-serialized property may be assigned an RO generated serial number or bar code for accountability purposes.

700.2.2 INVENTORY OF DEPARTMENT PROPERTY

ROs will conduct a visual inspection and inventory count of all property assigned, including property sub-signed by Issued Officers, upon receipt of property, annually, and when directed by the Chief.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

700.2.3 SURPLUS OR UNSERVICEABLE DEPARTMENT PROPERTY

Annually, ROs will identify to the Chief any property that is unserviceable or surplus. The Department will submit the list of surplus or unserviceable property to the finance department for disposition annually. Property considered consumable shall be inventoried by the RO upon purchase and annually in order to track annual rate of consumption. Property should not be donated or transferred outside the department without the Chief's approval and coordination through the finance department.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Supervisor, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Finance Department.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Supervisorand Chief of Police.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Vehicle Use

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Bainbridge Island Police Department to provide assigned take-home vehicles.

701.2 POLICY

The Bainbridge Island Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

701.3 USE OF VEHICLES

City-owned vehicles shall only be used for official business and, when approved, for commuting to allow members to respond to department-related business outside their regular work hours.

Members shall not operate City-owned vehicles at any time when impaired by drugs and/or alcohol.

Any member operating a vehicle equipped with a two-way communications radio, MCT and/or a GPS device shall ensure the devices are on and set to an audible volume whenever the vehicle is in operation.

701.3.1 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

701.3.2 AUTHORIZED PASSENGERS
Members operating City-owned vehicles shall not permit persons other than City members or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as a passenger in their vehicle.

701.3.3 PARKING
Except when responding to an emergency or other urgent official business requires otherwise, members driving City-owned vehicles should obey all parking regulations at all times.

City-owned vehicles should be parked in their assigned stalls. Members shall not park privately owned vehicles in any stall assigned to City-owned vehicles or in any other areas of the parking lot that are not designated as a parking space, unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

701.3.4 INSPECTIONS
The interior of any vehicle that has been used to transport any person other than a member should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting officer shall search all areas of the vehicle that are accessible by the person before and after the person is transported.

701.3.5 AUTHORIZED PASSENGERS
Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

701.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES
Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

701.5 KEYS AND SECURITY
All uniformed field members approved to operate marked patrol vehicles should be issued a copy of the unit key as part of their initial equipment distribution upon hiring. Officers shall not duplicate keys.

Members assigned a permanent vehicle should be issued keys for their assigned vehicle.

The loss of any key shall be promptly reported in writing through the member's chain of command.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

701.6 DAMAGE, ABUSE, AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format, and forwarded to the Shift Sergeant. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

701.7 TOLL ROAD USAGE

Authorized on-duty emergency vehicles are exempt from incurring toll road charges. An authorized emergency vehicle is an on-duty vehicle of the Department which is equipped with emergency lights and siren and used to respond to emergency calls (WAC 468-270-030; WAC 468-270-085; WAC 468-270-105).

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

(a) Members operating department vehicles that are not authorized emergency vehicles shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the City for any toll fees incurred in the course of official business.

(b) Members in unauthorized vehicles passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Supervisor within five working days explaining the circumstances.

701.7.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or removal of any equipment, decals, stickers, or accessories shall be made to the vehicle without written permission from the Chief of Police, or his designee.

701.8 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Cash Handling, Security and Management

702.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

702.2 POLICY

It is the policy of the Bainbridge Island Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

702.3 PETTY CASH FUNDS

The Chief of Police shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

702.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

702.5 PETTY CASH AUDITS

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

An audit of each petty cash fund should be completed on a random date, approximately once each year by the Chief of Police the City Finance Department.

702.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Detectives supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

702.7 OTHER CASH HANDLING

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of $1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Chapter 8 - Support Services

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Crime Analysis

800.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data
- Electronic Traffic Information Processing (eTRIP) data

800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Property and Evidence

801.1 PURPOSE AND SCOPE

This policy provides procedures for the proper collection, processing, storage, and security of evidence and other property while maintaining chain of custody.

801.2 DEFINITIONS

Property – Includes all items of evidence, items taken for safekeeping and found property.

Evidence – Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping – Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm.
- Personal property of an arrestee not taken as evidence.
- Property taken for safekeeping under authority of a law.

Found Property – Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

801.3 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence. All evidence must be submitted prior to the end of shift.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking as long as the release is prior to the end of the officers shift. Documentation of the release should, at a minimum, be noted in the CAD.

All property must be handled prior to the end of the officers shift.

801.3.1 PROPERTY SUBMITTAL PROCEDURE

Employees submitting property shall observe the following procedures:

(a) All property and evidence shall be handled and processed according to the department's Property and Evidence Processing/Packaging Manual.

(b) Complete the EvidenceOnQ property form, describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.

(c) All serial numbers or other identifying criteria will be recorded on the property report and will be queried for stolen or ownership status prior to submittal.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(d) Secure property in a submittal locker appropriate for the item in accordance with the packaging manual. When keyed lockers (i.e. exterior temporary lockers) are used to place evidence, the keys will be deposited in the mail drop.

(e) Right of Refusal: Items not properly processed, as determined by the Evidence Technician, will not be accepted in to the custody of the Property Unit. The submitting officer will be notified via Department email to correct any problems with such items. A courtesy copy of these emails will be sent to the employee's supervisor for their information. The item(s) will be placed in a designated refusal locker and the key in a sealed envelope in their inbox.

801.3.2 PROPERTY SUBJECT TO FORFEITURE

Whenever property seized by the Department is subject to forfeiture, specific notification procedures must be followed. It shall be the responsibility of the assigned officer, detective, or the Evidence Technician to ensure that the following notifications are completed.

The owner of the property will be notified of the seizure and intended forfeiture of the seized property within 15 days following the seizure. Notification includes any person having any known right or legal interest in the seized property, including any community property interest. The notice of the seizure may be made by any method authorized by law (RCW 10.105.010).

The notification will include the legal reason for the seizure and information regarding how to appeal the pending forfeiture.

Notification procedures for property seized under Asset Forfeiture (RCW 69.50.505) are detailed in the Asset Forfeiture Policy.

801.3.3 STORAGE OF SURRENDERED FIREARMS

Officers shall accept and store a firearm from any individual who has surrendered firearms under RCW 9.41.800 (Surrender of weapons), the Extreme Risk Protection Order Act, or after being detained under RCW 71.05.150 or RCW 71.05.153. The officer receiving the firearm shall:

(a) Record the individual's name, address, and telephone number.

(b) Record the firearm's serial number.

(c) Record the date that the firearm was accepted for storage.

(d) Prepare a property receipt form and provide a copy to the individual who surrendered the firearm.

1. If the firearm was surrendered pursuant to the Extreme Risk Protection Order Act, the original receipt should be forwarded promptly to the Administrative Supervisor for timely filing with the court (RCW 7.94.090).

The Evidence Technician shall store a firearm accepted pursuant to this policy.

801.3.4 FOUND PROPERTY

Found property surrendered to the Department shall be handled as required by RCW 63.21.050.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

801.4 PROPERTY CONTROL

It is the responsibility of the Evidence Technician to manage and control all property directed to them. Property will be stored, retrieved, released, disposed of, and all changes in custody properly and fully documented according to policies and procedures outlined within this policy.

Each time the Evidence Technician receives property, changes its location in the property room or releases property to another person, he/she shall record this information in the computerized property control system (EvidenceOnQ) to maintain chain of custody.

A bar code label will be generated for each item of property and attached to the item. The system records the movement of every piece of property by date, location, reason and person.

Drugs are weighed using a calibrated scale whenever they enter or leave the property room.

801.4.1 REQUEST FOR LAB ANALYSIS

Request for analysis for items shall be submitted to the Evidence Technician. This request may be made any time after submitting the property.

801.4.2 RELEASE OF PROPERTY

The Bainbridge Island Police Department shall make every effort to return personal property that is in the possession of this department when such property is not considered evidence of a crime or is no longer needed as evidence. In such cases, the Evidence Technician shall make a reasonable attempt to identify the lawful owner and provide written notice via US Mail within 15 days after the property is authorized to be released.

If the property remains unclaimed beyond sixty days after the initial written notice to the property owner, or, in the case of property held as evidence, sixty days from the date when the case has been finally adjudicated and the property has been released as evidence by order of the court, the Department may (RCW 63.32.010; RCW 63.40.010):

(a) At any time thereafter sell the property at public auction to the highest and best bidder for cash in the manner provided by RCW 63.32 or RCW 63.40. The disposition of all proceeds from such auctions shall be accounted for and recorded according to law. (RCW 63.32.030).

(b) Retain the property for the use of the Department subject to giving notice in the manner prescribed in RCW 63.32.020 (or RCW 63.40.020) and the right of the owner, or the owner's legal representative, to reclaim the property within one year after receipt of notice, without compensation for ordinary wear and tear if, in the opinion of the Chief of Police, the property consists of firearms or other items specifically usable in law enforcement work, provided that at the end of each calendar year during which there has been such a retention, the Department shall provide the City's elected body and retain for public inspection a list of such retained items and an estimation of each item's replacement value. At the end of the one-year period any unclaimed firearm shall be disposed of pursuant to RCW 9.41.098(2).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(c) Destroy an item of personal property at the discretion of the Chief of Police if he/she determines that the following circumstances have occurred:

1. The property has no substantial commercial value, or the probable cost of sale exceeds the value of the property; and
2. The item has been unclaimed by any person after notice procedures have been met, as prescribed in this section; and
3. The Chief of Police has determined that the item is unsafe and unable to be made safe for use by any member of the general public.

If the item is not unsafe or illegal to possess or sell, it may, after satisfying the notice requirements as prescribed in RCW 63.32.020, be offered by the Chief of Police to bona fide dealers, in trade for law enforcement equipment. Such equipment shall be treated as retained property for purpose of annual listing requirements of the RCW. Such items may be destroyed at the discretion of the Chief of Police if he/she believes that it has been, or may be used in a manner that is illegal (RCW 63.32.010).

The Evidence Technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property control card, the card shall be forwarded to the Senior Police Clerk for filing with the case. If some items of property have not been released the property card will remain with the Property and Evidence. Upon release, the proper entry shall be documented in the Property Log.

801.4.3 PROPERTY DEPICTING A MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT

No property or material that depicts a minor engaged in sexually explicit conduct shall be copied, photographed, or duplicated. Such material shall remain under the control of this department or the court and shall be made reasonably available for inspection by the parties to a criminal proceeding involving the material. The defendant may only view these materials while in the presence of his/her attorney or an individual appointed by the court either at this department or a neutral facility as approved by the court (RCW 9.68A.001). Any request for inspecting such material should be brought to the attention of the assigned investigator or an investigation supervisor.

801.4.4 RELEASE OF PROPERTY

CONTACTING OWNER / UNCLAIMED PROPERTY

The Bainbridge Island shall make reasonable effort to return personal property that is in the possession of this Department when such property is not considered evidence of a crime or is no longer needed as evidence. In such cases, the Evidence Technician shall make a reasonable attempt to identify and contact the owner via telephone or mail and inform the owner when and where the property can be claimed. (RCW 63.32.010, 63.40.010)

RELEASE TO FINDER

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Property, except that which is illegal for the finder to possess, shall be released to the finder of the item in accordance with the provisions of RCW 63.21 if the rightful owner is unknown or cannot be located; provided that the finder has complied with all the duties imposed by RCW 63.21.

801.4.5 DISPUTED CLAIMS TO PROPERTY
When more than one party claims an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established, such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property. All parties should be advised that their claims are civil. The City Attorney may be consulted to help resolve the disputed claim.

801.4.6 RELEASE OF PERSONAL USE MARIJUANA
In accordance with the Federal Controlled Substances Act (CSA) (21 U.S.C. § 811), marijuana is considered an illegal drug and the transfer will not be facilitated by the Bainbridge Island Police Department property unit without a court order. The marijuana will be destroyed in accordance with Department policy and procedures.

801.5 DISPOSITION OF PROPERTY
All personal property, other than vehicles governed by Chapter 46.52 RCW, not held for evidence in a pending criminal investigation or proceeding, and held for 60 days or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Evidence Technician should request a disposition or status on all property which has been held in excess of 60 days, and for which no disposition has been received from a supervisor or detective (RCW 63.32.010, RCW 63.40.010).

801.5.1 PRESERVATION OF BIOLOGICAL EVIDENCE
Biological evidence shall be retained for a minimum period established by law or the expiration of any sentence imposed related to the evidence, whichever time period is greater.

Biological evidence shall be retained in accordance with (1069) Chapter 221, Laws of 2015, where a sexual assault or violent crime has been committed.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the Prosecutor's Office.

801.5.2 PROPERTY CONVERTED TO DEPARTMENT USE
Property may be converted to Bainbridge Island Police Department use in accordance with RCW 63.32.010 with written authority of the Chief of Police. At the end of each calendar year during which there has been such a retention and conversion of property to Police Department use, the Police Department shall provide the City Council, and retain for public inspection, a list of all retained items and an estimation of each item's replacement value.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

801.6 INSPECTIONS, AUDITS AND INVENTORIES OF THE EVIDENCE

The Public Safety Administrative Supervisor shall arrange for routine and/or unannounced inspections and audits of the property and evidence room to ensure adherence to appropriate policies and procedures. The inspection should examine the following areas:

(a) The property room is maintained in a clean and orderly fashion.

(b) The integrity of the system and evidentiary value of the property is being maintained.

(c) Established procedures are being followed.

(d) Proper accountability procedures are being maintained.

The Deputy Chief may arrange for an unannounced inspection at any time. Additionally, the Washington State Auditor has authority to conduct audits.

A report will be submitted up the chain of command following each inspection. Any deficiencies will be corrected within thirty (30) days, and a report addressing the fixes will accompany the inspection records.

A complete inventory of the property room shall be accomplished at least every other year.

Whenever a new employee is assigned to the property room, or a new Chief of Police is hired, a complete inventory of the property room will be conducted. This inventory will be conducted jointly by the newly assigned employee and the Public Safety Administrative Supervisor to ensure that records are correct and all property is accounted for. Any discrepancies should be recorded prior to the assumption of accountability by the new employee.

801.6.1 PROPERTY AND EVIDENCE ROOM SECURITY

Access to the Bainbridge Island Police Department property room is restricted to authorized Department personnel only. It shall be the responsibility of the property room staff to control all access to the property room.

All property in the custody of the Bainbridge Island Police Department will be stored within designated secure areas. Additional security measures will be taken for storing exceptional, valuable, or sensitive items of property. This includes money, items having a very high monetary value (jewelry, etc.), dangerous drugs, narcotics or weapons.

The property room is accessible only after passing through an alarmed and locked entry.

Only staff assigned to the property room and the Public Safety Administrative Supervisor may enter the property room unescorted.

The Chief of Police and the Detective Sergeant have authorization to enter the property room with an escort and documentation in the access log.

Other persons may enter the property room when they have appropriate business within the unit, only when escorted by staff assigned to the property room or the Public Safety Administrative Supervisor, and documentation in the access log.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

The property room staff shall maintain a log of all non-assigned persons entering the secured area of the property room. Personnel, other than those assigned to the property room, who have legitimate business in the secured area will be required to record their name, the date, time and purpose for entry.

The property room is monitored by an alarm system which is continuously and remotely monitored for unauthorized entry.

The property room is protected from moisture by an air circulation system.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Social Media

802.1 PURPOSE AND SCOPE

The Department endorses the secure use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. This policy establishes this department's position on the utility and management of social media and provides guidance on its management, administration, and oversight. This policy is not meant to address one particular form of social media, rather social media in general, as advances in technology will occur and new tools will emerge.

802.2 POLICY

Social media provides a new and potentially valuable means of assisting the department and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The department also recognizes the role that these tools play in the personal lives of some department personnel. The personal use of social media can have bearing on departmental personnel in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by department personnel.

802.3 DEFINITIONS

Blog: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for "Web log."

Page: The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.

Post: Content an individual shares on a social media site or the act of publishing content on a site.

Profile: Information that a user provides about himself or herself on a social networking site.

Social Media: A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, MySpace), microblogging sites (Twitter, Nixle), photo- and video-sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

Social Networks: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

Web 2.0: The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.

Wiki: Web page(s) that can be edited collaboratively.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

802.4 OFFICIAL USE

The Department personnel will utilize social media in support of the stated department mission, vision and values. Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website. Where possible, the page(s) should link to the department's official website. Social media page(s) shall be designed for increased communications with the City's residence regarding crime prevention, crime solving and public safety.

802.5 PROCEDURES

All department social media sites or pages shall be approved by the chief executive or his or her designee and shall be administered by the department personnel specifically trained and identified to for the purpose of social media management.

Where possible, social media pages shall clearly indicate they are maintained by the department and shall have department contact information prominently displayed.

Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies. Content is subject to public records laws. Relevant records retention schedules apply to social media content. Content must be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.

Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the department. Pages shall clearly indicate that posted comments will be monitored and that the department reserves the right to remove obscenities, off-topic comments, and personal attacks. Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

802.6 DEPARTMENT SANCTIONED USE

Department personnel representing the department via social media outlets shall do the following:

(a) Conduct themselves at all times as representatives of the department and, accordingly, shall adhere to all department standards of conduct and observe conventionally accepted protocols and proper decorum.

(b) Identify themselves as a member of the department.

(c) Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to department training, activities, or work-related assignments without express written permission. Not conduct political activities or private business.

The use of department computers by department personnel to access social media is prohibited without authorization.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Department personnel use of personally owned devices to manage the department's social media activities or in the course of official duties is prohibited without express written permission.

Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

802.6.1 SOCIAL MEDIA FOR INVESTIGATIONS

Social media is a valuable investigative tool when seeking evidence or information about:

(a) missing persons

(b) wanted persons

(c) gang participation

(d) crimes perpetrated online (i.e., cyberbullying, cyberstalking)

(e) photos or videos of a crime posted by a participant or observer

802.6.2 COMMUNITY ENGAGEMENT

Social media can be used for community outreach and engagement by:

(a) Providing crime prevention tips

(b) Offering online-reporting opportunities

(c) Sharing crime maps and data

(d) Soliciting tips about unsolved crimes (i.e., Crimestoppers, text-a-tip).

802.6.3 TIME SENSITIVE NOTIFICATIONS

Social media can be used to make time-sensitive notifications related to:

(a) Road closures

(b) Special events

(c) Weather emergencies

(d) Missing or endangered persons

802.6.4 RECRUITING AND EMPLOYMENT BACKGROUND

Persons seeking employment and volunteer positions use the Internet to search for opportunities, and social media can be a valuable recruitment mechanism. This department has an obligation to include Internet-based content when conducting background investigations of job candidates. The following apply to uses of social media searches during background investigations:

(a) Searches should be conducted by a non-decision maker. Information pertaining to protected classes shall be filtered out prior to sharing any information found online with decision makers.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(b) Persons authorized to search Internet-based content should be deemed as holding a sensitive position.

(c) Search methods shall not involve techniques that are a violation of existing law.

(d) Vetting techniques shall be applied uniformly to all candidates.

(e) Every effort must be made to validate Internet-based information considered during the hiring process.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Records

803.1 PURPOSE AND SCOPE

The Administrative Supervisor shall maintain a Procedure Manual which reflects the procedures being followed by the Senior Police Clerks. Policies and procedures that apply to all employees of this department are contained in this chapter.

803.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Support Services Division by the Senior Police Clerks.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number 09-00001 would be the first new case beginning January 1, 2009.

803.1.2 UNIFORM CRIME REPORTING

The Bainbridge Island Police Department participates in the Uniform Crime Reporting Program (UCR) and/or the National Incident Based Reporting System (NIBRS). The Administrative Supervisor is responsible for ensuring that UCR/NIBRS reports are provided to the Washington Association of Sheriffs and Police Chiefs (WASPC) on a regular basis.

803.2 FILE ACCESS AND SECURITY

All reports including, but not limited to, initial, supplemental, follow-up, evidence, and all reports critical to a case shall be maintained in a secure area within the Senior Police Clerk accessible only to authorized Senior Police Clerk personnel. Access to report files after hours or when records personnel are otherwise not available may be obtained through the Shift Sergeant.

Bainbridge Island Police Department employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

803.2.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from the Support Services Division. Should an original report be needed for any reason, the requesting employee shall first obtain authorization from the Administrative Supervisor. All original reports removed from the Support Services Division shall be noted through the use of an "OUT" card which shall constitute the only authorized manner by which an original report may be removed from the Support Services Division.

803.2.2 RECORDS CONCERNING JUVENILES

The Administrative Supervisor shall be responsible for ensuring that the following files, when involving juveniles, are distinguishable from adult files:

- Photos

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

- Fingerprints
- Booking information
- Any report in which a juvenile is named as a suspect in a crime

Upon receiving notification from the Office of the Governor that a specific juvenile has received a full and unconditional pardon, the Administrative Supervisor shall ensure that all records pertaining to that juvenile are destroyed within 30 days (RCW 13.50.270).

803.3 REQUISITION OF SUPPLIES

All personnel who are in need of supplies not readily available in the supply room shall complete a Purchase Request (Form 512) form available on the network under "Forms" and in the forms drawer. The form shall be approved by a supervisor, the Deputy Chief of Police, and the Chief of Police before being submitted to the supply clerk.

803.4 USE OF A CENTRAL COMPUTERIZED ENFORCEMENT SERVICE SYSTEM (ACCESS)

ACCESS is a computer-controlled communications system located at the WSP Information Technology Division. ACCESS provides service to all the state and national information systems. The Chief of the WSP is vested with the authority to administer all operating phases of ACCESS and the Washington Crime Information Center (WACIC). There are specific requirements for agencies accessing the information in the group of computer systems in ACCESS.

803.4.1 ACCESS USE REQUIREMENTS

No member of the Bainbridge Island Police Department shall operate any of the ACCESS systems without first complying with the training requirements as listed in the ACCESS manual.

803.4.2 ACCESS REQUIREMENTS

As an authorized ACCESS user, the Bainbridge Island Police Department complies with all ACCESS requirements.

It is the responsibility of the Terminal Agency Coordinator (TAC) to ensure that all ACCESS computer and network security requirements are in place and operational.

803.5 OFFICER SAFETY ADVISORIES

A Violent Person File (VPF) database is maintained by the National Crime Information Center (NCIC) and is intended to provide protection to police, corrections, or other criminal justice officers. Individuals who represent a potential threat to officers may be entered into the WACIC when they have previously exhibited assaultive or threatening behavior during contacts by law enforcement.

To qualify for entry, one or more of the following conditions must be met (WACIC Manual Chapter 29.01 II, A):

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(a) The offender has been convicted for assault or murder/homicide of a law enforcement officer, fleeing, resisting arrest or any such statute that involves violence against law enforcement.

(b) The offender has been convicted of a violent offense against a person to include homicide and attempted homicide.

(c) The offender has been convicted of a violent offense against a person where a firearm or weapon was used.

(d) A law enforcement agency, based on its official investigatory duties, reasonably believes that the individual has seriously expressed his/her intent to commit an act of unlawful violence against a member of the law enforcement or criminal justice community.

Officers who encounter a person who they believe is a threat to officer safety should submit a report detailing the circumstances of the contact and nature of the threat for entry as an Officer Safety Advisory.

All Officer Safety Advisories are subject to approval by the Chief of Police or his/her designee.

Once approved, the Senior Police Clerk is responsible for making the appropriate entry into the WACIC.

Whenever an Officer Safety Advisory is initiated by the Bainbridge Island Police Department, it is the responsibility of the Administrative Supervisor to ensure that a copy of the supporting documentation and the authorized statement signed by the Chief of Police are maintained in a separate file. Supporting documentation may include the crime report, officer's supplemental report, mental health report or other similar documentation.

803.6 COURT ORDERS

The Administrative Supervisor shall see that no-contact orders received from the court are entered into the WACIC or other applicable criminal intelligence information system until the expiration date specified on the order. Upon receipt of notice that an order has been terminated, the Administrative Supervisor shall see that the order is removed from the applicable system (RCW 9A.40.102; RCW 9A.40.104; RCW 9A.40.106).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Records Maintenance and Release

804.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

804.2 POLICY

The Bainbridge Island Police Department is committed to providing public access to records in a manner that is consistent with the Washington Public Records Act (RCW 42.56.001 et seq.).

804.3 PUBLIC RECORDS OFFICER

The Chief of Police shall designate a Public Records Officer (RCW 42.56.580). The responsibilities of the Public Records Officer include but are not limited to:

(a) Managing the records management system for the Department, including the retention, archiving, release and destruction of department public records.

(b) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.

1. Rules and procedures for public inspection and copying shall be prominently displayed and made available to the public for inspection and copying (RCW 42.56.040).

(c) Maintaining and making available for public inspection and copying an index of documents that provides identifying information of certain documents identified in RCW 42.56.070 that are maintained by the Department.

(d) Maintaining and updating the department records retention schedule including:

1. Identifying the minimum length of time the Department must keep records.

2. Identifying the department section responsible for the original record.

(e) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(f) Ensuring a current list containing every law that exempts or prohibits disclosure of specific information or records of the Department is available to the public (RCW 42.56.070).

(g) Establishing rules regarding the processing of subpoenas for the production of records.

(h) Ensuring the availability of a current schedule of fees for public records as allowed by law (RCW 42.56.070; RCW 42.56.120; RCW 42.56.130).

(i) Ensuring that the business hours for record inspection or copying are posted on the department's website and made known by other means designed to provide the public with notice (RCW 42.56.090).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(j) Ensuring that the name and contact information of the Public Records Officer is visible to the public, including the department website and appropriate department publications (RCW 42.56.580).

804.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Public Records Officer or the authorized designee.

804.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following:

(a) The Department is not required to create records that do not exist.

(b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

(c) Requests to inspect or copy records shall be responded to promptly. Within five business days of receiving the request, one of the following responses shall be made (RCW 42.56.520):

1. Providing the record.

2. Providing the internet address and link of the department website to the specific records requested.

   (a) If the requester notifies the Department that access cannot be obtained through the internet, then copies of the record shall be provided or the requester may view the records on the department computer.

3. Acknowledging the receipt of the request and providing a reasonable estimate of time the Department will require to respond to the request. Additional time may be required to respond based upon:

   (a) The need to clarify the intent of the request.

   (b) The need to locate and assemble the information requested.

   (c) Notification to third persons or agencies affected by the request.

   (d) Determination whether any of the information requested is exempt.

4. Acknowledging the receipt of the request and asking the requester for clarification if the request is not clear and providing the requester a reasonable estimate of the time that will be needed to respond if the request is not clarified. If the requester does not respond, and the entire request is unclear, the Department need not respond. If only part of the request is

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

unclear, the Department shall respond to those portions of the request that are clear.

804.4.2 DENIALS

(a) The denial shall be accompanied by a written statement that includes the specific exemption and a brief explanation of how the exemption applies to the withheld record (RCW 42.56.210).

(b) Requests that are denied are subject to judicial review and the burden of proof is on the Department to show that the records requested are exempt or prohibited in whole or part by statute (RCW 42.56.550).

804.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

(a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

(b) Personnel records that contain personal information to the extent that disclosure would violate privacy rights (RCW 42.56.230; RCW 42.56.250).

(c) Specific intelligence and specific investigative records regarding the discipline of a member of any profession where nondisclosure is essential for effective law enforcement or for the protection of any person's right to privacy (RCW 42.56.240).

(d) Victim and witness information revealing the identity of persons who file complaints if disclosure would endanger the person's life, physical safety, or property (RCW 42.56.240).

(e) Child victim and witness identity information including name, address, recordings, and photographs (RCW 7.69A.030; RCW 42.56.240).

(f) Concealed pistol license applications or information on the applications unless release is to law enforcement or corrections agencies under RCW 9.41.070.

(g) Information revealing the specific details of the alleged assault, identity, or contact information of a child victim of sexual assault who is under age 18. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative, stepchild, or stepsibling of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Contact information includes phone numbers, email addresses, social media profiles, and usernames and passwords (RCW 10.97.130; RCW 42.56.240).

(h) Personal identifying information collected relating to local security alarm system programs and vacation crime watch programs (RCW 42.56.240).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(i) Certain criminal history record information as restricted by the Criminal Records Privacy Act (RCW 10.97.040 et seq.).

(j) Traffic collision reports except for what is authorized by RCW 46.52.080 and RCW 46.52.083.

(k) Preliminary drafts, notes, recommendations, or intra-agency memorandums in which opinions are expressed, or policies formulated, or recommended (RCW 42.56.280).

(l) Records that are relevant to a controversy (threatened, actual, or completed litigation) to which the Department is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts (RCW 42.56.290).

(m) Security records including but not limited to records relating to preparing and responding to criminal terrorist acts; vulnerability assessments and emergency and escape plans of secured facilities; information regarding infrastructure and security of computer and telecommunications networks; system security and emergency preparedness plans; and as further defined in RCW 42.56.420.

(n) Global positioning system data that indicates the location of a member's residence or of a public employee or volunteer (RCW 42.56.240; RCW 42.56.250).

(o) Information contained in a local, regional, or statewide gang database (RCW 42.56.240).

(p) Body worn camera recordings that violate a person's right to privacy (RCW 42.56.240)

(q) Personal identifying information, or information regarding citizenship or immigration status, of any victim of criminal activity or trafficking who is requesting certification for a U or T visa, except where allowed by law (RCW 7.98.020).

(r) Personal identifying information about an individual's religious beliefs, practices, or affiliation (RCW 42.56.235).

(s) Investigative records compiled by the Department regarding possible unfair practices of discrimination under RCW 49.60.010 et seq. or possible violation of other federal, state, or local laws or Bainbridge Island Police Department internal policies during an active and ongoing investigation (RCW 42.56.250).

1. Records may be released upon completion of the investigation as allowed under RCW 42.56.250.

(t) Any other information that may be appropriately denied by Washington law.

804.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Public Records Officer for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the Prosecuting Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

804.7 EXPUNGEMENT

Expungement orders received by the Department shall be reviewed for appropriate action by the Public Records Officer. The Public Records Officer shall expunge such records as ordered by the court. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction. Once a record is expunged, members shall respond to any inquiry as though the record did not exist.

804.8 SECURITY BREACHES

Members who become aware that any Bainbridge Island Police Department system containing personal information may have been breached should notify the Public Records Officer as soon as practicable.

The Public Records Officer shall ensure the required notice is given to any resident of this state whose unsecured personal information is reasonably believed to have been acquired by an unauthorized person (RCW 42.56.590).

Notice shall be given as soon as reasonably practicable but may be delayed if notification will impede a criminal investigation.

For the purposes of the notice requirement, personal information includes:

(a) An individual's first name or first initial and last name in combination with any one or more of the following:

1. Social Security number or the last four digits of the Social Security number
2. Driver license number or Washington identification card number
3. Full account number, credit or debit card number, or any required security code, access code, or password that would permit access to an individual’s financial account
4. Any data elements listed in RCW 42.56.590 (e.g., date of birth, health insurance policy number, biometric data, email address, password)

(b) Any of the data elements listed above without the individual’s first and last name if the data elements would enable a person to commit identity theft or if encryption, redaction, or other methods have not safeguarded the data element (RCW 42.56.590).

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Public Records Officer should promptly notify the appropriate

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

member designated to oversee the security of protected information (see the Protected Information Policy).

804.9 TRAINING

The Public Records Officer shall complete a training program consistent with the Attorney General's model rules within 90 days of assuming responsibilities for public records and complete refresher training as required (RCW 42.56.152).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Protected Information

805.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Bainbridge Island Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

805.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Bainbridge Island Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

805.2 POLICY

Members of the Bainbridge Island Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

805.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Licensing (DOL) records and the Washington Crime Information Center (WACIC).

(b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

805.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Bainbridge Island Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

805.4.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive or possess criminal history record information without authorization by Washington law (RCW 10.97.120).

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of the Standards of Conduct Policy.

Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of the Standards of Conduct Policy.

805.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know (RCW 10.97.050).

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Administrative Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Senior Police Clerk to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Nothing in this policy is intended to prohibit broadcasting warrant information.

805.5.1 REVIEW OF CRIMINAL OFFENDER RECORD
An individual may review his/her criminal history record information held by this department after complying with established department requirements as authorized by RCW 10.97.080.

805.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include but are not limited to:

(a) Developing and maintaining security practices, procedures, and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents, including computer attacks.

(d) Tracking, documenting, and reporting all breach of security incidents to the Chief of Police and appropriate authorities (RCW 19.255.010; RCW 42.56.590).

805.6.1 MEMBER RESPONSIBILITIES
Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk, in or on an unattended vehicle, in an unlocked desk drawer or file cabinet, on an unattended computer terminal).

805.7 RELIGIOUS AFFILIATION DISCLOSURE

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any government program compiling data on individuals based on religious belief, practice, affiliation, national origin, or ethnicity (RCW 42.60.020).

805.8 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Computer Voice Stress Analysis

806.1 POLICY

The Department may utilize Computer Voice Stress Analysis (CVSA) examinations in conjuction with pre-employment screening and criminal investigations. CVSA should not be used as a single determinant for offering employment. CVSA should also not be used as the sole determinant for Probable Cause. CVSA should be used as an aid in investigations.

806.2 DEFINITIONS

Computer Voice Stress Analysis (CVSA). CVSA is a combination of computer technology and interview techniques designed to detect, measure and chart the stress in a person's voice.

Qualified Examiner. A person who has successfully completed CVSA training and been certified by a CVSA Instructor from the National Institute of Truth Verification (NITV). Additionally, a Qualified Examiner should maintain their qualification through recertification per NITV guidelines.

Overt Interview. A CVSA interview where the person being interviewed is aware and has agreed to conduct a CVSA. The person being interviewed should be aware they are being audio recorded as part of the CVSA, and, if possible, the interview should be video recorded.

Structured Interview. A legally obtained audio-recorded interview of a suspect, victim, witness or complainant. The interview and questions are structured in a way that permits the legally obtained audio recording to be analyzed with the CVSA.

806.3 PROCEDURES

The procedures used during a CVSA interview should be in accordance with the formal training and manuals provided with the CVSA certification program.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Chapter 9 - Custody

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Bainbridge Island Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the Bainbridge Island Police Department prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The Bainbridge Island Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Bainbridge Island Police Department, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

(a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.

(b) Any individual who has a medical condition, including pregnancy, or who may require medical attention, supervision or medication while in temporary custody.

(c) Any individual who is seriously injured.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(d) Individuals who are a suspected suicide risk (see the Emergent Detentions Policy).

1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.

(e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.

(f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(g) Any individual who has exhibited extremely violent or continuously violent behavior.

(h) Any individual who has claimed, is known to be afflicted with or displays symptoms of any communicable disease that poses an unreasonable exposure risk.

(i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

At least one female department member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process.

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

900.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

(a) Authorized members entering for official business purposes.

(b) Emergency medical personnel when necessary.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(c) Any other person authorized by the Shift Sergeant.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the City jail or the appropriate mental health facility.

The officer should promptly notify the Shift Sergeant of any conditions that may warrant immediate medical attention or other appropriate action. The Shift Sergeant shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

900.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall:

(a) Advise the Shift Sergeant of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).

(b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:

1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.

2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):

   (a) Continuous, direct sight and sound supervision.

   (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.

3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).

4. Ensure males and females are separated by sight and sound when in cells.

5. Ensure restrained individuals are not placed in cells with unrestrained individuals.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.

(d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

900.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Patrol Supervisor will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

(a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.

1. This notification should be documented.

(b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.

1. If the country is on the mandatory notification list, then:

(a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.

(b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.

(c) Forward any communication from the individual to his/her consular officers without delay.

(d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.

2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:

(a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.

(b) Forward any communication from the individual to his/her consular officers without delay.

900.4.3 NOTICE TO INDIVIDUALS

To ensure compliance with treaty obligations, including consular notification, and state and federal law, written notice shall be given to an individual being detained explaining that the individual has the right to refuse to disclose their nationality, citizenship, or immigration status and that disclosure

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

may result in civil or criminal immigration enforcement, including removal from the United States (Chapter 440 § 6, 2019 Laws).

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

900.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Bainbridge Island Police Department, the custody shall be promptly and properly documented in a custody log, including:

(a) Identifying information about the individual, including his/her name.

(b) Date and time of arrival at the Department.

(c) Any charges for which the individual is in temporary custody and any case number.

(d) Time of all safety checks.

(e) Any medical and other screening requested and completed.

(f) Any emergency situations or unusual incidents.

(g) Any other information that may be required by other authorities, such as compliance inspectors.

(h) Date and time of release from the Bainbridge Island Police Department.

The Shift Sergeant should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Shift Sergeant should make periodic checks to ensure all log entries and safety and security checks are made on time.

900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

(a) Safety checks and significant incidents/activities are noted on the log.

(b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.

  1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.

  2. This does not apply to surreptitious and legally obtained recorded interrogations.

(c) There is reasonable access to toilets and wash basins.

(d) There is reasonable access to a drinking fountain or water.

(e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.

(f) There is privacy during attorney visits.

(g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.

1. The supervisor should ensure that there is an adequate supply of clean blankets.

(i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.

(j) Adequate furnishings are available, including suitable chairs or benches.

900.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Bainbridge Island Police Department. They should be released or transferred to another facility as appropriate.

900.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Shift Sergeant shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

900.5.5 TELEPHONE CALLS

Every individual in temporary custody should be allowed to make a reasonable number of completed telephone calls as soon as possible after arrival.

(a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.

1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).

(b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.

(c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

900.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

900.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Bainbridge Island Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS

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

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

900.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (e.g., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Shift Sergeant shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Shift Sergeant shall attempt to prove or disprove the claim.

900.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

(a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.

(b) The individual shall constantly be monitored by an audio/video system during the entire custody.

(c) The individual shall have constant auditory access to department members.

(d) The individual's initial placement into and removal from a locked enclosure shall be logged.

(e) Safety checks by department members shall occur no less than every 15 minutes.

1. Safety checks should be at varying times.
2. All safety checks shall be logged.
3. The safety check should involve questioning the individual as to his/her well-being.
4. Individuals who are sleeping or apparently sleeping should be awakened.
5. Requests or concerns of the individual should be logged.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

900.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Patrol Supervisor will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Bainbridge Island Police Department. The procedures should include the following:

(a) Immediate request for emergency medical assistance if appropriate.

(b) Immediate notification of the Shift Sergeant, Chief of Police and Detectives Supervisor.

(c) Notification of the spouse, next of kin or other appropriate person.

(d) Notification of the appropriate prosecutor.

(e) Notification of the City Attorney.

(f) Notification of the Coroner.

(g) Evidence preservation.

900.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

(a) All proper reports, forms and logs have been completed prior to release.

(b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.

(c) It has been confirmed that the correct individual is being released or transported.

(d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.

(e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).

(f) The individual is not permitted in any nonpublic areas of the Bainbridge Island Police Department unless escorted by a member of the Department.

(g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.

    1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.

(h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

(i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

900.10.1 TRANSFER TO HOSPITAL

When an individual in custody for a violent or sex offense is taken to a hospital, the transporting officer shall remain with, or secure, the individual while the individual is receiving care, unless (RCW 10.110.020; RCW 10.110.030):

(a) The medical care provider determines the individual does not need to be accompanied or secured.

(b) The officer notifies the medical care provider that the officer is leaving after reasonably determining:

1. The individual does not present an imminent and significant risk of causing physical harm to themselves or another person.

2. There is no longer sufficient evidentiary basis to maintain the individual in custody.

3. In the interest of public safety, his/her presence is urgently required at another location and supervisor approval is obtained.

(a) The officer shall make a reasonable effort to ensure a replacement officer is provided or other means of securing the individual is provided as soon as possible.

900.11 ASSIGNED ADMINISTRATOR

The Patrol Supervisor will ensure any reasonably necessary supplemental procedures are in place to address the following issues:

(a) General security

(b) Key control

(c) Sanitation and maintenance

(d) Emergency medical treatment

(e) Escapes

(f) Evacuation plans

(g) Fire and life-safety

(h) Disaster plans

(i) Building and safety code compliance

900.12 TRAINING

Department members should be trained and familiar with this policy and any supplemental procedures.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Custodial Searches

901.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Bainbridge Island Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

901.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

901.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

901.3 FIELD AND TRANSPORTATION SEARCHES

An officer shall conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

901.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Bainbridge Island Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches shall also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

901.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Bainbridge Island Police Department identification number and information regarding how and when the property may be released.

901.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

901.5 STRIP SEARCHES

No individual in temporary custody at any Bainbridge Island Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband that constitutes a threat to the facility. Probable cause is required for a strip search when there is a belief the individual is concealing on his/her body evidence not constituting a threat to the facility (RCW 10.79.130).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Factors to be considered in determining reasonable suspicion or probable cause include, but are not limited to (RCW 10.79.140):

(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).

(d) The individual's actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

(f) The nature of the offense.

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

901.5.1 STRIP SEARCH PROCEDURES

Strip searches at Bainbridge Island Police Department facilities shall be conducted as follows (28 CFR 115.115):

(a) Written authorization from the Shift Sergeant shall be obtained prior to the strip search.

(b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner (RCW 10.79.100).

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.

(d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.

(e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.

(f) The primary member conducting the search shall prepare a written report to include (RCW 10.79.150):

1. The facts that led to the decision to perform a strip search.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The written authorization for the search, obtained from the Shift Sergeant.
4. The name of the individual who was searched.
5. The name, serial number of the officer and sex of the members who conducted the search.
6. The name, sex and role of any person present during the search.
7. The time and date of the search.
8. The place at which the search was conducted.
9. A list of the items, if any, that were recovered.
10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.
11. Any health condition discovered.

(g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

(h) Except at the request of the individual, no person, other than those who are participating in the search, shall be present or able to observe the search (RCW 10.79.150).

(i) A copy of the written authorization shall be maintained in the file of the individual who was searched (RCW 10.79.150).

901.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Shift Sergeant authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Shift Sergeant authorization does not need to be in writing.

901.5.3 RESTRICTIONS
Strip searches should be limited to those situations where such searches are necessary. Reasonable efforts to use less intrusive methods, such as pat-downs, electronic metal detector or clothing searches shall be made prior to any strip search (RCW 10.79.060; RCW 10.79.140).

901.6 PHYSICAL BODY CAVITY SEARCH
Physical body cavity searches shall be subject to the following:

(a) No individual shall be subjected to a physical body cavity search without written approval of the Shift Sergeant and only upon a search warrant. If authorization from the Shift Sergeant is received electronically, it shall be printed and signed by the Shift Sergeant as soon as possible (RCW 10.79.080). A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) Only a qualified physician, registered nurse or physician's assistant may conduct a physical body cavity search (RCW 10.79.100).

(c) Except for the qualified physician, registered nurse or physician's assistant conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including (RCW 10.79.080):

1. The facts that led to the decision to perform a physical body cavity search of the individual.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The Shift Sergeant's approval.
4. A copy of the search warrant.
5. The time, date, location and description of the search.
6. The medical personnel present.
7. The names, sex and roles of any department members present.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

8. A statement of the results of the search and a list of any contraband or weapons discovered by the search.

(f) A copy of the written authorization shall be retained and made available to the individual who was searched or other authorized representative upon request.

(g) Before any physical body cavity search is authorized or conducted, a thorough pat-down search, a thorough electronic metal-detector search and a thorough clothing search, as appropriate, must be used. No physical body cavity search shall be authorized or conducted unless these other methods do not satisfy the safety, security or evidentiary concerns of the department (RCW 10.79.080).

(h) The Shift Sergeant may allow the individual to have a readily available witness, of the individual's choosing, present at the time the search is conducted. The person chosen shall not be currently in custody or present an unreasonable security risk (RCW 10.79.100).

901.7 TRAINING

The Deputy Chief shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.

(b) Conducting searches of transgender and intersex individuals.

(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. The search must be conducted by a physician, registered nurse, or physician's assistant.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Chapter 10 - Personnel

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Recruitment and Selection

1000.1 POLICY

In accordance with applicable federal, state, and local law, the Bainbridge Island Police Department provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, or any other protected class or status. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.2 RECRUITMENT

The Department should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

(a) Identification of racially and culturally diverse target markets.

(b) Use of marketing strategies to target diverse applicant pools.

(c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.

(d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.

(e) Employee referral and recruitment incentive programs.

(f) Consideration of shared or collaborative regional testing processes.

The Department shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

1000.3 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(b) Driving record

(c) Reference checks

(d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

(e) Information obtained from public internet sites

(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)

(g) Local, state, and federal criminal history record checks

(h) Polygraph or voice stress analyzer (VSA) examination (when legally permissible) (RCW 43.101.095; WAC 139-07-040)

(i) Medical and psychological examination (may only be given after a conditional offer of employment)

(j) Review board or selection committee assessment

1000.3.1 VETERAN PREFERENCE
The Department will provide veteran preference percentages as requied (RCW 41.04.010).

1000.4 PURPOSE AND SCOPE
This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Bainbridge Island Police Department and that are promulgated and maintained by the Human Resources.

1000.5 BACKGROUND INVESTIGATION
Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate’s unsuitability to perform duties relevant to the operation of the Bainbridge Island Police Department (RCW 43.101.095).

1000.5.1 NOTICES
Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

1000.5.2 REVIEW OF SOCIAL MEDIA SITES
Due to the potential for accessing unsubstantiated, private or protected information, the Department shall not require candidates to provide passwords, account information or access to password-protected social media accounts (RCW 49.44.200).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

The Department should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, Internet-based searches and/or review information from social media sites to ensure that:

(a) The legal rights of candidates are protected.

(b) Material and information to be considered are verified, accurate and validated.

(c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Department should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file. These files shall be stored in a secured manner and made available only to those who are authorized to participate in the selection process.

1000.5.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (RCW 43.101.095; RCW 43.101.200). Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. Human Resources should maintain job descriptions for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the following minimum standards established by the Washington State Criminal Justice Training Commission (WSCJTC) (RCW 43.101.095):

(a) Be eligible for WSCJTC certification

(b) Submit to a psychological evaluation

(c) Submit to a polygraph examination

(d) Submit to a criminal history check

(e) Not been convicted of a felony offense

1000.8 BAINBRIDGE ISLAND CIVIL SERVICE COMMISSION DISQUALIFIERS

Applicants shall be automatically disqualified for employment with the Bainbridge Island Police Department in the following circumstances:

Criminal Activity:

- Any felony conviction as an adult
- Conviction of a gross misdemeanor or misdemeanor involving moral turpitude (Mandatory Academy Rejection – WAC 139-220)
- Any misdemeanor conviction as an adult, while employed in a criminal justice capacity
- Any conviction or admission, as an adult, for a misdemeanor crime of domestic violence (18 USC 921)

Driving:

- 1 or more traffic crime convictions in the last 5 years (DWI, Reckless, etc)
- Suspension of driver's license within the past 5 years
- 3 or more moving violations in the past 5 years
- 2 or more at-fault accidents in the past 5 years

Drug Use:

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

- Any illegal use, illegal distribution, or illegal possession of any controlled substance as an adult, within 5 years prior to application
- Conviction or admission of the illegal use of any controlled substance while employed in a criminal justice capacity
- Conviction or admission indicating a pattern of illegal use of prescription medication within 5 years prior to application, or while employed in a criminal justice capacity

Employment:

- Failing to be truthful or honest, by act or omission, at any stage of the hiring process; including training and certification
- Dishonorable Discharge, Bad Conduct Discharge, or dismissed from any branch of the US Armed Forces, except for reasons of sexual orientation
- Discharge for material cause from any position of criminal justice employment
- Certification, denied or revoked, for misconduct in this or another state

Financial:

- Conviction for failure to pay income tax, or judicial finding of failure to pay child support

1000.9 PROBATIONARY PERIODS

The Administrative Services Supervisor should coordinate with Human Resources to identify positions subject to probationary periods and procedures for:

(a) Appraising performance during probation.

(b) Assessing the level of performance required to complete probation.

(c) Extending probation.

(d) Documenting successful or unsuccessful completion of probation.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Evaluation of Employees

1001.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1001.2 POLICY

The Bainbridge Island Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

1001.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and civilian supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

1001.3.1 RESERVE OFFICER EVALUATIONS
Reserve officer evaluations are covered under the Reserve Officers Policy.

1001.4 FULL TIME PROBATIONARY PERSONNEL

Civilian personnel are on probation for 6 months before being eligible as permanent employees. An evaluation is completed at the end of the probation period and on an annual basis thereafter for all full-time civilian personnel.

For entry level sworn personnel probation is 12 months, after the completion of the Washington State Basic Law Enforcement Academy before being permanent employees. Probationary officers are evaluated daily and monthly during the field training program and on an annual basis thereafter. Lateral hires probation is 12 months after the employee's date of hire.

1001.5 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on the anniversary of the employee's date of hire except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

Special - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

1001.5.1 RATINGS CRITERIA
When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

Standard - Is based on the metric average of all employees with that Essential Function in their Job Description.

Above Standard - Is considered the top 15% of all employees with that Essential Function in their Job Description.

Below Standard - Is considered the bottom 10% of all employees with that Essential Function in their Job Description.

Not Observed - Should only be used if the employee is not called upon to perform that Essential Function during that reporting period.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Any evaluation of Above Standard, Below Standard or Not Observed must be justified in writing with supporting documentation attached. The Standard is not an absolute, and extenuating circumstances should be taken into account by the supervisor performing the evaluation. Other factors, both positive and negative, should also be taken into consideration with supporting documentation attached.

All Below Standard evaluations require a **Performance Improvement Plan** by the evaluator within 30 days of the final Performance Evaluation being presented to the employee.

1001.6 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

1001.7 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the Chief of Police. The Chief of Police shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Chief of Police shall evaluate the supervisor on the quality of ratings given.

1001.8 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to City Human Resources.

1001.9 REMEDIAL TRAINING

When an employee fails to perform a job function at the level prescribed in this policy manual, remedial training may be necessary to ensure that employee has the knowledge and skills necessary to perform at an acceptable level.

Whenever an employee receives an evaluation rating of **Below Standard**, receives a Special Evaluation to document a performance deficiency, or is receiving discipline for a performance deficiency, the supervisor should consider whether remedial training would be appropriate to assist the employee in improving their performance.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(a) If remedial training is deemed to be appropriate, the supervisor shall document the following items in a Personnel Performance Improvement Plan (PIP):

1. The remedial training being provided.
2. The timeline for providing the training.
3. The timeline for evaluating the employee's subsequent performance.
4. The consequences if the employee fails to perform.
5. The desired outcome if the remediation is successful.

(b) Prior to implementing the remedial training, the supervisor shall present the PIP to the employee who shall then be provided with ten days to respond with any objections or other comments.

(c) If the employee fails to provide a timely written response or expresses no desire to respond, the employee's date and signature shall be affixed to the PIP as agreement to its terms.

(d) If the employee provides a timely written response, any objections shall be adjudicated in accordance with the department's grievance procedure.

The remedial training process is for use with all employees. It is not limited to use with probationary employees.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Grievance Procedure

1002.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department's philosophy is to promote a free verbal communication between employees and supervisors.

1002.1.1 GRIEVANCE DEFINED

Grievance - Is any dispute involving the interpretation or application of any of the following documents by the person(s) affected:

- The employee bargaining agreement (Memorandum of Understanding).
- This Policy Manual.
- City rules and regulations covering personnel practices or working conditions.

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to alleged acts of sexual, racial, ethnic or other forms of unlawful harassment, as well as complaints related to allegations of discrimination on the basis of sex, race, religion, ethnic background and other lawfully protected status or activity are subject to the complaint options set forth in the Discriminatory Harassment Policy; and personnel complaints related to consist of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law set forth in the Personnel Complaints Policy.

1002.2 PROCEDURE

If an employee believes that he/she has a grievance, then that employee shall follow the procedures outlined in thier collective bargaining agreement.

1002.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

1002.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administrative Services for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the City Manager's office to monitor the grievance process.

1002.5 GRIEVANCE AUDITS

The Deputy Chief shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether or not any policy/procedure changes or training may be appropriate to avoid

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

future filings of grievances. The Deputy Chief shall record these findings in a confidential and generic memorandum to the Chief of Police without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this policy manual, the Deputy Chief should promptly notify the Chief of Police.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Anti-Retaliation

1003.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance, or collective bargaining agreement or memorandum of understanding.

1003.2 POLICY

The Bainbridge Island Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1003.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

1003.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Human Resources Administrator.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1003.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.

(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

(h) Not interfering with or denying the right of a member to make any complaint.

(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

1003.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

1003.7 WHISTLE-BLOWING

Washington law protects employees who make good faith reports of improper government actions. Improper government actions include violations of Washington law, abuse of authority, gross waste of funds, and substantial and specific danger to the public health or safety (RCW 42.40.010 et seq.; RCW 49.60.210; RCW 42.41.010 et seq.).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Deputy Chief for investigation pursuant to the Personnel Complaints Policy.

1003.7.1 DISPLAY OF REPORTING PROCEDURES

The Department shall display the City policy to employees regarding their rights and the procedures for reporting information of an alleged improper government action. A copy of the policy shall be made available to employees upon request (RCW 42.41.030).

1003.8 RECORDS RETENTION AND RELEASE

The Administrative Supervisor shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1003.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Reporting of Employee Convictions

1004.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties; therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

1004.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Washington and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1004.3 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Drug- and Alcohol-Free Workplace

1005.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1005.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1005.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift Sergeant or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

1005.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action (RCW 69.51A.060).

1005.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1005.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1005.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1005.7 REQUESTING SCREENING TESTS

The Department may request for Screening Tests is detailed in the current Collective Bargaining Agreement.

1005.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1005.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee’s other personnel files.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Sick Leave

1006.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable labor agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) or the Washington Paid Family and Medical Leave program (PFML) (29 USC § 2601 et seq.; RCW 50.04.010 et seq.).

1006.2 POLICY

It is the policy of the Bainbridge Island Police Department to provide eligible employees with a sick leave benefit.

1006.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences (RCW 49.46.210). Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both (WAC 296-128-750).

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity, or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

1006.3.1 NOTIFICATION

All members should notify the Shift Sergeant or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (WAC 296-128-650).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 10 days' notice of the impending absence (WAC 296-128-650).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

1006.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish verification supporting the need to be absent and/or the ability to return to work (RCW 49.46.210; WAC 296-128-660). Members on an extended absence shall, if possible, contact their supervisors at specified intervals to provide an update on their absence and expected date of return.

1006.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.

(b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Human Resources as appropriate.

(c) When appropriate, counseling members regarding inappropriate use of sick leave.

(d) Referring eligible members to an available employee assistance program when appropriate.

1006.6 PERSONNEL AGENCY

The Human Resources Administrator shall ensure:

(a) Written or electronic notice is provided to each employee regarding applicable paid sick leave provisions as required by WAC 296-128-760.

(b) This Sick Leave Policy is readily available to all employees.

(c) Employee records are retained and preserved regarding paid sick leave information and data as required by WAC 296-128-010.

1006.7 RETALIATION

No employee shall be retaliated against for using qualifying sick leave (WAC 296-128-770).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Communicable Diseases

1007.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1007.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Bainbridge Island Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1007.2 POLICY

The Bainbridge Island Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1007.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes (WAC 296-823.100 et seq.):

(a) Exposure-prevention and decontamination procedures.

(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.

(d) Evaluation of persons in custody for any exposure risk and measures to separate them.

(e) Compliance with all relevant laws or regulations related to communicable diseases, including:

1. Bloodborne pathogen mandates including but not limited to (WAC 296-823-110 et seq.):

(a) The identification of positions with the potential for exposure.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(b) Measures to eliminate or minimize occupational exposure and how members will be informed of those measures.

(c) A plan for the distribution and use of personal protective equipment (PPE) related to communicable diseases.

(d) Directions for appropriate labeling of contaminated items.

(e) Rules regarding worksite maintenance.

(f) Rules regarding waste.

(g) Confidentiality requirements and medical protocols.

(h) Maintenance of training and medical records.

2. The Washington Industrial Safety and Health Act (RCW 49.17.010 et seq.; WAC 296-800-110 et seq.).

3. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).

The ECO should also act as the liaison with the Washington Division of Occupational Safety and Health (DOSH) and may request voluntary compliance inspections. The ECO should annually review and update the exposure control plan and review implementation of the plan (WAC 296-823-11010).

1007.4 EXPOSURE PREVENTION AND MITIGATION

1007.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to:

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.

(b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1007.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (WAC 296-823-130).

1007.5 POST EXPOSURE

1007.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

(a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).

(b) Obtain medical attention as appropriate.

(c) Notify a supervisor as soon as practicable.

1007.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (WAC 296-823-16005):

(a) Name and Social Security number of the member exposed

(b) Date and time of the incident

(c) Location of the incident

(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

(e) Work being done during exposure

(f) How the incident occurred or was caused

(g) PPE in use at the time of the incident

(h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

1007.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (WAC 296-823-16005).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the member has been informed of the results of the evaluation.

(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1007.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (WAC 296-823-16005).

1007.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO (WAC 296-823-16010). If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual.

(b) In the event that consent cannot be obtained, by contacting the local health authority who may pursue testing of the source individual for HIV or other communicable diseases (RCW 70.24.340; WAC 246-100-205).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

1007.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1007.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training shall include the mandates provided in WAC 296-823-12005 et seq. and:

(a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

(b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

(c) Shall provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Smoking and Tobacco Use

1008.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Bainbridge Island Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1008.2 POLICY

The Bainbridge Island Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (RCW 70.160.030).

1008.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Bainbridge Island Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

1008.4 ADDITIONAL PROHIBITIONS

No person shall smoke tobacco products within 25 feet of a main entrance, exit or operable window of any building (RCW 70.160.075).

1008.4.1 NOTICE

The Chief of Police or the authorized designee shall ensure that proper signage prohibiting smoking is conspicuously posted at each entrance to the department facilities (RCW 70.160.050).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Discipline Policy

1009.1 PURPOSE AND SCOPE

The disciplinary system of the Bainbridge Island Police Department is governed by this policy, the Civil Service Rules and any existing provisions of the current labor contract. In the event of any conflict between this policy and the Civil Service Rules, employees will be afforded all rights required by the Civil Service Rules.

1009.1.1 POLICY

Discipline is a process for dealing with job-related behavior or performance that does not meet the expected and communicated standards. It is the policy of the Bainbridge Island Police Department that disciplinary actions are administered in a consistent and fair manner across all levels of the workforce.

1009.2 PROGRESSIVE DISCIPLINE

Progressive discipline is the process of using escalating responses or measures when an employee fails to correct a problem after being given a reasonable opportunity to do so. The intent of a progressive system of discipline is to persuade the employees to accept and comply with organizational directives.

Progressive discipline does not require that all discipline begin with counseling or minor discipline, nor is there a rigid set of steps that must be followed in a particular order. The level of discipline applied will be based on the totality of the facts and circumstances of each case. In certain circumstances, it is acceptable to repeat a discipline step. For example, this may be appropriate if a significant amount of time has passed since it was last necessary to address a particular issue and the situation has only recently reappeared.

Some violations are so serious that immediate use of more significant levels of discipline, up to and including termination, is warranted for the first occurrence of misconduct.

1009.3 DISCIPLINE TABLE

	Action	Who can Give?	Due process apply?
Formal Discipline	Termination	Chief of Police	Yes
	Demotion		
	Suspension		
	Written Reprimand		
Corrective Action	Verbal Reprimand	Sergeant or above	No
	Counseling		
	Training		

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

1009.4 CORRECTIVE ACTION

Supervisors should address and attempt to correct minor work performance or behavioral problems at the time the deficiency is observed. The goal is to prevent relatively minor issues becoming a major problem. The following list are actions that can be taken by any supervisor or manager with a subordinate. All corrective actions shall be documented. Corrective action options include:

1009.4.1 TRAINING

Training may include academy classes, in-service training, formal courses or a discussion held with the employee. The training should be specifically tailored to correct the undesirable behavior or deficiency. Depending upon the nature of the misconduct or work performance issue, the Department may elect to utilize training in conjunction with disciplinary action.

1009.4.2 COUNSELING

Counseling consists of a discussion between the supervisor and the employee that is intended to change the employee's performance or conduct. The coaching/counseling should:

(a) Identify the work performance issue.

(b) Attempt to determine the reason.

(c) Define acceptable performance.

(d) Determine steps to correct the problem.

The counseling session is summarized in the performance evaluation system which provides a written record of the counseling. The record should identify the work performance issue discussed, describe expected change and set timelines for improvement. The employee should be warned of the consequences for failing to correct the work performance issue and acknowledge in the performance evaluation system that the counseling has taken place.

1009.4.3 VERBAL REPRIMAND

Verbal reprimands may be issued to a subordinate by a supervisor, up to and including the Chief of Police.

1009.5 FORMAL DISCIPLINE

In cases involving serious violations, or where corrective action has been unsuccessful, formal discipline may be used to correct an employees' behavior or performance. The formal discipline steps are:

(a) Written Reprimand.

(b) Suspension.

(c) Demotion.

(d) Termination.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

1009.6 FORMAL DISCIPLINE PROCESS

1009.6.1 NOTICE OF CHARGE

In cases of sustained misconduct, the employee will be notified of the Chief's proposed action with a Notice of Charge if the action includes one of the formal discipline steps. The employee will also be provided with a copy of the materials considered by the Chief in recommending the proposed discipline. A copy of the Notice of Charge and proof of service will be filed with the Civil Service Examiner.

1009.6.2 PRE-DISCIPLINARY HEARING

When formal discipline is recommended, the Chief of Police shall provide the employee with a pre-disciplinary hearing. The hearing is an opportunity for the employee to present any additional facts to be considered. The employee may waive the hearing.

1009.6.3 PENALTY CONSIDERATIONS

The following factors should be considered in determining the appropriate level of discipline:

(a) The seriousness of the offense as it relates to the nature and extent of damage, or the potential damage or future liability to the Department.

(b) The need to convey a strong deterrent effect to the employee, as well as other employees, to prevent similar infractions from occurring.

(c) The degree of employee culpability (i.e., fault) and the employee's attitude about acknowledging wrongdoing and making a commitment to improve; this includes the member's cooperation in the investigation and resolution processes.

(d) The employee's previous disciplinary and performance records.

(e) Any additional mitigating or aggravating factors.

Because the appropriateness of a penalty depends on the particular circumstances of each case, variations of penalties for similar offenses are inevitable.

1009.6.4 DISCIPLINE IMPOSED

In addition to the actions listed in this policy, the Chief of Police may impose formal discipline singly or in combination with other discipline types. The Chief of Police may also develop and impose unique discipline solutions outside the above listed discipline schedule. This may include conduct agreements or other methods of dealing with the misconduct which the City and guild or union find satisfactory and applicable to the situation.

Once the Chief of Police has issued a written decision, the discipline will be imposed.

1009.7 APPEAL

An employee shall have the right to appeal any formal disciplinary action imposed by the Chief through one of the following means:

(a) As provided for in the Civil Service Rules, or

(b) Any grievance procedures outlined in the collective bargaining agreement.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

1009.8 DOCUMENTATION AND RETENTION

Documentation of corrective action retained by a supervisor for evaluation purposes should be purged at the time of the yearly evaluation. Any electronic copies should also be deleted. The goal is to simplify compliance with the Washington Public Records Act-R.C.W. 42.56 by maintaining a single copy in a central repository.

All documents related to corrective or disciplinary action shall be forwarded to the Deputy Chief for filing and retention. The Deputy Chief shall maintain the original record for at least the minimum retention period specified by the applicable records retention schedule. Additionally, all documents related to imposed formal discipline shall be forwarded to the Civil Service Examiner and Human Resources.

1009.9 NOTIFICATION TO CJTC CERTIFICATION BOARD

Upon termination of a peace officer for any reason, including resignation, the agency of termination shall, within fifteen days of the termination, notify CJTC on a personnel action report form provided by the commission. The agency of termination shall, upon request of CJTC, provide such additional documentation or information as the commission deems necessary to determine whether the termination provides grounds for revocation of the peace officer's certification (RCW 43.101.135).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Seat Belts

1010.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

1010.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and regulations set forth in 49 CFR 571.213 and RCW 46.61.687(6).

1010.2 POLICY

It is the policy of the Bainbridge Island Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1010.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Department, are properly restrained (RCW 46.61.688; RCW 46.61.687).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement.

1010.4 TRANSPORTING CHILDREN

A child restraint system shall be used for all children of an age, height or weight for which such restraints are required by law (RCW 46.61.687).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side air bag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

1010.5 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints (WAC 204-41-030).

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1010.6 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1010.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer’s operator requirements for safe use.

1010.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Body Armor

1011.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1011.2 POLICY

It is the policy of the Bainbridge Island Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1011.3 ISSUANCE OF BODY ARMOR

The Administrative Services supervisor shall ensure that body armor is issued to all officers when the officer begins service at the Bainbridge Island Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administrative Services supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1011.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Officers shall only wear agency-approved body armor.

(b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

(d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.

(e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1011.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

1011.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR
Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1011.4 RANGEMASTER RESPONSIBILITIES

The Armorer should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates officers about the safety benefits of wearing body armor.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Personnel Records

1012.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1012.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Washington.

1012.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

Personnel File - That file which is maintained by Human Resources as a permanent record of a sworn officer's employment with this department.

Supervisor File - Any file which is separately maintained internally by an employee's supervisor(s) within an assigned section for the purpose of completing timely performance evaluations. Includes log entries or any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of this department.

Training File - Any file which documents the training records of an employee.

Internal Affairs Files - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

Medical File - That file which is maintained separately by HR that exclusively contains material relating to an employee's medical history.

Pre-employment personnel files, including background information psychological and polygraph results, will also be maintained by Human Resources. Such files shall be kept separately from other personnel files.

All employee records will be secured and available only to persons authorized to access such information.

1012.4 SUPERVISOR FILE

Supervisor files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Supervisor file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

1012.5 TRAINING FILE

An individual training file shall be maintained by the Deputy Chief, or designee for each member. Training files will contain records of all training; original or photocopies of available certificates,

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

(a) The involved member is responsible for providing the Deputy Chief or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Deputy Chief or supervisor shall ensure that copies of such training records are placed in the member's training file.

1012.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Deputy Chief in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Deputy Chief.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's department file but will be maintained in the internal affairs file:

(a) Not sustained

(b) Unfounded

(c) Exonerated

1012.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

(a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).

(b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.

(c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

(d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.

(e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1012.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable law and discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

1012.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Public Records Officer or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1012.8.2 RELEASE OF PERSONNEL INFORMATION

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false.

1012.9 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from his/her personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record (RCW 49.12.250).

Members may be restricted from accessing files containing any of the following information:

(a) Background information and promotional assessment materials.

(b) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.

(c) Confidential portions of internal affairs files that have not been sustained against the member.

(d) Criminal investigations involving the member.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(e) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.

(f) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.

(g) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.

(h) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

(i) Records relevant to any other pending claim between the Department and the member that may not be discovered in a judicial proceeding.

1012.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

(a) During the preparation of each member’s performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.

(c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Fitness for Duty

1013.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions.

1013.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform the essential duties of their job position.

(b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.

(c) During working hours, all employees are required to be alert, attentive, and capable of performing their assigned responsibilities.

(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1013.3 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to address the situation.

(b) Whenever feasible, the supervisor should make a preliminary determination of the level of inability of the employee to perform the essential duties required of the job.

(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to obtain sufficient information regarding the nature of the concern to enable the Department to assess options and react responsibly to assure the safety of the employee, other members of the Department and the public, while complying with the employee's legal rights.

(d) In conjunction with the Shift Sergeant or employee's available Supervisor, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.

(e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

1013.4 RELIEF FROM DUTY

Any employee suffering from a work or non-work related condition which warrants a temporary relief from duty may be entitled to be placed on family medical leave under state and/or federal law. Consult with Human Resources to assure proper notification and compliance with family medical leave rights. Employees who are relieved from duty for medical reasons may be eligible for workers compensation payments or may be required to use sick leave or other paid time off consistent with applicable policies.

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

1013.5 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.

(b) The examining health care provider will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. The scope of the requested fitness for duty report shall be confined to the physical or psychological condition that prompted the need for the examination. If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding.

(c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.

(d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.

(e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

(f) In the event an employee is required to submit to a "fitness for duty" examination as a condition of returning from medical leave required under the Family Medical Leave Act (FMLA), contact Human Resources for direction regarding how to proceed.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(g) Once an employee has been deemed fit for duty by the examining health care provider, the employee will be notified to resume his/her duties.

1013.6 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period, or
- 30 hours in any 2 day (48 hour) period, or
- 84 hours in any 7 day (168 hour) period.

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1013.7 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty exam shall be entitled to an administrative appeal as outlined in the Complaints and Discipline Policy.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Meal Periods and Breaks

1014.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all City employees that has been established by the City Manager.

1014.1.1 MEAL PERIODS

Employees shall receive a 40 minute meal period which will be considered on-duty time. Officers shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed officers should take their breaks within the City limits unless on assignment outside of the City.

The time spent for the meal period should not exceed the authorized time allowed.

1014.1.2 15 MINUTE BREAKS

Each employee is entitled to breaks not to exceed 15 minutes for every four hours of working time. Officers are required to monitor their radios and be immediately available for calls.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Lactation Break Policy

1015.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

1015.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing child for up to two years after the child's birth (29 USC § 207; RCW 43.10.005).

1015.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Employees desiring to take a lactation break shall notify CenCom or a supervisor prior to taking such a break and such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1015.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be sanitary, shielded from view, and free from intrusion from co-workers and the public (29 USC § 207; RCW 43.70.640; RCW 43.10.005).

Employees occupying such private areas shall either secure the door or otherwise make it clear that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

1015.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Overtime Compensation Requests

1016.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Collective Bargaining Agreement, or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit an overtime request as soon as practical after overtime is worked.

1016.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed the maximum allowed hours of compensatory time according to the current collective bargaining agreement.

1016.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Administrative Services Section. Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1016.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor. Employees submitting overtime requests for on-call pay when off duty shall submit cards to their supervisor the first day after returning for work.

1016.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who approves the overtime earned shall verify that the overtime was worked before approving the request.

After the entry has been made on the employee's time sheet, the overtime request is attached to the timesheet and forwarded to the employee's supervisor for final approval.

1016.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Collective Bargaining Agreements provides that a minimum number of hours will be paid.

1016.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

TIME WORKED	INDICATE ON CARD
1 to 15 minutes	¼ hour
16 to 30 minutes	½ hour
31 to 45 minutes	¾ hour
46 to 60 minutes	1 hour

1016.3.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other officer, the approving supervisor may require each employee to explain the reason for the variation.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Outside Employment

1017.1 PURPOSE AND SCOPE

This policy governs secondary employment, delineates the types of secondary employment that are appropriate, and establishes procedures to maintain accountability of work outside regular assigned work shifts. These procedures ensure that secondary employment, which consists of part-time or off-duty employment, does not interfere with the primary responsibility of law enforcement officers to serve this agency.

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

POLICY

It is the policy of the Bainbridge Island Police Department to permit regulated secondary employment.The Department shall, however, impose reasonable limitations on such employment to ensure its integrity is maintained and the Department receives full and faithful service in return for expended resources. This Policy applies to all employees.

1017.1.1 DEFINITIONS

Outside Employment - Any employment where a employee of this Department receives wages,compensation or other consideration of value from another employer, organization or individual not affiliated directly with this Department for services, product(s) or benefits rendered. Outside employment does not require the use, or potential use of law enforcement powers by the police officer employee, and is not performed during assigned hours of duty. An employee who owns or operates any private business, works on commission, or receives compensation in any form from any person, firm, or corporation other than the Police Department is considered to be engaged in outside employment. Examples include photography, property management, construction,marketing, retail sales, and other commercial pursuits.

Off-Duty Employment- Any employment that is conditioned on the actual or potential use of law enforcement powers by the off-duty police employee for an employer other than the Bainbridge island Police Department is considered off-duty work. An employee may work off-duty where the entity has a contract agreement with the City for police officers who are able to exercise their police duties. Examples include traffic control and pedestrian safety, crowd control, security, and protection of life and property, routine law enforcement for public authorities, sporting events,dances, construction projects, exhibitions, concerts, and plain clothes assignments. This also includes law enforcement services provided to other City of Bainbridge Island departments which the officers work on an overtime basis.

Secondary Employment- Refers to both Outside Employment and Off-Duty work. Commonly used when referring to the Secondary Employment Permit used to authorize both types of work.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

1017.2 OBTAINING APPROVAL-SECONDARY WORK PERMIT

(a) No employee of this Department may engage in any secondary employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for secondary employment or engaging in employment prohibited by this policy may lead to disciplinary action.

(b) In order to be eligible for secondary employment, a police employee must be in good standing with the Department. Continued agency approval of a police employee's secondary employment is contingent on such good standing.

(c) In order to obtain approval for secondary employment, the employee must complete a Secondary Work Permit which shall be submitted for each separate activity through the chain-of-command to the Deputy Chief for tentative approval. Approval must be given prior to the employee engaging in secondary employment. The application will then be forwarded through channels to the Chief of Police for consideration. The Chief of Police gives final review and approval.

    (a) If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Secondary Work Permit in a timely manner.

    (b) Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial.

(d) Officers who are on probation and in the Field Training Officer Program (FTO) will be prohibited from off-duty work. During the remainder of the employee's probationary period, participation in off-duty employment will be reviewed on a case-by-case basis.

(e) Employees who are on medical or other leave due to sickness, temporary disability, or an on-duty injury shall not be eligible to engage in secondary-duty employment unless authorized by the Chief of Police.

1017.2.1 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

A Secondary Work permit may be revoked or suspended under the following circumstances:

(a) When the secondary employment results in inefficient or reduced performance by the employee or an excessive use of sick leave.

(b) The employment is found to involve misuse of the police commission.

(c) Where it is determined that such secondary employment is not in the best interest of the Department.

(d) As a term or condition of sustained discipline.

(e) When an employee is unable to perform at a full duty capacity due to an injury or other condition until the employee has been cleared to return to full duty status.

(f) Violation of any provisions for assignment of details, or failing to comply with policies and procedures for outside or special details.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(g) Establishing a pattern of failing to report for assignments or tardiness.

(h) Lack of proper equipment, unacceptable appearance, performance, or conduct.

1017.3 PROHIBITED OUTSIDE EMPLOYMENT

The Department expressly reserves the right to deny any Secondary Work Permits submitted by an employee seeking to engage in any activity which, in its view, would:

(a) Involve the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage.

(b) Involve time demands that would render performance of the employee's duties for this department less efficient or render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

(c) Conflict with the best interests of the City. Examples of employment which may constitute a conflict of interest include, but are not limited to:

  (a) Employment involving bail bond agencies.

  (b) Employment as a process server, bill collector or for any credit or collection agency or in any capacity involving repossession of motor vehicles or other property or eviction from premises.

  (c) Employment as an investigator for insurance companies, collection agencies, private investigators, or attorneys.

  (d) Employment as an investigator or in any capacity involving the use of police records for other than law enforcement purposes.

  (e) Employment for any business that provides private investigations, background checks, or administers deception detection exams.

  (f) Employment that assists (in any manner) the case preparation for the defense in any criminal action or for either side in any civil proceeding.

  (g) Employment at any business licensed, inspected or regulated by the City. This includes:

    (a) Employment that involves the officer's operation or control of any taxicab.

    (b) Any employment which has any connection with towing vehicles for a company that operates within the City.

  (h) Employment at pawn shops.

  (i) Employment as a private security guard or a security guard company, armored car service, or similar provider of armed or protective services or performing personal security or bodyguard services for any individual person.

  (j) Employment that involves the sale, manufacture or transport of alcoholic beverages as the principal business. This includes employment as doormen,

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

bouncers or in similar security roles in any establishment that serves liquor. The Chief of Police may grant special permission under certain circumstances such as community festivals and charitable functions wishing to hire off-duty officers. This section does not prohibit the home production of wine or malt beverages for personal consumption as may be allowed by law.

(k) Employment in any gambling establishment.

(l) Employment in any establishment characterized as an adult entertainment business or massage parlor.

(m) Employment related to the protection of management, employees, or property during a strike or labor dispute.

(n) Any employment by any other municipality or political subdivision of the State, except by express permission of the Chief of Police

(o) Any employment which requires affiliation, membership, or allegiance, which would tend to interfere with the proper discharge of one's duties as an employee of the Department, or with their loyalty to the Department or the public trust.

(p) Any employment which would involve the officer in a violation of any federal or state statutes, or in a violation of any rule, regulation, or written directives of this Department.

(q) Any situation where the Chief of Police feels that the proposed employment would not be in the best interest of the Department or might impair the operation or efficiency of the Department or officers.

The Chief of Police may make exceptions to the above conditions of secondary employment if extenuating circumstances exist and there is no statute prohibiting an employee of the Department from engaging in such employment. Engaging in secondary employment which is prohibited by this policy is cause for discipline.

1017.3.1 OFF-DUTY SECURITY AND PEACE OFFICER EMPLOYMENT

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the City in advance of the desired service. Such outside overtime will be assigned, monitored and paid through the Department.

(a) Should such a request be approved, any employees working outside overtime shall be subject to the following conditions:

1. The officer(s) shall wear the departmental uniform/identification.
2. The officer(s) shall be subject to the rules and regulations of this department.
3. No officer may engage in such employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

4. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

1017.3.2 SECONDARY EMPLOYMENT ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a manner pursuant to department policy.

1017.3.3 PROCEDURES/SPECIAL RESTRICTIONS

(a) Except for emergency situations or with prior authorization from the Deputy Chief,undercover officers or officers assigned to covert operations shall not be eligible to work in a uniformed or other capacity which might reasonably disclose the officer's status as a law enforcement officer.

(b) Work hours for all secondary employment must be scheduled in a manner that does not conflict or interfere with the police employee's performance of duty.

(c) An officer engaged in any secondary employment is subject to call-out and may be expected to leave any secondary employment. Employees directed to report for overtime work will do so regardless of their secondary employment situation.

(d) While engaged in off-duty employment, officers shall adhere to all rules, regulations, and orders governing conduct or equipment used while on duty.

(e) Upon reporting to off-duty employment, officers will notify dispatch of location and duration of shift.

(f) In any off-duty job, safety equipment, as required by the Washington Industrial Safety and Health Act, will be worn and provided by the employer and/or officer.

(g) An employee who wishes to take leave to fulfill an off-duty job obligation will ask for leave no less than 72 hours prior to the off-duty employment assignment.

(h) Employee's are responsible to find replacements when they are not able to attend off-duty employment that they previously committed to work.

(i) No employee shall solicit any individual or business for the purpose of gaining off-duty employment.

(j) Employees working off-duty police employment will be governed by the policies, procedures, and code of conduct of the Department. Employees working off-duty police employment will notify an on-duty supervisor of all reportable incidents, accidents or injuries in accordance with Department policy.

1017.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee’s position with this department.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

1017.5 MATERIAL CHANGES OR TERMINATION OF OUTSIDE EMPLOYMENT

If an employee terminates his/her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees are also required to disclose material changes in outside employment that occur after approval of outside employment has been granted to the Chief of Police in writing. For the purpose of this policy, such changes include any material change in the number of hours, type of duties or demands of outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1017.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor’s orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

(a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's professional medical advisors.

(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.

(c) The employee’s failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Bainbridge Island Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

1017.7 APPROVING/COORDINATION/SCHEDULING

(a) Coordinating and scheduling of off-duty employment and establishing procedures will be the responsibility of the Chief of Police, or designee. This includes approval of:

1. All off-duty work prior to being offered to employees.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

2. Procedures for setting off-duty employment rates of pay.
3. Procedures for coordinating approved work as to posting, equal opportunity to sign up for job opportunities, and billing and payment for work performed.
4. The number of officers, including supervisors, needed for assignment based on the type of event.

(b) The Bainbridge Island Police Department does not assume responsibility for guaranteeing coverage of off-duty employment requests, with the possible exception of certain events sponsored by the City and/or located at City facilities.

(c) When police officers are engaged in approved off-duty employment, they will be considered to be in the employment of the City for insurance purposes and will be insured under the same terms and conditions as apply when they are engaged in regular on-duty law enforcement duties.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Occupational Disease and Work-Related Injury Reporting

1018.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, post-traumatic stress disorder (PTSD), and work-related injuries.

1018.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease, PTSD, or infection while acting in the course of employment (RCW 51.08.013; RCW 51.08.100; RCW 51.08.140; RCW 51.08.142).

1018.2 POLICY

The Bainbridge Island Police Department will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (RCW 51.28.010 et seq.).

1018.3 RESPONSIBILITIES

1018.3.1 EMPLOYEE RESPONSIBILITIES

Any employee sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate.

1018.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Citywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and the Accident, Illness and Injury Prevention policies apply and take additional action as required.

1018.3.3 SUPERVISOR RESPONSIBILITIES

The Supervisor who receives a report of an occupational disease or work-related injury should review the report for accuracy, complete the supervisor portion of the form, and determine what additional action should be taken. The report shall then be forwarded to Human Resources to ensure any required Department of Labor and Industries reporting is made as required in the accident, illness and injury prevention plan identified in the Accident, Illness and Injury Prevention Policy.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

1018.4 DISEASE/MINOR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Supervisor through the chain of command and a copy sent to Human Resources.

This report shall be signed by the affected employee, indicating that he/she desired no medical attention at the time of the report. By signing, the employee does not preclude his/her ability to later seek medical attention.

1018.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1018.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Personal Appearance Standards

1019.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance in a manner that projects a professional image appropriate for this department and for their assignment.

1019.2 GROOMING STANDARDS

Unless otherwise stated, and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1019.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

1019.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1019.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1019.2.4 FACIAL HAIR

Beards and goatees are permitted if they are maintained in a neat, clean manner presenting a groomed appearance, and they do not interfere with the wearing of police equipment or expose the wearer to undue risk or hazard.

The beard or goatee must be shaven off of the neck area.

The beard or goatee must be started at the beginning of at least 4 consecutive days off.

Facial hair will not exceed one inch in length when laying naturally and measured out from the face.

Extreme styles, as determined by the Chief, are prohibited.

It is a recognized fact that some people are capable of growing beards (or goatees) which have a neat appearance and some are not. The Chief will determine, on an individual basis, if an officer may keep a beard (or goatee) or if the officer must shave it off.

This policy will be reviewed annually and may be rescinded at ANY time.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

1019.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1019.2.6 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Earrings shall not be worn by male uniformed sworn members, detectives or special assignment personnel without permission of the Chief of Police or his/her designee. Female uniformed sworn members are allowed stud or non-dangling earrings that do not extend below the earlobe. Only one ring may be worn on each hand of the employee while on-duty.

1019.3 TATTOOS

At no time while on-duty or representing the Department in any official capacity, shall any offensive tattoo or body art be visible. Examples of offensive tattoos would include, but not be limited to, those which depict racial, sexual, discriminatory, gang related or obscene language.

1019.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited except with prior authorization of the Chief of Police. Such body alteration includes, but is not limited to:

(a) Tongue splitting or piercing.

(b) The complete or transdermal implantation of any material other than hair replacement.

(c) Abnormal shaping of the ears, eyes, nose or teeth.

(d) Branding or scarification.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Uniform Regulations

1020.1 PURPOSE AND SCOPE

The uniform policy of the Bainbridge Island Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated policies:

- Department Owned and Personal Property
- Body Armor
- Grooming Standards

The Uniform and Equipment Catalog is maintained and periodically updated by the Chief of Police or his/her designee. That catalog should be consulted regarding authorized equipment and uniform specifications.

The Bainbridge Island Police Department will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

1020.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.

(b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained separately from this policy.

(e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

(g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(h) If the uniform is worn while in transit driving a personal or unmarked vehicle, an outer garment should be worn over the uniform shirt so as not to bring attention to the employee while he/she is off duty.

(i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.

(j) Mirrored sunglasses will not be worn with any Department uniform except while on Marine patrol.

(k) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or his/her designee.

1. Wrist watch.
2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand.
3. Medical alert bracelet.
4. Stud or non-dangling earrings for female officers.

1020.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

(a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.

(b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Supervisor.

1020.3 UNIFORM CLASSES

1020.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

(a) Long sleeve shirt with tie.

(b) Designated hat/cover for outside or ceremonial occasions.

(c) Polished shoes or boots (boots with pointed toes are not permitted).

(d) Department approved hat/cover for outdoor wear.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

1020.3.2 CLASS B UNIFORM
All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

(a) The long or short sleeve shirt may be worn with the collar open. No tie is required.

(b) A white, navy blue or black crew neck t-shirt must be worn with the uniform.

(c) All shirt buttons must remain buttoned except for the last button at the neck.

(d) Approved all black polished shoes or boots may be worn (boots with pointed toes are not permitted).

(e) Department approved hat/cover for outdoor wear (optional).

1020.3.3 SPECIALIZED UNIT UNIFORMS
The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as K-9, Bicycle Patrol, Marine Patrol Officers and other specialized assignments. Specialized uniforms shall only be worn while performing the special assignment, not on regular patrol duties.

1020.3.4 FOUL WEATHER GEAR
The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

1020.3.5 FOOTWEAR
The Department shall pay $200.00 annually to the Police Chief and the Deputy Chief for the purchase of approved footwear.

1020.4 INSIGNIA AND PATCHES

(a) Shoulder Patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.

(b) Service stripes, stars, etc. - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.

(c) The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first initial and last name. If the employee desires other than the legal first initial, the employee must receive approval from the Chief of Police. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.

(e) Assignment Insignias - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Chief of Police.

(f) Badge - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.

(g) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

1020.4.1 MOURNING BADGE

Uniformed employees should wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

(a) An officer of this department - From the time of death until midnight on the 14th day after the death.

(b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.

(c) Funeral attendee - While attending the funeral of an out of region fallen officer.

(d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.

(e) As directed by the Chief of Police.

1020.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

(a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

(b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.

(c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.

(d) The following items shall not be worn on duty:

1. T-shirt alone.
2. Open toed sandals or flip-flops.
3. Swimsuit, tube tops, or halter-tops.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

4. Spandex or yoga-style type pants or see-through/sheer clothing.
5. Distasteful printed slogans, buttons or pins.

(e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.

(f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Bainbridge Island Police Department or the morale of the employees.

1020.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Bainbridge Island Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Bainbridge Island Police Department, to do any of the following:

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose, or contradict any social issue, cause or religion.

(c) Endorse, support, or oppose, any product, service, company or other commercial entity.

(d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast or any website.

1020.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

(a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

(c) Replacement of items listed in this order as optional shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (See the Department Owned and Personal Property Policy).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

1020.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Bainbridge Island Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

Bainbridge Island Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Nepotism and Conflicting Relationships

1021.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination, or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1021.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the Department employee's annual interest, compensation, investment or obligation is greater than $250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee who is vested with authority by law, rule or regulation, or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1021.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department does not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply:

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

(b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.

(e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive, or registered sex offender, or who engages in serious violations of state or federal laws.

1021.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

1021.2.2 SUPERVISORS RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations, whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Domestic Violence Involving Law Enforcement Employees

1022.1 PURPOSE AND SCOPE

This policy establishes procedures, protocols and actions for investigating and reporting domestic violence involving employees of this and other law enforcement agencies. The intent of this policy is to ensure that law enforcement employees are held to the standards of the law regarding domestic violence (RCW 10.99.090).

1022.1.1 DEFINITIONS

Agency - Means a general authority Washington law enforcement agency as defined in RCW 10.93.020.

Employee - Means any person currently employed with an agency.

Sworn Employee - Means a general authority Washington peace officer as defined in RCW 10.93.020, any person appointed under RCW 35.21.333, and any person appointed or elected to carry out the duties of the sheriff under RCW Chapter 36.28.

1022.2 DEPARTMENT RESPONSIBILITIES

Bainbridge Island Police Department has the following obligations (RCW 10.99.030 and 10.99.090):

(a) Provide pre-hire screening procedures reasonably calculated to disclose whether an applicant for a sworn employee position has a history of domestic violence, child abuse allegations, or have been subject to protective order.

(b) Maintain ongoing and meaningful relationships with victim advocacy groups and other domestic violence professionals in the community.

(c) Provide education to Bainbridge Island Police Department employees on the dynamics of interpersonal violence.

(d) In response to observed behavior or at the request of the employee, the Bainbridge Island Police Department may offer or recommend intervention services to employees. If domestic violence is suspected, the referral should be to a domestic violence specialist.

(e) Any employee who becomes aware of domestic violence committed by a sworn employee must immediately report that allegation to their supervisor.

(f) Recognize that employees who disclose that they have personally engaged in criminal acts of domestic violence are not entitled to confidentiality. Such acts shall be investigated administratively and criminally as appropriate.

(g) Provide information to employing law enforcement agencies within 24 hours of a domestic violence or domestic dispute report involving a sworn officer.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(h) Provide information on this domestic violence policy and programs under RCW 26.50.150 to employees and make it available to employee families and the public.

(i) Provide victims of domestic violence by Bainbridge Island Police Department employees a department point of contact to assist the victim through the investigative process. Consideration should be given to selecting a point of contact at least one rank higher than the perpetrator, and would ideally be someone other than the investigator.

(j) Provide victims of domestic violence by Bainbridge Island Police Department employees contact information about public and private nonprofit domestic violence services and information regarding relevant confidentiality policies related to the victim's information.

(k) Respond to Bainbridge Island Police Department employees who are alleged victims of violence at the hands of sworn employees of the Bainbridge Island Police Department. Safety concerns and domestic violence services information will be reviewed with the victim employee.

(l) Provide for an impartial administrative investigation and appropriate criminal investigation of all acts of domestic violence allegedly committed by a sworn employee and appropriate sanctions when it is found that an employee has committed an act of domestic violence. Administrative investigations may be conducted by the Bainbridge Island Police Department or through agreements with other law enforcement agencies

(m) Consider whether to relieve a sworn employee of Department-issued weapons and suspend law enforcement powers pending resolution of an investigation.

1022.2.1 SUPERVISOR RESPONSIBILITIES

Supervisors are required to:

(a) Be aware of behaviors in their subordinates that could be indicative of domestic violence and properly process observations of such behavior.

(b) Ensure that domestic violence incidents are properly recorded and processed according to this policy.

1022.2.2 DEPUTY CHIEF RESPONSIBILITIES

The Deputy Chief notified of an incident covered by this policy shall notify the Chief of Police promptly of such incident and:

(a) If an BIPD employee is involved they shall:

1. Determine if the involved employee's law enforcement powers shall be suspended and if duty weapon, and other Department-owned equipment shall be removed pending investigation outcome and possible prosecutorial charging decision.

2. Issue an administrative order prohibiting contact with the victim if appropriate.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

3. Forwarded information on the incident to the professional standards unit and/or the Chief of Police for review and further action.
4. Respond or designate a command officer to respond to a scene if the involved employee is a sergeant or above or if the situation dictates command presence.

(b) If an employee of another law enforcement agency is involved they shall:

1. Verify command notification of the employing agency.
2. Verify the supervisor has offered assistance with removing weapons, police powers, etc.
3. Ensure that the Bainbridge Island Police Department provides appropriate reports and any other requested documentation to the employing agency.

1022.2.3 DOMESTIC VIOLENCE SPECIALIST RESPONSIBILITIES

(a) In all instances of law enforcement domestic violence the Domestic Violence Specialist or DV Unit Supervisor shall:

1. Review the report and assign the criminal investigation or coordinate with the agency of jurisdiction.
2. Coordinate with the appropriate prosecutor's office regarding charging and prosecution.
3. Coordinate with the appropriate domestic violence advocacy organization to assist with victim safety concerns. Victim notification of each step of the administrative process is critical to victim safety.

(b) All completed investigations of domestic violence that reveal probable cause of a crime committed by any agency sworn employees or the agency head shall be promptly forwarded to the appropriate prosecuting authority for a charging decision.

(c) For all situations involving an employee of this department, the Domestic Violence Specialist or DV Unit Supervisor shall:

1. Contact the victim.
2. Introduce the point of contact.
3. Provide an update regarding the administrative process.

1022.3 EMPLOYEE ACTIONS

Law enforcement employees have the following obligations or entitlements (RCW 10.99.090):

(a) Employees are entitled to seek assistance through the employee assistance program, employee peer counselors, chaplains, or psychological professionals, however, in situations where family violence is indicated a referral to a domestic violence specialist is critical.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(b) Employees with knowledge or information about any sworn employee in violation of this policy must report in writing to their supervisor or the Deputy Chief as soon as possible, but no later than 24 hours. Failure to report may subject the employee to disciplinary action.

(c) Employees who are victims of domestic violence are encouraged to request assistance, but are not subject to punitive measures for failing to report their abuse.

(d) Employees should be alert to the likelihood of victim or witness intimidation and shall immediately take appropriate action. This action will include, but is not limited to the report to their supervisor or the Deputy Chief within 24 hours.

(e) Employees are expected to fully cooperate with the investigation of allegations under this Policy but only as requested by a supervisor, the Deputy Chief or by court subpoena.

(f) When a law enforcement agency responds to a call in which a sworn employee is alleged to have been involved in a domestic dispute or committed an act of domestic violence, the involved employee must immediately report that police response to their supervisor. A written report must follow within 24 hours, subject to the agency's internal investigatory process.

(g) When an employee becomes the subject of an investigation for child abuse or neglect, or becomes subject to an order under RCW 26.44.063 or an order of protection under RCW 26.50.020 et seq. or any equivalent order issued by another state or tribal court, that employee must immediately report the fact to his/her supervisor. A written report must follow within 24 hours to include a copy of any order and any notices of court dates, appearances, and proceedings received by the employee.

1022.4 INCIDENT RESPONSE

Any notification of any incident of domestic violence involving any law enforcement officer requires a prompt response, full investigation and a complete written report by this department (RCW 10.99.030). These incidents additionally require:

(a) On-scene supervisory presence.

(b) Notification through the chain of command to the Chief of Police of this department; and if the incident involves employees of another agency, notification of the agency head of the employing agency.

(c) The Chief of Police may delegate responsibility for receiving such reports to a specialized unit and/or specific person. Anyone so designated the Domestic Violence Specialist or Domestic Violence Unit should have specialized training regarding the dynamics of violent relationships, victim safety and the role of advocacy. The point of contact or unit supervisor should review each referral for any potential conflict of interest

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(d) In the event of a report of domestic violence alleged to have been committed by the Chief of Police, prompt notification will be made to the City Manager.

1022.4.1 PATROL RESPONSE

A patrol officer responding to an incident described as domestic violence involving a law enforcement officer should, whenever possible, request a supervisory response.

(a) The primary unit will conduct a thorough investigation, including, but not limited to:

1. Photographs of the crime scene and any injuries identified.
2. Statements from all witnesses, including children, if any.
3. The Domestic Violence Supplemental Report Form.
4. Seizure of any weapons used or referred to in the crime.
5. Signed medical releases.
6. Copies of dispatch (CAD) records.
7. 9-1-1 call recording preserved.
8. Statement of the victim; statement of the suspect.
9. Determine if the victim requests any guns or specific weapons be removed for safekeeping and accommodate removal or explain the process for seeking a court order for removal.
10. Complete the report as soon as possible, but prior to the completion of their shift.

(b) Patrol units responding to suspicious circumstances, compelling third party accounts of incidents, unexplained property damage, etc. or other troubling event involving law enforcement officers will complete written reports of the incident.

(c) A copy of all reports of the incident should be forwarded to the Chief of Police. Access to the report should then be restricted to some form of “read only” version or physically secured.

1022.4.2 PATROL SUPERVISOR RESPONSE

A patrol supervisor shall:

(a) Respond whenever practical to the scene of any domestic violence incident involving sworn employees of this department regardless of jurisdiction. Supervisors will coordinate information and offer assistance to the agency of jurisdiction to provide a complete investigation.

(b) Respond to the scene of all domestic violence incidents within the jurisdiction of the Bainbridge Island Police Department involving any law enforcement officer.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(c) Coordinate the investigation, applying appropriate resources and special units such as forensics, photography, domestic violence specialists, advocates and ensuring command notification.

(d) Write a report on all incidents, whether deemed criminal or not and route it through the chain of command.

(e) In the event of the arrest of a sworn employee of the Bainbridge Island Police Department, contact the Chief of Police who will order the surrender of the officer's Department-issued weapons and identification. Consideration should be given to other agency equipment and inquiries made about voluntary surrender of personal weapons that may be secured for safekeeping.

(f) In the event of the arrest of a sworn employee of another agency, contact that agency prior to custody transport and request authorization to seize that employee's agency-issued weapons or arrange for the employing agency to obtain them.

(g) Endeavor to make a good faith effort to locate the suspect if there is probable cause for an arrest.

(h) Explain the process to the victim, including the opportunity for applicable emergency protection orders, administrative no-contact orders, and confidentiality statutes and policies.

(i) Provide the victim with a copy of this policy and BIPD contact information, acting as the point of contact until another assignment is made.

1022.5 VICTIM SAFETY ASSISTANCE AND NOTIFICATION

The Bainbridge Island Police Department will work with community resources and domestic violence advocacy agencies and shall make available to the victim (RCW 10.99.090):

(a) Information on how to obtain protective orders and/or removal of weapons from his/her home.

(b) Assistance with obtaining such orders in coordination with domestic violence victim advocates.

(c) A copy of this policy and any agency confidentiality policy.

(d) Information about public and private domestic violence advocacy resources to include the Washington State Domestic Violence Hotline.

(e) Information related to relevant confidentiality policies related to the victim's information and public disclosure as provide by law.

(f) The Bainbridge Island Police Department will coordinate victim notification regarding criminal and administrative investigative processes through the designated agency liaison in order to assist with victim safety.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Department Badges

1023.1 PURPOSE AND SCOPE

The Bainbridge Island Police Department badge and uniform patch as well as the likeness of these items and the name of the Bainbridge Island Police Department are the property of the Department and their use shall be restricted as set forth in this policy.

1023.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1023.2.1 FLAT BADGE

Sworn officers, with the written approval of the Chief of Police may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

(a) An officer may sell, exchange, or transfer the flat badge he/she purchased to another officer within the Bainbridge Island Police Department with the written approval of the Chief of Police.

(b) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Department Owned and Personal Property Policy.

(c) An honorably retired officer may keep his/her flat badge upon retirement.

(d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1023.2.2 CIVILIAN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.

Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

1023.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

1023.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and civilian uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for Department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1023.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

(a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Bainbridge Island Police Department. The following modifications shall be included:

1. The text on the upper and lower ribbons is replaced with the name of the employee association.
2. The badge number portion displays the initials of the employee association.

(b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Temporary Modified-Duty Assignments

1024.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules or current collective bargaining agreements or memorandums of understanding. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1024.2 POLICY

Subject to operational considerations, the Bainbridge Island Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1024.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Washington Law Against Discrimination shall be treated equally, without regard to any preference for a work-related injury.

No position in the Bainbridge Island Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle or engaging in outside employment, or may otherwise limit them in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1024.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Employees seeking a temporary modified-duty assignment should submit a written request to their Supervisors or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

(a) An assessment of the nature and probable duration of the illness or injury.

(b) The prognosis for recovery.

(c) The nature and scope of limitations and/or work restrictions.

(d) A statement regarding any required workplace accommodations, mobility aids or medical devices.

(e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Supervisor will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Human Resources or the City Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Shift Sergeant or Supervisor, with notice to the Chief of Police.

1024.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Supervisor.

1024.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but are not limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.

(b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.

(c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.

(d) Submitting a written status report to the Supervisor that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1024.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

The responsibilities of supervisors shall include, but are not limited to:

(a) Periodically apprising the Supervisor of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Supervisor and ensuring that the required documentation facilitating a return to full duty is received from the employee.

(c) Ensuring that employees returning to full duty have completed any required training and certification.

1024.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1024.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under RCW 43.10.005 or WAC 357-26-030 et seq.

1024.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

1024.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

1024.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Employee Speech, Expression and Social Networking

1025.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1025.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

1025.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Bainbridge Island Police Department will carefully balance the individual employee’s rights against the Department’s needs and interests when exercising a reasonable degree of control over its employees’ speech and expression.

1025.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of the Bainbridge Island Police Department employees, such as posting personal information in a public forum, can result in compromising an employee’s home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety of any employee, an employee's family or

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

1025.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Bainbridge Island Police Department or its employees.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Bainbridge Island Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Bainbridge Island Police Department or its employees. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitution.
2. Expression that demonstrates support for criminal activity.
3. Participating in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Bainbridge Island Police Department.

(f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee (RCW 9A.68.020).

(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Bainbridge Island Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

(h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:

1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
2. During authorized breaks; such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1025.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Bainbridge Island Police Department or identify themselves in any way that could be reasonably perceived as representing the Bainbridge Island Police Department in order to do any of the following, unless specifically authorized by the Chief of Police:

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support or oppose any product, service, company or other commercial entity.

(d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g. bargaining group), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Bainbridge Island Police Department.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1025.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Policy for additional guidance).

1025.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1025.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

1025.8 PERSONAL USE OF SOCIAL MEDIA

Barring state law or binding employment contracts to the contrary, department personnel shall abide by the following when using social media.

1. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this department for which

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the department.

2. As public employees, department personnel are cautioned that speech on- or off-duty, made pursuant to their official duties,"that is, that owes its existence to the employee's professional duties and responsibilities,"is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the department. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this department.

3. Department personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the chief executive or his or her designee.

4. For safety and security reasons, department personnel are cautioned not to disclose their employment with this department nor shall they post information pertaining to any other member of the department without their permission. As such, department personnel are cautioned not to do the following:

- Display department logos, uniforms, or similar identifying items on personal web pages.
- Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a police officer of this department. Officers who are, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification.

5. When using social media, department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the department's code of conduct is required in the personal use of social media. In particular, department personnel are prohibited from the following:

- Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.
- Speech involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.

6. Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. Department personnel thus sanctioned are subject to discipline up to and including termination of office.

7. Department personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this department without express authorization.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

8. Department personnel should be aware that they may be subject to civil litigation for:

(a) Publishing or posting false information that harms the reputation of another person, group, or organization (defamation).

(b) Publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person.

(c) Using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose.

(d) Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.

9. Department personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.

10. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.

11. Reporting violations. Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Accident, Illness and Injury Prevention

1026.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Bainbridge Island Police Department, in accordance with the requirements of an Accident Prevention Program (APP) (WAC 296-800-140 et seq.).

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Citywide safety efforts.

1026.2 POLICY

The Bainbridge Island Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related accidents, illness and injuries. The Department will establish and maintain an AIIPP and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

1026.3 ACCIDENT, ILLNESS AND INJURY PREVENTION PLAN

Human Resources is responsible for developing an accident, illness and injury prevention plan that shall include (WAC 296-800-14005):

(a) A description of the entire accident, illness and injury plan, including workplace safety and health training programs.

(b) A safety orientation that covers all components of the AIIPP.

(c) Regularly scheduled safety meetings.

(d) Posted or distributed safety information (WAC 296-800-19005; WAC 296-800-20005).

(e) A system for members to anonymously inform management about workplace hazards.

(f) Establishment of a safety and health committee that will (WAC 296-800-130):

1. Meet regularly.
2. Prepare a written record of safety committee meetings.
3. Review the results of periodic scheduled inspections.
4. Review investigations of accidents and exposures.
5. Make suggestions to command staff for the prevention of future incidents.
6. Review investigations of alleged hazardous conditions.
7. Submit recommendations to assist in the evaluation of member safety suggestions.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

8. Assess the effectiveness of efforts made by the Department to meet applicable standards (WAC 296-800-100 et seq.).

(g) Establishing a process to ensure workplace accidents involving a fatality or in-patient hospitalization of any member are reported as required to the Washington Department of Labor and Industries (WAC 296-27-031).

(h) On-the-job review and training of the practices necessary to perform the initial job assignments in a safe manner and how to properly address hazards.

(i) Instruction on reporting injuries and location of first-aid facilities.

(j) The use and care of required personal protective equipment (PPE).

(k) The proper actions to take during emergencies, including the routes for exiting work areas.

(l) Identification of the hazardous gases, chemicals or materials, along with the instructions on their safe use and emergency action following accidental exposure.

(m) The development, supervision, implementation and enforcement of training programs to improve the skill, awareness and competency of all members regarding occupational safety and health (WAC 296-800-14020).

1026.3.1 SAFETY COMMITTEE

The City of Bainbridge Islandmaintains a safety committee to communicate and evaluate safety and health issues that may affect members and to promote a safe and healthy work environment. The safety committee should include employee-elected and management-selected members. The number of employee-elected members must equal or exceed the number of management-selected members. A chairperson of the committee shall be elected (WAC 296-800-13020).

The safety committee will:

(a) Review safety and health inspection reports to help correct safety standards.

(b) Evaluate accident investigations conducted since the last meeting to determine if the causes of the unsafe situation were identified and corrected.

(c) Evaluate the AIIPP and discuss recommendations for improvement, if needed.

(d) Document attendance.

(e) Write down the subject discussed.

(f) Prepare minutes of each meeting that shall be made available for review by safety and health consultation personnel of the Washington Department of Labor and Industries.

1026.4 ADMINISTRATIVE SERVICES SUPERVISOR RESPONSIBILITIES

The responsibilities of the Administrative Services Supervisor include, but are not limited to:

(a) Managing, implementing and enforcing a plan to reduce the incidence of member accident, illness and injury (WAC 296-800-14025).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:

1. New member orientation that includes a discussion of safety and health policies and procedures.
2. Regular member review of the accident, illness and injury prevention plan.

(c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.

(d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes, but is not limited to:

1. Informing members of the accident, illness and injury prevention guidelines.
2. Recognizing members who perform safe work practices.
3. Ensuring that the member evaluation process includes member safety performance.
4. Ensuring department compliance to meet standards regarding the following:
   (a) Communicable diseases (WAC 296-823-100 et seq.)
   (b) PPE (WAC 296-800-160 et seq.)
   (c) Respiratory protection (WAC 296-800-160)
   (d) First aid (WAC 296-800-150 et seq.)
   (e) Safe workplace (WAC 296-800-110 et seq.)
   (f) Emergency Action Plan and Fire Prevention Plan (WAC 296-24-567)

(e) Making available a form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.

(f) Making available a form to document individual incidents or accidents.

(g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training and training providers.

(h) Conducting and documenting a regular review of the illness and injury prevention plan.

1026.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

(a) Ensuring member compliance with accident, illness and injury prevention guidelines and answering questions from members about this policy.

(b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.

(d) Completing required forms and reports relating to accident, illness and injury prevention; such forms and reports shall be submitted to the Administrative Services Supervisor.

(e) Notifying the Administrative Services Supervisor when:

1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
2. New, previously unidentified hazards are recognized.
3. Occupational accidents, illnesses and injuries occur.
4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
5. Workplace conditions warrant an inspection.

1026.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on the appropriate form. This form should be forwarded to the Administrative Services Supervisor via the chain of command.

The Deputy Chief will take appropriate action to ensure the accident, illness and injury prevention plan addresses potential hazards upon such notification.

1026.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

The Administrative Services Supervisor shall ensure that the appropriate documentation is completed for each inspection.

1026.7.1 EQUIPMENT
Members are charged with daily vehicle inspections of their assigned vehicles and of their PPE prior to working in the field. Members shall complete the appropriate form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

1026.8 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

(a) A visit to the accident scene as soon as possible.

(b) An interview of the injured member and witnesses.

(c) An examination of the workplace for factors associated with the accident/exposure.

(d) Determination of the cause of the accident/exposure.

(e) Corrective action to prevent the accident/exposure from reoccurring.

(f) Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

1026.9 TRAINING

The Deputy Chief or his/her designee, will provide all members, including supervisors, with training on general and job-specific workplace safety and health practices (WAC 296-800-14020). Training shall be provided:

(a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.

(b) To all members with respect to hazards specific to each member’s job assignment.

(c) To all members given new job assignments for which training has not previously been provided.

(d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.

(e) Whenever the Department is made aware of a new or previously unrecognized hazard.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

1026.9.1 TRAINING TOPICS

The Deputy Chief shall ensure that training includes:

(a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.

(b) Use of appropriate clothing, including gloves and footwear.

(c) Use of respiratory equipment.

(d) Availability of toilet, hand-washing and drinking-water facilities.

(e) Provisions for medical services and first aid.

(f) Handling of bloodborne pathogens and other biological hazards.

(g) Prevention of heat and cold stress.

(h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).

(i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.

(j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.

(k) Back exercises/stretches and proper lifting techniques.

(l) Avoidance of slips and falls.

(m) Good housekeeping and fire prevention.

(n) Other job-specific safety concerns.

1026.10 RECORDS

Records and training documentation relating to accident, illness and injury prevention will be maintained in accordance with the established records retention schedule.

Safety committee records shall be retained for a minimum of one year (WAC 296-800-13020).

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Personnel Complaints

1027.1 PURPOSE AND SCOPE

This policy provides the guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Bainbridge Island Police Department.

1027.1.1 DEFINITIONS

Personnel Complaints: An allegation of misconduct or improper job performance against a Department employee that, if true, would constitute a violation of Department policy, federal, or state law.

Department Complaint: An expression of dissatisfaction from an external source with a policy, procedure, practice, philosophy, service level or legal standard of the Department that is not directed at a specific officer or group of officers.

1027.2 COMPLAINTS

It is the policy of the Department to accept and investigate all complaints of employee misconduct and wrongdoing from any citizen.

Any employee receiving a citizen's allegation against any other employee of the Department shall obtain the name, address, and phone number of the person and forward this information to a supervisor as soon as possible, regardless of whether or not the complainant wishes to come forward.

Anonymous complaints and third party complaints will be accepted and investigated to the extent possible given the information that is provided.

A complaint may be filed in person, in writing, or by telephoning the Department. Although not required, every effort should be made to have the complainant appear in person.

When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a Personnel Complaint form and contacted by a supervisor when the complainant is sober.

Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint.

When an allegation about an employee is made directly to that employee, that employee shall notify a supervisor immediately.

If the complainant does not speak English, a suitable translator should be utilized.

Complainants shall not be required to appear in person, return to the Department at another time, swear under oath, participate in truth verification exams or acknowledge that making a false complaint is a crime for which they may be prosecuted or sued.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Complaints made against the Deputy Chief should be reported directly to the Chief of Police. Any person wishing to complain about the Chief of Police will be directed to the City Manager.

If a complainant indicates they wish to withdraw their complaint at any point, they shall not be required to participate in the process. The investigation will continue to the extent possible without the complainant's assistance.

No employee shall harass (or cause another to), verbally abuse, or threaten any person who files a complaint.

1027.2.1 DOCUMENTATION OF COMPLAINTS

Citizen complaint forms are available at the front counter or may be obtained from any supervisor. Complainants will not be required to fill out the citizen complaint form if they do not want to do so, nor will a citizen complaint form be a condition or prerequisite for investigating an allegation.

Complaints should also be documented by a supervisor on an approved form. If the complaint is minor and can be adequately handled at the supervisory level, the supervisor shall include a summary of actions taken and a disposition of the complaint.

The complaint form and any relevant documentation will be collected as a complaint packet. The packet will be sent to the Deputy Chief who will take appropriate action and forward the complaint to the Chief of Police.

1027.3 RESPONSIBILITES

1027.3.1 SUPERVISOR RESPONSIBILITES

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.

    1. The original complaint form will be directed to the Deputy Chief, via the chain-of-command, who will take appropriate action.

    2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the Deputy Chief or the Chief of Police, who will initiate appropriate action.

(b) Responding to all complaints in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.

(d) Follow-up contact with the complainant should be made within 24-hours of the department receiving the complaint.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(e) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Deputy Chief and Chief of Police are notified via the chain of command as soon as practicable.

(f) Promptly contacting the Personnel Department and the Deputy Chief for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethic, or other forms of prohibited harassment or discrimination in accordance with Federal Laws, State Law, and City Policy.

(g) Forwarding unresolved personnel complaints to the Deputy Chief, who will determine whether to contact the complainant or assign the complaint for investigation.

(h) Informing the complainant of the investigator's name and the complaint number within three days after assignment.

(i) Investigating a complaint as follows:

1. Making reasonable efforts to obtain names, addresses,email address, and telephone numbers of witnesses.

2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured area are taken.

(j) Ensuring that the procedural rights of the accused are followed.

(k) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1027.3.2 DEPUTY CHIEF RESPONSIBILITES

Complaint and Internal Investigations are a collateral duty managed by the Deputy Chief. The Deputy Chief shall have the authority to assign internal investigations and shall report directly to the Chief of Police. The Deputy Chief will:

(a) Receive all complaints.

(b) In consultation with the Chief of Police, determine the type of investigation required and who will investigate the allegation.

(c) Maintain regular communication with the investigator(s) and assist investigators as needed.

(d) Review all internal investigations for completeness.

(e) Present the results to the Chief of Police.

(f) Maintain all records related to complaints and internal investigations.

(g) Investigate complaints assigned by the Chief of Police.

(h) Notify the Prosecutor's Office of potential officer credibility issues.

1027.3.3 ASSIGNMENT OF COMPLAINT INVESTIGATION

Once a complaint is received by the Deputy Chief, it will be reviewed, logged and assigned for investigation, if needed. If the complaint is determined to have been satisfactorily handled by the supervisor, the Deputy Chief will close and file the complaint.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

In matters regarding allegation of criminal conduct, or where a conflict of interest exists, the Chief of Police will request an investigation by an outside organization or investigator. The Deputy Chief will maintain liaison with the investigation agency or person.

1027.3.4 CLASSIFICATION OF COMPLAINTS

Minor Complaints to Supervisors. Most minor complaints can be resolved by the immediate supervisor. This is applicable to those allegations of first time incidents of minor misconduct or procedural violations. These may include complaints of:

(a) Driving.

(b) Rudeness or discourtesy.

(c) Poor service.

Complaints Investigated as Internal Investigations. Allegations that should be investigated as internal investigations include:

(a) Criminal conduct (conducted by an external agency).

(b) Complex and time-consuming investigations.

(c) Allegations of serious misconduct.

(d) Habitual minor misconduct or patterns of minor infractions.

(e) Those investigations directed by the Chief of Police.

1027.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE

The Chief of Police or designee may assign the accused employee to administrative leave pending completion of the investigation of administrative charges, subject to the provisions of the applicable collective bargaining agreement.

1027.5 ALLEGATIONS OF CRIMINAL CONDUCT

The Chief of Police shall be notified as soon as practical when an employee is formally accused of criminal conduct. In the event of criminal allegations, the Chief of Police will request a criminal investigation by an outside law enforcement agency.

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian and the employee may not be administratively ordered to provide any information to a criminal detective.

No information or evidence administratively coerced from an employee may be provided to a criminal detective.

Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer, which has not led to a conviction, however, no disciplinary action, other than paid administrative leave shall be taken against the accused employee based solely on an arrest or crime report. An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with department policy.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

When the alleged crime occurred outside the jurisdiction of the City of Bainbridge Island, the Deputy Chief will maintain a liaison with the involved investigating agency.

1027.6 INTERNAL INVESTIGATIONS

1027.6.1 ADMINISTRATIVE SEARCHES

Employees shall have no expectation of privacy when using telephones, computers, radios or other forms of communications or media devices provided by the Department.

Employees shall not store personal information or belongings with an expectation of personal privacy in such places as desks, storage spaces, office spaces, department owned vehicles, file cabinets, or similar areas that are the property of the City of Bainbridge Island. While the Department recognizes the need for employees to occasionally store personal items in such areas, employees should be aware that these and similar places may be inspected or otherwise entered to meet operational needs, internal investigatory requirements, or for other reasons at the direction of the Chief of Police or designee.

This does not extend to personally owned items such as purses, backpacks, luggage, or similar items that are clearly personal in nature and stored within Department owned spaces.

1027.6.2 INVESTIGATIVE PROCEDURES

(a) Employees will be notified of an internal investigation in accordance with the provisions of the Collective Bargaining Agreement.

(b) If the complaining party is charged with a criminal offense associated with this investigation, then the investigation may be suspended until the completion of the criminal process.

(c) Information developed from administratively compelled statements of an accused employee cannot be used against employees in any congruent criminal investigation of the same allegation.

(d) Officers shall cooperate fully in any internal administrative investigation conducted by this or other authorized agency and shall provide complete and accurate information in regard to any issue under investigation. The employee is required to complete any requested statement and answer all questions truthfully. Failure to provide a statement and answer questions truthfully and completely is grounds for disciplinary action. An employee's failure to cooperate with an internal investigation shall be immediately reported to the Deputy Chief or Chief of Police.

(e) Each investigation shall be conducted in a manner which thoroughly examines all the specifics of the alleged misconduct.

(f) Investigators should not accept vague and generalized responses to their questions from complainants, witnesses or the accused employee.

(g) Interviews with the accused employee, taken as part of formal internal investigations, will be conducted in accordance with the current Collective Bargaining Agreement.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(h) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

(i) If, during the course of the investigation, evidence is developed indicating the employee misconduct not mentioned in the original complaint, the investigator shall consult with the Deputy Chief as to what action should be taken.

(j) Every investigator or supervisor assigned to investigate a personnel complaint shall proceed with due diligence. Recognizing that factors such as witness availability and the complexity of allegations will affect each case, effort should be made to complete each investigation within a reasonable period following the receipt.

1027.7 DISPOSITION OF COMPLAINTS & INTERNAL INVESTIGATIONS

1027.7.1 CASE FORMAT

All internal investigative case files should contain a record of all actions taken by investigators and all relevant statements, reports, documents, physical evidence, and/or photographs.

1027.7.2 CASE REVIEW

Upon completion of the internal investigation, the case file will be reviewed by the Deputy Chief for completeness. The Deputy Chief may direct further investigation be conducted or will submit the case to the Chief of Police.

When the Chief of Police is satisfied that the internal investigation was thorough, complete, and has a reasonable attempt to uncover all relevant evidence, he/she, will make a determination about each allegation, classifying each one in accordance with the dispositions listed in this policy.

1027.7.3 NOTICE OF FINDINGS

(a) The Chief of Police will assign a classification to each allegation. The classifications are as follows:

1. **Unfounded** - When the investigation discloses that the alleged act(s) did not occur or did not involve department personnel.
2. **Exonerated** - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.
3. **Not Sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.
4. **Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

(b) The classification will be made by a preponderance of the evidence as the standard of proof.

(c) A written Notice of Findings shall be sent to the accused employee. The notice shall indicate the findings for each allegation.

(d) When the findings are unfounded, exonerated, or not sustained, no record of allegation will appear in the employee's personnel file.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

(e) If one or more of the allegations are sustained, disciplinary measures may be taken in accordance with the provisions of the Policy Manual, the Civil Service Rules and the current collective bargaining agreement. A record of the disciplinary action taken will be placed in the complaint investigation file as well as the personnel file of the employee. If the consequences of the investigation does not rise to the level of Formal Discipline the record of the corrective action will not be placed in the employees personnel file.

1027.7.4 CLOSING THE CASE FILE

The case file of an internal investigation will be closed when the Chief of Police finds:

(a) All charges in the case to be unfounded, not sustained, or exonerated.

(b) Charges are sustained and the accused does not appeal the imposed discipline.

(c) The accused employee appeals the imposed discipline and the appeal is resolved.

When the case is closed the Deputy Chief will:

(a) Record findings in the complaint or internal investigation log.

(b) File the entire case in the secure internal investigation storage area.

(c) Send a copy of the investigative summary and applicable notices to Human Resources if the investigation resulted in sustained findings (with formal discipline).

1027.7.5 COMPLAINANT NOTIFICATION

All complainants will be provided with written notification concerning the conclusion of fact and disposition of their complaint. This requirement does not apply to anonymous complaints or when reasonable attempts to reach the complainant are unsuccessful.

1027.8 INVESTIGATIONS RECORDS

1027.8.1 CONFIDENTIALITY/SECURITY OF INVESTIGATION FILES

Complaint and internal investigation files will be kept in a secure area, accessible only to the Chief of Police, the Deputy Chief of Police, and the Administrative Supervisor. No file is to be removed from the secure area or shown to any person except upon approval of the Deputy Chief or Chief of Police.

1027.8.2 INVESTIGATION FILES AND LOGS

The following files are to be maintained by the Deputy Chief:

(a) Complaint Log.

(b) Internal Investigations Case Log.

(c) A complete copy of all complaint and internal investigation files for the period required by the records retention schedule.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

1027.8.3 RETENTION

All formal personnel complaints shall be retained in accordance with Washington State Retention Guidelines.

1027.9 ANNUAL REVIEW

An annual review and analysis of all internal investigations will be conducted and presented to the Chief of Police.

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

INDEX / TOPICS

A

ACCIDENT, ILLNESS AND INJURY PREVENTION 513
ADMINISTRATIVE INVESTIGATIONS
OIS. 78
ADULT ABUSE 111
AIRCRAFT
Accidents. 293
Ambulance. 306
Temporary flight restrictions. 149
ALCOHOL
Intoxicants. 146
AMMUNITION 83
ANTI-RETALIATION 442
APPOINTMENTS
Community relations coordinator. . . . 210
Exposure Control Officer. 450
Operations director 363, 374
Petty cash fund manager. 385
Portable audio/video recorder coordinator. 270
Press information officer (PIO). 148
Reserve coordinator. 155
Reserve officer/deputy. 154
ARRESTS
Child and dependent adult safety. . . . 184
Citations. 243
First amendment assemblies. 313
Seat belts. 461
AUDIO/VIDEO RECORDING
Body cameras. 270
Holding cells. 421
AUDITS
Case dispositions. 372
Petty cash. 385
AUTHORITY
Canine handler. 199
Ethics. 142
Law enforcement. 8
AUTOMATED EXTERNAL DEFIBRILLATORS (AED) 307
AUXILIARY RESTRAINTS 59

B

BACKGROUNDS 432
BADGE
Mourning Badge. 490
BADGES, PATCHES AND IDENTIFICATION
Conduct. 143
BARRICADED SUSPECTS 235
BATON 62
BICYCLE PATROL 277
BIOLOGICAL SAMPLES
Hazards 295, 518
Sexual assault. 370
BODY ARMOR
Suspects. 81
BODY ARMOR 462
BODY-WORN CAMERA 270
BOMBS 236
Aircraft accidents. 295
MDC/MDT. 269
MDT/MDC. 268
Portable audio/video recorders. 274

C

CANINES
Pursuits 93, 278
CASH 385
Custody. 421
CHILD ABUSE 120
CHILD ABUSE
Definitions. 120
CHILD AND DEPENDENT ADULT SAFETY 184
CHILDREN
Child safety. 184
Safety. 419
CITATIONS 243
CIVIL
Liability response. 79
CIVIL DISPUTES 315
CIVIL SUBPOENA 153
CIVILIAN/NON-SWORN
Crisis intervention incidents. 292
COMMAND STAFF
Work-related injuries. 483
COMMUNICABLE DISEASE
Health orders. 228
COMMUNICABLE DISEASES
Accident, Illness and Injury Prevention. . 513
Custody. 414
First responders. 305
COMMUNICATIONS CENTER
OIS. 74
Sexual assault. 370
COMMUNICATIONS WITH HEARING IMPAIRED OR DISABLED 176
COMMUNITY ADVISORY COMMITTEE . 212

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

COMMUNITY RELATIONS 209
CONCEALED PISTOL LICENSE 33
CONDUCT
OIS. 74
Standards of Conduct. 144
CONFIDENTIAL INFORMANTS 353
Payment Procedure. 355
CONFIDENTIALITY
Communicable disease information. . . 454
Conduct. 143
Custodial telephone calls. 419
Radio broadcasts. 268
CONFIDENTITALITY
Surreptitious recording. 273
CONSULAR OFFICERS 246
CONTACTS AND TEMPORARY DETENTIONS
Bias-based policing. 219
Warrant service. 376
CONTROL DEVICES
Custody. 420
Decontamination. 451
First amendment assemblies. 312
CONTROL DEVICES 62
COURT APPEARANCES 152
COURT ORDERS
Adult abuse. 113
Citation releases. 243
Civil disputes. 316
Source testing. 453
Subpoenas. 152
Surreptitious recording. 273
CRIME ANALYSIS 388
CRIME AND DISASTER SCENE INTEGRITY
. 227
CRISIS INTERVENTION INCIDENTS . . 288
CUNDUCTED ENERGY DEVICE 66

D

DEADLY FORCE REVIEW 54
DEATH
Custody. 422
Native American Graves (NAGPRA). . . 195
DEATH INVESTIGATION 166
DEATH NOTIFICATION 167
DEBRIEFING
OIS. 80
Warrant service. 376
DECONFLICTION 365
DEFINITIONS OF TERMS IN MANUAL . . 12
DEPARTMENT OWNED PROPERTY . . . 379
DEPARTMENT PROPERTY
Loss Or Damage. 380
DEPARTMENTAL DIRECTIVES 27
DEPENDENT ADULTS
Safety 184, 419
DIPLOMATIC AGENTS 246
DIPLOMATIC IMMUNITY 245
DISABLED
Motorist. 335
DISCIPLINE 141
DISCLAIMER OF POLICIES 12
DISCRIMINATION
Conduct. 142
DISCRIMINATORY HARASSMENT . . . 115
Complaints. 117
Definitions. 115
Supervisor's Role. 117
DOMESTIC VIOLENCE 102
DOMESTIC VIOLENCE BY LAW
ENFORCEMENT EMPLOYEES 496
DRIVING
MDT/MDC. 267
Pursuit tactics. 92
Safety. 145
DRUG- AND ALCOHOL-FREE WORKPLACE
. 446

E

ELECTRO-MUSCULAR DISRUPTION
TECHNOLOGY DEVICE 66
ELECTRONIC CIGARETTES 455
EMERGENCY MANAGEMENT PLAN . . . 28
EMERGENCY MANAGEMENT PLAN . . . 28
EMPLOYEE ASSISTANCE 447
EMPLOYEE CONVICTIONS 445
ENFORCEMENT 319
ETHICS 142
EVALUATION 436
EVIDENCE
NAGPRA. 195
Seizing recordings. 286
EXPLOSIONS 239
EXPOSURE CONTROL
Officer. 450
Reporting HAZMAT exposure. 232
Reviews. 513
EXPUNGEMENT 407
EYEWITNESS IDENTIFICATION 357

F

FIELD TRAINING OFFICER 259
FIREARMS

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

Conduct. 145
Custody. 420
Pursuits. 95
Retiree carry. 38
FIRST AMENDMENT ASSEMBLIES . . . 309
FITNESS FOR DUTY 468
FORCE 54
FOREIGN COURT ORDERS 103
FOREIGN NATIONALS 245
Arrest or Detention. 245
Arrest Procedure. 251
In-Custody Arrests. 248
Traffic Collisions. 250
Vehicle Registration. 246
FORMS
Eyewitness identification. 357

G

GANGS
Employee affiliation. 142
GRIEVANCE PROCEDURE 440
GROOMING STANDARDS 485
GUIDE DOGS 186

H

HANDCUFFING AND RESTRAINTS
Custody. 420
HATE CRIMES 138
HAZARDOUS MATERIAL (HAZMAT)
RESPONSE 232
Aircraft accidents. 295
Precautions. 451
HAZARDS 516
HEARING IMPAIRED 176
HONORARY CONSULS 246
HOSTAGE AND BARRICADE INCIDENTS
Rapid response and deployment. 253
HOSTAGES 235

I

IDENTITY THEFT 168
IMMUNITY 245
IMMUNIZATIONS 452
IMPAIRED DRIVING 329
INSPECTIONS
Accident, Illness and Injury Prevention
. . . . . 513, 517, 516
Accident, Illness and Injury Prevention
. . . . . 517, 516
Exposure control. 450
Firearms. 81
Holding cells. 421
Personal protective equipment. 517
Vehicles. 382
INTERNAL AFFAIRS
Personnel records. 465
INVESTIGATION AND PROSECUTION . 344

J

JAIL RELEASE 243
JURISDICTION
Aircraft accidents. 294
OIS. 73
Pursuits. 93

K

KINETIC PROJECTILES 63

L

LAW ENFORCEMENT AUTHORITY 8
LEG IRONS 59
LEG RESTRAINT 57
LIMITED ENGLISH PROFICIENCY . . . 169

M

MANUALS 28
MEAL PERIODS AND BREAKS 471
MEDIA
First amendment assemblies. 313
OIS. 80
Operations plans. 367
Warrant service. 377
MEDIA RELATIONS 75
MEDIA REQUEST 148
MEDICAL
Accident, Illness and Injury prevention. . 513
Examinations - adult abuse. 114
For canines. 204
Opioid overdoses. 307
Personnel records. 465
Releases. 306
Screening - custody adults. 419
Treatment for work-related injury and illness 483
MEDICAL
Aircraft accidents. 294
MEDICAL MARIJUANA 297
MOBILE DIGITAL TERMINAL USE . . . 267
MOURNING BADGE 490
MUTUAL AID 160
First amendment assemblies. 312

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

N

NATIVE AMERICAN GRAVES (NAGPRA) 195
NOTIFICATIONS
Adult abuse. 111
Aircraft accident. 294
Cash. 386
Custody suicide attempt, death or serious injury. 422
Exposure control. 450
Impaired driving. 330
NAGPRA. 195
Termination of reserve officer/deputy. . 159

O

OATH OF OFFICE 11
OC SPRAY 63
OFFICER RESPONSE TO CALLS 99
OFFICER SAFETY
Crime and disaster scene integrity. . . . 227
Firearm confiscation. 74
Foot pursuits. 278
LEOSA. 38
Occupational hazards. 516
Seat belts. 460
Vehicle pursuits. 87
Warrant service. 374
OFFICER-INVOLVED SHOOTINGS
OIS. 73
OPERATIONS PLANNING AND DECONFLICTION 363
ORDERS
Compliance with. 26
ORGANIZATIONAL STRUCTURE 25
OUTSIDE AGENCY ASSISTANCE 160
OUTSIDE EMPLOYMENT 476
Prohibited Outside Employment. . . . 478
Security Employment. 479
OVERTIME
Court. 153
OVERTIME PAYMENT 474

P

PATROL FUNCTION 215
PEPPER SPRAY 63
PERSONAL APPEARANCE 485
PERSONAL PROPERTY 379
Loss Or Damage. 380
PERSONAL PROTECTIVE EQUIPMENT
Hazardous material response. 232
PERSONNEL COMPLAINTS
Bias-based policing. 219
PERSONNEL RECORDS 464
PHOTOGRAPHS
Aircraft accidents. 295
First amendment assemblies. 310
Photo lineups. 359
PHYSICAL AND MENTAL EXAMINATIONS 469
POLICY MANUAL 12
PREGNANCY
Custody 414, 420
PRESS INFORMATION OFFICER (PIO) . . 148
PRIVACY EXPECTATIONS
Audio/video recordings. 271
MDT/MDC. 267
Vehicles. 382
PROTECTED INFORMATION
Unauthorized release. 143
PROTECTED INFORMATION 409
PROTECTIVE CUSTODY
Dependent adults. 113
PUBLIC RECORD REQUEST 404
PUBLIC RECORDING OF LAW ENFORCEMENT ACTIVITY 285
PURSUITS
Foot. 278
Vehicle. 87

R

RANGEMASTER
Firearms. 81
Inspections. 81
RAPID RESPONSE AND DEPLOYMENT . 253
RECORDS BUREAU
Administrative hearings. 332
Impaired driving. 331
RECORDS RELEASE
Audio/video recordings. 275
Subpoenas and discovery requests. . . . 406
RECORDS REQUESTS
Personnel records. 466
RECORDS RETENTION
Accident, Illness and Injury Prevention. . 518
Audio/video recordings. 275
Oath of office. 11
RECRUITMENT AND SELECTION . . . 432
RELIGION
Accommodations in custody. 420
NAGPRA. 195
REPORTING CONVICTIONS 445
Domestic Violence 445, 445

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department

RESERVE OFFICERS 154
Duties. 155
Training. 156
RETALIATION 116
RETALIATION PROHIBITED 442
REVIEW BOARD
Force. 54
REVIEWS
Accident, Illness and Injury Prevention. . 513
Bias-based policing - annual. 220
Crisis intervention incidents. 292
Exposure control plan. 450
Exposures. 513
Eyewitness identification process- annual. 357
Mobile audio/video. 219
Post pursuit. 93
Use of force. 53
Vehicle pursuits - annual. 97
RIDE-ALONG
Eligibility. 229
RISK ASSESSMENT 363
ROLL CALL TRAINING 221

S

SAFETY
Conduct. 145
First responder. 227
Inspections (occupational). 516
Media. 149
Occupational. 513
Temporary flight restrictions. 149
SAFETY EQUIPMENT
Seat belts. 460
SART 369
SEARCH & SEIZURE 106
SEARCH WARRANTS 374
SEARCHES
Crime scene. 228
Police vehicle inspections. 382
SEARCHES 383
SEAT BELTS 460
SECURITY
Personnel records. 465
SECURITY EMPLOYMENT 479
SERVICE ANIMALS 186
SEXUAL HARASSMENT 115
SHIFT SERGEANTS 265
SMOKING AND TOBACCO USE 455
SOCIAL MEDIA
Backgrounds. 432
STANDARDS OF CONDUCT 140
SUBPOENAS 152
Records release and discovery requests. . 406
SUCCESSION OF COMMAND 25

T

TASER 66
TATTOOS 486
TEMPORARY CUSTODY
Adults. 414
TRAFFIC FUNCTION AND RESPONSIBILITY
. 319
TRAINING
AED. 307
Communicable disease. 454
Custody. 423
Fair and objective policing. 220
First amendment assemblies. 314
Hazardous materials. 518
In-service reserve officers/deputies. . . 157
Occupational safety. 517
Operation planning and deconfliction. . . 368
Opioid medication. 308
Personnel records. 464
Pursuits. 98
Rapid response and deployment. 254
Sexual assault. 372
Warrant service. 377
TRAINING
Anti-Retaliation. 444
TRAINING, COMMUNITY RELATIONS . 213
TRAINING, PROTECTED INFORMATION 411
TRANSPORT BELTS 59

U

UNIFORM REGULATIONS 487
UNITY OF COMMAND 26
UNLAWFUL ASSEMBLY 312
USE OF FORCE
First amendment assemblies. 312

V

VEHICLE SEIZURE
Vehicle Forfeiture. 337
VEHICLES
Pursuits. 87
VIDEO RECORDINGS
First amendment assemblies. 310

W

WARNINGS
Canine. 201
WARRANT SERVICE 374

Copyright Lexipol, LLC 2020/09/30, All Rights Reserved.
Published with permission by Bainbridge Island Police Department