



## General Orders

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## **General Order No. 1.1**

### **SUBJECT: LAW ENFORCEMENT AGENCY ROLE**

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This order consists of the following numbered sections:

- 1.1.1 Oath of Office**
- 1.1.2 Code of Ethics**
- 1.1.3 Diversion**
- 1.1.4 Consular Notification**

#### **1.1.1 Oath of Office**

- I. All personnel, prior to assuming sworn status, will take and abide by an oath of office to enforce the laws of the State of Washington and the City of Kirkland, uphold the Constitution of the United States and the Constitution of the State of Washington.
- II. The Chief of Police shall administer an oath of office to all newly hired law enforcement officers.

#### **1.1.2 Code of Ethics**

- I. The Kirkland Police Department has adopted a Code of Ethics for Law Enforcement Officers and Law Enforcement Employees. All Department personnel are expected to abide by these ethics. Ethics training will be conducted for all personnel biennially.

#### **1.1.3 Diversion**

- I. Members of the Department are encouraged to participate as a board member or advisor when requested by any criminal justice or social service diversion program.
- II. If such a request is made and the officer would like to participate, a letter shall be forwarded to the Division Commander outlining the program's role and the role the officer would play.
- III. It is the policy of the Department to provide whatever assistance it can to criminal justice or social service diversion programs when such requests are made.

#### **1.1.4 Consular Notification**

- I. Under the terms of the Vienna Convention and other treaties, whenever officers take into custody a person who states they are a foreign citizen, additional notification procedures are required. Officers will follow Consular Notification procedures listed under Standard Operating Procedure PAT-005.



## **General Order No. 1.2**

### **SUBJECT: LIMITS OF AUTHORITY**

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This order consists of the following numbered sections:

- 1.2.1 Enforcement Authority**
- 1.2.2 Legal Authority to Carry Weapons**
- 1.2.3 Constitutional Requirements**
- 1.2.4 Search and Seizure**
- 1.2.5 Arrest With / Without Warrants**
- 1.2.6 Alternatives to Arrest**
- 1.2.7 Use of Discretion**
- 1.2.8 Strip Searches**
- 1.2.9 Preventing Biased Policing and Perceptions of Biased Policing**

#### **1.2.1 Enforcement Authority**

- I. The United States Constitution, the Washington State Constitution and the Revised Codes of Washington define the scope and limits as it pertains to the enforcement of laws and ordinances.
- II. The Washington State Constitution, Article II, Section II, grants municipalities the authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations that are not in conflict with general laws.
- III. The Revised Code of Washington, Chapter 10.93.070, lists the circumstances when a general authority Washington peace officer may enforce the traffic and criminal laws of this State, including:
  - A. Upon the prior written consent of the Sheriff or Chief of Police in whose territorial jurisdiction the exercise of powers occurs.
- IV. The Revised Code of Washington, Chapter 10.93.020, defines special commissioned Washington peace officer and states, "...any officer, whether part-time or full-time, compensated or not, commissioned by a general authority Washington law enforcement agency to enforce some or all of the criminal laws of the state Washington, who does not qualify under this chapter as a general authority peace officer for that commissioning agency..."
  - A. This includes the position of Corrections Officer and includes arrest powers involving; arrest warrants, court orders, detention and

transport of persons under arrest by a general authority peace officer, the authority to carry firearms or other arrest powers at the direction of the Chief of Police.

### 1.2.2 Legal Authority to Carry Weapons

#### I. Authority to Carry Weapons.

- A. The Revised Code of Washington (RCW) 9.41.270(3) (b) exempts law enforcement officers from the general prohibition against carrying and displaying firearms and other dangerous weapons. Under RCW 9.41.060(1), the general restriction on carrying concealed pistols does not apply to "marshals, sheriffs, prison or jail wardens or their deputies, or other law enforcement officers of this state." RCW 9.41.300(6)(b) exempts law enforcement personnel from statutory prohibitions on possessing weapons in such sensitive areas as jails, courthouses, liquor stores, taverns, cocktail bars, and mental health facilities. Under RCW 9.41.280(3) (b) and (h), officers may carry weapons on school property.

#### II. Authority to Use Weapons.

- A. Washington State law defines "deadly force" as the "intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury." Washington Revised Code 9A.16.010 (2). Washington State law defines when a peace officer may use deadly force when necessary (RCW 9A.16.040):
1. When a public officer is acting in obedience to the judgment of a competent court; or
  2. When necessarily used by a peace officer to overcome actual resistance to the execution of the legal process, mandate, or order of a court or officer, or in the discharge of a legal duty.
  3. When necessarily used by a peace officer or person acting under the officer's command and in the officer's aid:
    - a. To arrest or apprehend a person who the officer reasonably believes has committed, has attempted to commit, is committing, or is attempting to commit a felony;

- b. To prevent the escape of a person from a federal or state correctional facility or in retaking a person who escapes from such a facility; or
  - c. To prevent the escape of a person from a county or city jail or holding facility if the person has been arrested for, charged with, or convicted of a felony; or
  - d. To lawfully suppress a riot if the actor or another participant is armed with a deadly weapon.
4. In considering whether to use deadly force under subsection (3) (c) of this section, to arrest or apprehend any person for the commission of any crime, the peace officer must have probable cause to believe that the suspect, if not apprehended, poses a threat of serious physical harm to the officer or a threat of serious physical harm to others. Among the circumstances which may be considered by peace officers as a "threat of serious physical harm" are the following:
- a. The suspect threatens a peace officer with a weapon or displays a weapon in a manner that could reasonably be construed as threatening; or
  - b. There is probable cause to believe that the suspect has committed any crime involving the infliction or threatened infliction of serious physical harm.
5. Under these circumstances deadly force may also be used if necessary to prevent escape from the officer, where, if feasible, some warning is given.
6. A public officer or peace officer shall not be held criminally liable for using deadly force without malice and with a good faith belief that such act is justifiable pursuant to this section.
7. This section shall not be construed as:
- a. Affecting the permissible use of force by a person acting under the authority of RCW 9A.16.020 or 9A.16.050; or
  - b. Preventing a law enforcement agency from adopting standards pertaining to its use of deadly force that are more restrictive than this section.

- B. RCW 9A.16.040(2) authorizes a peace officer to use deadly force in arresting or apprehending a suspect where the officer has "probable cause to believe that the suspect, if not apprehended, poses a threat of serious physical harm to the officer or a threat of serious physical harm to others." RCW 9A.16.040 also defines circumstances which may be considered by peace officers as a "threat of serious physical harm". RCW 10.31.050 states "If after notice of the intention to arrest the defendant, he either flee or forcibly resist, the officer may use any necessary means to effect the arrest."
- C. The Kirkland Police Department has adopted the following standards pertaining to its use of deadly force that are more restrictive than RCW 9A.16.040. This more restrictive standard is in accordance with RCW 9A.16.040 (4) (b):
  - 1. Deadly force is authorized only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, in the defense of any person in immediate danger of serious physical injury, or to prevent the escape of a person known to have committed a dangerous felony.
  - 2. Use of deadly force against a fleeing felon must comply with all statutory requirements. To use deadly force, the felon must have committed a dangerous felony and, in the officer's judgment, not securing the felon's immediate arrest will bring an unacceptable risk to the public, and no other available means to obtain custody would be effective.
  - 3. When an officer discharges a firearm, it must be with the paramount realization that a human death may occur and justification is limited to those facts known or perceived by the officer at the time of the decision to use deadly force.

### **1.2.3 Constitutional Requirements**

- I. In order to protect the constitutional rights of persons involved in criminal investigations and to allow officers to interrogate suspects consistent with current case law, the following guidelines will be adhered to:
  - A. Officers shall not coerce or obtain involuntary confessions from persons suspected of criminal involvement.

- B. Prior to interrogating a suspect whenever he/she is in custody, an officer must first advise the suspect of his/her constitutional rights as required by the U.S. Supreme Court decision of *Miranda versus Arizona* (1966). The definition of a custodial interrogation can be a confusing concept. Whenever there is doubt about a custodial interrogation, the suspect should be advised of his/her constitutional rights.
- II. Miranda warnings are not necessary under the following circumstances:
- A. Before questioning a person who was merely a witness to a crime or who may know something about a crime but is not a suspect.
  - B. Before questioning a suspect who is not a subject of custodial interrogation.
  - C. Before questioning a motorist who has been stopped for a routine traffic offense.
  - D. Before asking questions reasonably motivated by concern for public safety.
  - E. Without express questioning, or its functional equivalent, there is no "interrogation" within the meaning of *Miranda*, even though the suspect may be in custody.
- III. Right to counsel - once a defendant has expressed a desire to exercise the right to counsel, the interrogation shall stop and the defendant shall be afforded the opportunity to speak with counsel or a court appointed attorney.
- IV. Pre-trial hearing(s) - when a person is arrested with or without a warrant, if the person is not released on bond or their own recognizance, they shall be brought before the court having jurisdiction without unnecessary delay.
- V. Pre-trial publicity - Because pre-trial publicity could prejudice a fair trial, departmental personnel will follow guidelines outlined in General Order 54.1.1.

#### **1.2.4 Search and Seizure**

##### **I. Policy**

##### **A. Search by Consent**

1. The consent must be voluntary.

2. The consent must be granted by a party having the authority to give consent.
3. The search must be limited to the scope of the consent granted.
4. If attempting to search a residence, Ferrier Warnings must be given to the occupants.

#### **B. Stop and Frisk**

1. Stop and Frisk searches fall within one of the exceptions to the warrant requirement as set forth in the 4th Amendment of the United States Constitution or Article 1, Section 7 of the Washington State Constitution. The officer must be able to articulate circumstances where he/she has reason to fear for his/her safety in order to take such action.

#### **C. Vehicle Searches**

1. When a subject is in custody, officers should seek a warrant rather than search incident to arrest.
2. Searches of automobiles incident to arrest are now only permissible when the search is necessary for:
  - a. Officer Safety, or
  - b. To preserve evidence that could be destroyed or concealed.
    - i. State v. Valdez held neither of those concerns exists after a person is arrested, cuffed and properly secured in the patrol car.
3. Exceptions
  - a. Although Valdez does not specifically address lawful exceptions to the decision, the following shall be the standard operating procedure at the direction of the City of Kirkland and King County Prosecutors Office.
  - b. Written consent

- c. Protective sweep – The protective sweep of a car for weapons prior to securing the person either before or just after arrest when appropriate. However, officers should not compromise officer safety practices and deliberately delay or fail to properly secure an arrested person in the hopes of falling within the search incident to arrest exception because the person was not secured.
- d. Impound and inventory- However, if the officer has probable cause to believe there is evidence in a vehicle, then he/she must get consent to search or obtain a search warrant.
- e. Plain view—Valdez does not specifically address Plain View (or any other) exception, however, the opinion implies that it remains intact. If there is plain view evidence or the officer has reasonable suspicion that there is a significant amount of evidence in the vehicle, the vehicle should be seized and a search warrant obtained.
- f. Community Caretaking
- g. Exigent Circumstances
- h. Passengers in vehicle—the cases do not address the search incident to arrest exception when there are passengers in the car. The presence of passengers could create situations that increase risk to officer safety or destruction of evidence. However, given that there are already many rules and cases that apply to detaining and searching passengers and sweeps of areas regarding areas in the immediate control of passengers, officers should assume that there will not be many scenarios in which the presence of passengers will create a situation in which the officer may search the car incident to the arrest of the properly secured driver.
- i. Search Warrant
  - i. Search warrants take considerable time, effort, and use of resources to complete and serve.
  - ii. Officers must be able to articulate probable cause for the search of the vehicle. This is different than the PC for the arrest of the suspect.
  - iii. Prior to ending their tour of duty, officers must have the PC for the search warrant written and reviewed by a supervisor in Detectives.

## iv. Search Warrant Considerations

1. Who will be completing the search warrant process and serving the warrant? Due to this ruling, detectives may be adversely impacted with a large volume of search warrants. Some warrants may become the responsibility of the Patrol Officer.
2. Search warrants should be primarily used for felony crimes.
3. Seizure of any vehicle for a search warrant must be approved by the duty supervisor.
4. Supervisors and Officers should weigh the totality of the circumstances and possible outcome with the impact on resources. —
5. Availability of secure vehicle storage.

## 4. Officer Safety

- a. The Valdez decision asserts that once a person is arrested and secured he/she is no longer a threat to officer safety and/or to destroy/remove evidence, therefore valid consent to search or a search warrant must be obtained if the officer believes there is evidence of a crime within the vehicle.

## 5. Resource

- a. February 2010 Law Enforcement Digest
- b. King County Prosecutor Guidelines

D. **Scene of a Crime:** The U. S. Supreme Court has ruled there is no exception to the 4th Amendment for crime scene searches. However, in *Mincey v. Arizona*, 437 U.S. 385, 390, Officers responding to a homicide or serious assault scene, officers may make a warrantless entry if:

1. Law enforcement officers reasonably believe that a person inside a premise is in need of emergency assistance.
2. Search the premises for other victims or suspects.

3. Evidence observed by the officers during the course of these lawful activities may be seized pursuant to the plain view doctrine.

a. The scope of the search conducted must be consistent with a legitimate search for emergency reasons.

4. Officers may secure the premises for a reasonable amount of time necessary to secure a search warrant.

**E. Public Safety, Exigent Circumstances**

1. The Emergency Doctrine allows warrantless entry.

2. The need to protect or preserve life, avoid serious injury or protect property in danger of damage justifies an entry that would otherwise be illegal.

3. Officers will render aid to individuals in danger and protect their property and premises. Motivation for entry triggers the assertion of the Emergency Doctrine.

**F. Impounds:** If a vehicle is impounded, its content may be inventoried in order to make note of items of value for the registered owner. However, such inventory searches cannot be used as a pretext for a search for evidence of a crime.

1. If there is probable cause to believe the vehicle was used in the commission of a crime or contains evidence of a crime, the King County Prosecutors Office recommends use of a search warrant whenever possible.

**G. Other** situations authorized by State and United States constitutional provisions.

### 1.2.5 Arrest With / Without Warrants

I. Kirkland Police Officers and Kirkland Corrections Officers are required to apply all applicable legislative and case laws when making arrests with warrants.

- II. Kirkland Police Officers may make arrests without warrants under the following situations:
  - A. Felonies and misdemeanors committed in their presence;
  - B. Misdemeanors and gross misdemeanors listed in RCW 10.31.100 which do not occur in the presence of the officer;
  - C. Felony investigations where probable cause exists to validate the arrest in accordance with current case law.
- III. Kirkland Police Officers and Kirkland Corrections Officers will conduct warrantless searches only in those areas within reach of the suspect, for weapons and contraband or other evidence, unless the search is otherwise dictated by current case law.
  - A. If any doubt exists as to whether a search warrant is needed or not, the officer will opt for obtaining such a warrant.
- IV. Kirkland Police Officers and Kirkland Corrections Officers will advise every person arrested of their constitutional rights as directed by current case law and prosecutorial direction.
- V. Whenever a question exists concerning the laws governing arrest, search and seizure, officers should consult with supervisory personnel or legal staff.

### **1.2.6 Alternatives to Arrest**

- I. When no hazard(s) to the community, victim or suspect exists, officers may seek alternatives to physical arrests with incarceration.
- II. Officers will exercise arrest powers in felony situations. Depending on the offense and prosecutorial approval, felony arrestees may be released pending arraignment, after interview.
- III. Upon the arrest of a misdemeanor violator, a Kirkland Police Officer has the option of issuing a misdemeanor citation and releasing the violator on his/her personal recognizance if it has been reasonably calculated that the violator will appear at the criminal proceedings. Consideration should be given to the accused's employment, character and mental condition, length of residence in the community, record of conviction, and record of appearance at court proceedings.

- IV. Upon contacting a traffic violator, notice(s) of infraction(s) may be issued to the violator and copy(ies) of such infraction(s) filed with the appropriate court, in accordance with RCW 7.80.050.
- V. In lieu of formal action, a Kirkland Police Officer or Kirkland Corrections Officer may exercise discretion, and choose informal action to solve the problem, such as referral, informal resolution and warning.
  - A. **Referrals** - The officer shall offer referrals to other agencies and organizations, when in the officer's discretionary judgment, it is the most reasonable alternative for the offender and the violation.
  - B. **Informal Resolution** - At the officer's discretion, informal resolutions may be offered to resolve situations or conflicts when they can be adequately addressed by use of a verbal warning, informing the proper agency or organization, advising parents of juvenile activity, etc.
  - C. **Warnings** - A warning may be issued when in the officer's discretionary judgment, it is the most reasonable alternative for the offender and the violation.

### **1.2.7 Use of Discretion**

- I. Discretionary power is the power of free decision or latitude of choice within certain legal bounds. When this power is poorly exercised, discretionary power may be viewed by the public as favoritism, bias or corruption.
- II. It is imperative that officers take into consideration, when exercising discretionary power, the goals and objectives of the Department, the best interests of the public they serve, any mitigating circumstances and the severity of the situation at hand.

### **1.2.8 Strip Searches**

- I. Authority
  - A. Authority for conducting strip searches and body cavity searches is provided in RCW 10.79.080 and RCW 10.79.130. Strip searches and body cavity searches will be conducted in accordance of RCW 10.79.080, RCW 10.79.130, and Standard Operating Procedure COR-001.
- II. Search Conditions

- A. Prior to any strip search being conducted, a Strip Search Record (KPD 2005-260) will be completed. Strip searches will be conducted in an appropriate area of the jail, by person(s) of the same gender as the inmate.
- B. No person may be present or observe during the body cavity search, unless the person is necessary to conduct the search or to ensure the safety of those persons conducting the search. No body cavity search shall be conducted, except with a valid search warrant. Body cavity searches will only be conducted at medical facilities, under sanitary conditions by a physician, registered nurse, or registered physician's assistant.

### III. Reporting Requirements

- A. Strip searches shall be documented on a Strip Search Record form (KPD 2005-260), which will indicate the circumstances supporting the need for the search. The search will also be documented in the officer's case report.
- B. Body cavity searches shall be documented in the officer's case report, with the following information included:
  - 1. A copy of the search warrant and supporting documents;
  - 2. The name and sex of all persons conducting or witnessing the search;
  - 3. The time, date, place, and description of the search; and
  - 4. A statement of the results containing an itemized list of concealed items.

### **1.2.9 Preventing Biased Policing and Perceptions of Biased Policing**

#### I. Impartial Policing

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

Except as provided below, officers shall not consider race, ethnicity, or national origin in establishing either reasonable suspicion or probable cause for traffic stops, field interview reports, asset seizures or forfeiture efforts.

Officers may, however, take into account the reported race, ethnicity or national origin of a specific suspect or suspects based on credible or reliable information that links specific suspected unlawful activity to a particular individual or group of associated individuals of a particular race, ethnicity or nationality, in the same way they would use specific information regarding age, height, weight, etc. about specific suspects.

- B. No person shall be singled out or treated differently as a consequence of his/her race, ethnicity or national origin.

## II. Preventing Perceptions of Biased Policing

- A. All investigative detentions, traffic stops, arrests, searches and seizures of property by officers will be based on a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the U.S. Constitution and Article I, Section 7 of the Washington State Constitution. Officers must be able to articulate specific facts, circumstances and conclusions that support probable cause for arrest or reasonable suspicion for the traffic stop or investigative detention.
- B. In an effort to prevent perceptions of biased law enforcement, officers shall utilize the following strategies when conducting investigative detentions, traffic stops, arrests, searches and seizures of property:
  - 1. Be courteous, polite, and professional.
  - 2. Introduce themselves and explain to the person the reason for the stop as soon as practical, unless providing this information will compromise the investigation or the safety of officers or other persons.
  - 3. Ensure that the length of the detention is no longer than necessary to take appropriate action for the known or suspected offense.
  - 4. Answer questions the citizen may have, including explaining options for the disposition of the traffic citation, if relevant.

5. Provide your name when requested, and when possible in writing or on a business card.

C. Training

1. All commissioned officers shall receive training on bias based profiling issues, to include legal aspects.

D. Compliance

1. Any reported violations of this policy will be investigated and may result in additional training and/or disciplinary action as deemed necessary.

E. Supervision and Accountability

1. Supervisors shall ensure all personnel in their command are familiar with the content of this policy and are operating in compliance.

III. Annual Review

- A. A documented annual administrative review of agency practices including citizen concerns will be conducted by the Services Captain.



## **General Order No. 1.3**

### **SUBJECT: USE OF FORCE**

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This order consists of the following numbered sections:

- 1.3.1 Use of Necessary Force**
- 1.3.2 Deadly Force**
- 1.3.3 Warning Shots**
- 1.3.4 Less-lethal Weapons**
- 1.3.5 Rendering Aid after Use of Weapons**
- 1.3.6 Use of Force - Reporting**
- 1.3.7 Use of Force - Review**
- 1.3.8 Removal from Line of Duty**
- 1.3.9 Authorized Weapons & Ammunition**
- 1.3.10 Weapons Proficiency - Required**
- 1.3.11 Weapons Proficiency - Annual Training**
- 1.3.12 Instruction Prior to Carrying Weapon**
- 1.3.13 Use of Force Reports - Annual Analysis**
- 1.3.14 Discharges**
- 1.3.15 Firearms – Retired Officers**

#### **1.3.1 Use of Necessary Force**

##### **I. Purpose:**

This policy recognizes that the use of force by law enforcement requires constant evaluation. Even at its lowest level, the use of force is a serious responsibility. The purpose of this policy is to provide officers of this department with guidelines on reasonable use of force. It consists of general principles and values and is not a statement of what must be done in a particular situation. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, each officer is expected to use these guidelines to make decisions in a professional, impartial and safe manner

##### **II. General Information:**

- A. Force is defined as any physical efforts used by an officer to control, overpower or restrain another.**
- B. Force may be "...necessarily used by a public officer in the performance of a legal duty..." [RCW 9A.16.020 (1)]. "Necessary" force is defined in RCW as "no reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to affect the lawful purpose**

intended." [RCW 9A.16.010(1)]

- C. Any use of force must be "objectively reasonable" under the Graham v. Connor [(1989) 490 U.S. 386, 109 S.Ct. 1865] standard. Under this critical standard, the force used by the officer is evaluated in light of the totality of the facts and circumstances known to the officer at the time the force is used. Factors considered are at a minimum the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of law enforcement officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight. Further, any evaluation of an officer's use of force must take into account the need to make split-second decisions in dynamic situations that are tense, uncertain, and rapidly evolving.
- D. Officers must balance the likelihood that their use of force will result in injuries or death to the offender against their reasonable perception that the violator poses an imminent threat to others (including the officer). Scott v. Harris [(2007) 127 S.Ct. 1769].
- E. It is recognized that officers have no duty to retreat from resistance or threatened resistance, and are not considered the aggressors when lawfully attempting to overcome resistance in effecting an arrest. [Reed v. Hoy 909 F.2d 324 (9<sup>th</sup> Cir. 1989)]

### III. Policy

It is the policy of this department that officers shall use only the type and duration of force which reasonably appears necessary, given the facts and circumstances known by the officer at the time force is used to effectively bring an incident under control.

- A. Members of this department may use reasonable and necessary force in the performance of their duties if they objectively and reasonably believe any of the following conditions are met:
  - a. In self defense or defense of another person
  - b. To bring an unlawful situation safely under control
  - c. To affect a lawful arrest, overcome resistance, and/or to prevent escape
  - d. To protect a person from injuring him/herself

- B. Given that no policy can realistically predict every possible situation and officer might encounter in the field, it is recognized that each officer must be entrusted with discretion in determining the appropriate force response in each incident. Nothing in this policy requires an officer to actually sustain physical injury before responding with reasonable force and officers maintain the right to self defense.
- C. As noted, any use of force by a member of this department must be judged by a standard of "objective reasonableness". The test is whether an objective reasonable officer would have done the same thing or made the same decisions given the same set of circumstances. When determining whether an officer has responded with objectively reasonable force, a number of factors should be taken into consideration. Those factors may include, but are not limited to:
- a. The reasonable perception of the officer or the conduct of the individual being confronted
  - b. Officer/Subject factors which include, but are not limited to:
    - i. Variances in age, size, relative strength, skill level, injury, exhaustion, number of officers, number of suspects, etc.
  - c. Influence of drugs and/or alcohol
  - d. Mental and physical capabilities
  - e. Proximity of weapons to the suspect
  - f. Seriousness of the suspected offense
  - g. Training and experience level of the officer
  - h. Potential for injury to citizens, officers, and suspect(s)
  - i. Risk of escape
  - j. Other exigent circumstances
- D. While various force options exist, each officer is expected to respond with that level and duration of force which appears to be objectively reasonable under the circumstances at the time to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.
- E. Control Options available to officers include, but are not limited to (in no particular order):
- a. Firearms

- b. Taser
  - c. O.C. Spray
  - d. Presence
  - e. Verbal Commands
  - f. Lateral Vascular Neck Restraint (LVNR)
  - g. Pursuit Intervention Technique (PIT)
  - h. Vehicle Intervention
  - i. Baton or Personal Impact Weapon Strikes
  - j. Defensive Tactics
  - k. Takedowns, Counter-joints, Come-alongs
  - l. Disengagement
  - m. Escorts and Guides
  - n. Negotiations
  - o. Weapons of Opportunity
  - p. Other
- F. Handcuffing is not considered a use of force, but rather a restraint.

#### IV Definitions

- A. **"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
- B. **"Necessary"** means that no reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to accomplish the lawful purpose intended.
- C. **"Officer"** - means a fully commissioned police officer or corrections officer.
- D. **"Reasonable belief"** - Facts, circumstances or knowledge present to the officer sufficient to justify a thought or feeling.
- E. **"Serious bodily injury"** - (as described in RCW 9A.04.110) is injury which creates a probability of death or which causes significant, permanent loss or impairment of the function of any bodily part or organ.

### 1.3.2 Deadly Force

- I. Deadly force may only be used under the following circumstances:
  - A. The Kirkland Police Department has adopted the following standards pertaining to its use of deadly force that are more restrictive than RCW 9A.16.040. This more restrictive standard is in accordance with RCW 9A.16.040 (4) (b):
    1. Deadly force is authorized only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, in the defense of any person in immediate danger of serious physical injury, or to prevent the escape of a person known to have committed a dangerous felony.
    2. Use of deadly force against a fleeing felon must comply with all statutory requirements. To use deadly force, the felon must have committed a dangerous felony and, in the officer's judgment, not securing the felon's immediate arrest will bring an unacceptable risk to the public, and no other available means to obtain custody would be effective.
    3. When an officer discharges a firearm, it must be with the paramount realization that a human death may occur and justification is limited to those facts known or perceived by the officer at the time of the decision to use deadly force.
- II. Procedure when deadly force used
  - A. When an officer uses deadly force, he/she or any other officer present at the scene shall:
    1. Ascertain if any person incurred injury.
    2. Request necessary emergency medical assistance.
    3. Request a supervisor at the scene.
    4. If uninjured, the officer shall remain at the scene until instructed to respond or until transported to another location by or at the request of the duty supervisor or command officer.
    5. When injury or a fatality occurs, the officer is not required to discuss the incident with anyone other than his/her immediate supervisor, and assigned investigators.

- B. The supervisor shall:
1. Respond immediately and secure the scene.
  2. Call the Detective Sergeant, Operations Lieutenant, Operations Captain, and Chief of Police if:
    - a. A firearm is discharged, or
    - b. An injury, or, fatality, or property damage occurred, or
    - c. There is a reason to believe the officer perpetrated a criminal act.
  3. If the officer's firearm was discharged, seize it and if deemed necessary, the on-duty supervisor will, with a Command Officer's approval, issue the officer another duty weapon as soon as possible.
    - a. A Command Officer may withhold such approval if, based upon all available incident information and the officer's disposition, they believe the re-issuance of a duty weapon to the involved officer may not be in the interest of safety.
  4. Initiate an investigation or otherwise render assistance to any assigned investigator.
  5. Assist the officer in accordance with General Order 1.3.8.
- C. The Investigations Division will assume responsibility for the investigation upon arrival at the scene.
- D. Discharge of Firearms:
1. Appropriate in the following situations:
    - a. Deadly force as described in General Order 1.3.2
    - b. Training or practicing at an approved range
    - c. Destroy an animal after permission received from a supervisor.

2. Prohibited in the following instances:
  - a. To effect the arrest of a person who has committed less than a felony.
  - b. Firing at a stolen vehicle when such theft is the only felony involved.
  - c. From a moving car unless the suspects represent a direct threat to the life and/or safety of the officer or other innocent persons, and then only as a last resort.
  - d. At a crowd.
    1. "Less Lethal" rounds may be used for riot / crowd control.

### **1.3.3 Warning Shots**

- I. Warning shots are not authorized.

### **1.3.4 Less-lethal Weapons**

- I. A less-lethal weapon is any other weapon, other than a firearm, used to control persons or defend the officer or others from harm.
  - A. Less-lethal weapons include but are not limited to; Oleoresin Capsicum (OC spray), chemical agents (CS and CN gas), Taser, baton, ASP, bean bag round, and SL-6.
  - B. Less-lethal weapons approved and issued by the department may be carried by officers only after successful completion of a department-approved training program.
  - C. The use of the Taser and the SL-6 will be in compliance with Standard Operating Procedures TRN-002 & TRN-003, respectively.
  - D. The use of Oleoresin Capsicum (OC Spray) will be in compliance with Standard Operating Procedure TRN-007.
  - E. Knives (option, non-issue item) may be carried on-duty as long as it is a folding blade, and is worn where it is secure and concealed unless worn on the belt in a knife sheath.

1. Knives are for utility purposes only.

## II. Prohibited Weapons

- A. No officer will carry or use any weapon of the type commonly referred to as brass knuckles, saps or sap gloves.

## III. Off-Duty Use of Less-Lethal Weapons

- A. Off-duty use of less-lethal weapons is discouraged and limited to the defense of self or others, and will require a report to the Chief of Police.

### **1.3.5 Rendering Aid after Use of Weapons and Use of Force**

- I. Appropriate medical treatment will be summoned through NORCOM after use of lethal or less lethal weapons, and other use of force incidents as defined by General Order 1.3, whenever:
  - A. There is any obvious injury.
  - B. There is any complaint of injury.
  - C. The officer or the officer's supervisor requests medical treatment be provided.
  - D. Initial medical treatment may be provided by the officer depending on the training and expertise of that officer.
  - E. Following a TASER exposure, in accordance with Standard Operating Procedure TRN-002 (V) (3) (c).

### **1.3.6 Use of Force - Reporting**

- I. Reporting requirements for deadly force situations are governed by the current bargaining agreement between the City of Kirkland and the Kirkland Police Officer's Guild Commissioned Staff.
- II. A Use of Force Report is completed when an officer:
  - A. Discharges a firearm for other than training purposes;

- B. Takes any action that results in, or is alleged to have resulted in, injury or death of another person;
  - C. Points a lethal or less-lethal weapon at another person;
  - D. Applies force through the use of lethal or less-lethal weapons; or
  - E. Applies weaponless physical force capable of causing injury.
- III. In cases other than when deadly force is used, the Use of Force report and police report generated by the incident shall be completed as soon as practical after the use of force occurs, but prior to the involved employee(s) going off duty. The reports shall be forwarded to the appropriate supervisor, who will review and approve the reports for completeness and accuracy, then forward up the chain-of-command for timely review.

### **1.3.7 Use of Force - Review**

- I. Use of Force report forms will be forwarded to the Chief of Police or his/her designee, via the officer's chain-of-command.
  - A. Timely reporting and notifications shall be in compliance with General Order 12.1.6.
- II. When lethal or less-lethal weapons are used, a review of those actions will be conducted by the Chief of Police or his/her designee.
- III. If, upon review of the incident by the Chief of Police or his/her designee, any policy violation and/or criminal action is discovered, the Chief of police will authorize an administrative investigation.
  - A. All complaints alleging criminal activity by an employee shall be referred to an outside agency for investigation. See General Order 52.1.1.
- IV. Where a possibility exists that the officer's actions may not be in compliance with Department policy, but termination or criminal action will not occurred, the Chief will send the matter to the Use of Force Review Board. After reviewing the facts, the Board will make a finding as to whether the incident is in compliance with Department policy.
  - A. The Review Board will consist of:

1. A Command Officer designated by the Chief of Police (who will act as Chair of the Board).
    - a. The Chair of the Board will be appointed within 48 hours (except weekends and holidays) following the discharge of a lethal or less-lethal weapon.
  2. A Sergeant who does not supervise the officer who discharged their weapon.
  3. A police officer designated by the Chief.
- B. Responsibilities of the Chair of the Board.
1. The Chair will convene the Board upon conclusion of the investigation into such discharge.
- C. Responsibilities of the Review Board:
1. Review all reports concerning the firing of an officer's weapon and call witnesses necessary to obtain the facts.
  2. Decide if the discharge was pursuant to existing department regulations.
  3. Submit a written report, to the Chief of Police, outlining their findings and recommendations.
- V. All shooting incidents will be investigated by an investigator assigned by the Chief of Police.
- A. The Chief of Police will review the facts of the incident, and the findings and recommendations of the administrative investigation.
  - B. If the Chief of Police determines that a use of force with weapon is not within policy, and disciplinary action is warranted, the Chief of Police will determine the appropriate disciplinary action.

### **1.3.8 Removal from Line of Duty**

- I. When death or injury has resulted from the use of deadly force or a fatal motor vehicle incident by a department officer, that officer will be placed on administrative leave by the Chief of Police.

- II. When an officer has been placed on administrative leave pursuant to this policy, the Chief of Police will determine:
  - A. If the officer should report to full duty on his/her regular assignment.
  - B. If the officer needs additional recuperating time.
  - C. If any modifications of the officers' regularly assigned duties should be considered in order to facilitate the officer's return to full productivity.

### 1.3.9 Authorized Weapons and Ammunition

- I. Only weapons and ammunition meeting department authorized specifications may be used by department personnel in law enforcement responsibilities both on and off duty. This includes weapons used by members of the Special Response Team (SRT).
  - A. Lethal and less-lethal weapons:
    - 1. The **department issued sidearm** for all commissioned personnel & special commissioned personnel and/or for wear with the police uniform by all commissioned officers & special commissioned personnel, shall be a SigArms 9mm, .40 S&W, or .45 ACP semi-automatic handgun, depending on preference and fit.

Every commissioned & special commissioned officer in uniform shall carry a department issued sidearm in service-ready conditions with two extra loaded magazines on his or her person during hours of duty. The magazines must hold a minimum of 25 rounds of ammunition. Uniformed officers that are not on a field assignment, such as Command Staff and light duty assignments, are not required to carry a firearm while inside the Kirkland Police Department.

A **second department issued firearm** may be issued at the direction of the Chief of Police. This firearm may be carried in lieu of the primary **department issued sidearm**. When carried, the second department issued firearm will be carried in a holster and in a concealed manner.

Plain-clothes personnel assigned to enforcement and/or investigative activities shall carry a department issued sidearm and an additional loaded magazine on his/her person during

hours of duty. Plain-clothes officers that are not on a field assignment are not required to carry a firearm while inside the Kirkland Police Department.

Department issued weapons for Special Response Team (SRT) members include a .223 rifle, 12 gauge shotgun, 9 mm sub-machine gun, or .308 rifle, depending on their assignment on SRT.

2. Officers working special assignments, such as Eastside Narcotics Task Force assignments, may be specifically relieved of carrying a firearm by mutual agreement between the officer and a Kirkland Police Department Command Officer or the Eastside Narcotics Task Force Commander.
3. An alternate weapon may be carried by commissioned officers at their discretion, provided that the alternate weapon conforms to the following specifications, and is carried in a holster and in a concealed manner:
  - a. 9mm Luger
  - b. .38 SPL
  - c. .357 Magnum
  - d. .40 S&W
  - e. .45 ACP
  - f. .380
4. Officers wishing to carry an alternate weapon must gain signed authorization from the Chief of Police or his/her designee. Officers will also be required to:
  - a. Register make, model, caliber and serial number with the Senior Firearms Instructor.
  - b. Maintain the weapon at the officer's expense.
  - c. Carry at least one strip reload or one speed loader.
    1. This applies to alternate weapons that do not have at least a five round capacity.
  - d. Carry the weapon securely in a holster and out of public view.

- e. Maintain security of the weapon when not on the officer's person.
5. All alternate weapons shall first be inspected and approved by a department Armorer, Firearms Instructor, or Senior Firearms Instructor for safety and caliber. A department Firearms Instructor must certify that the officer has demonstrated the required proficiency during department qualifications from the seven-yard line, and on the basis of safety, the method by which the alternate weapon is to be carried.
  6. An off duty officer will not be subject to disciplinary action if an occasion should arise in which the officer could have taken action but did not do so due to being unarmed. If the off duty officer is armed and chooses not to take action, no disciplinary action will be taken.
  7. The department restricts officers from carrying off-duty firearms when it is anticipated that they will be consuming alcoholic beverages. If the need arises for police services while an off-duty officer has been drinking alcoholic beverages, the officer shall call the communications center of the jurisdiction involved and request police assistance.
  8. **Less-lethal** weapon types and specifications approved for use by authorized department personnel are outlined in General Order 1.3.4.
- B. The following ammunition is authorized:
1. Only that ammunition most recently issued by the department shall be carried or used in a department issued firearm. This includes ammunition for Special Response Team (SRT) weapons.
  2. Ammunition for an alternate weapon shall be limited to unmodified factory loaded commercial ammunition other than fully jacketed or a solid lead bullet.
- C. All firearms issued to each department officer shall first be inspected and approved by a department Armorer or the Senior Firearms Instructor prior to authorization for use.

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- D. Prior to carrying weapons, including firearms and less-lethal, department officers shall demonstrate proficiency as prescribed in General Order 1.3.10.
- E. Maintaining weapons in a safe and ready condition is the responsibility of the employee to whom the weapon is assigned for use. Officers shall thoroughly clean duty weapons within 12 hours after each firing. See also Standard Operating Procedure TRN-004 for rifle (AR-15) maintenance. Unsafe weapons will be removed from service and reported immediately to the employee's supervisor.
1. Unsafe firearms will be reported immediately to the Senior Firearms Instructor and the firearm will be forwarded to the Firearms Training Unit for replacement, repair, or disposal.
  2. Unsafe less-lethal weapons will be reported immediately to the Senior Less-Lethal Instructor and the weapon will be forwarded to the Less-Lethal Weapons Training Unit for replacement, repair, or disposal.
- F. A complete record of every firearm approved for use by department officers shall be maintained by the Firearms Training Unit. Approval is conditional upon periodic re-qualification as required in General Order 1.3.11, and each record shall include:
1. Weapon type, description, model, and serial number
  2. Identity of owner and/or assignee
  3. Name of person approving use, and date of approval
  4. Record of demonstrated proficiency.
- G. A complete record of every Less-Lethal weapon approved for department use shall be maintained by the Senior Less-Lethal Instructor. Approval is conditional upon periodic re-qualification as required in General Order 1.3.11.
1. Weapon type, description, model, and serial number
  2. Name of person approving use, and date of approval
  3. Record of demonstrated proficiency.
- H. It is the obligation of each commissioned and special commissioned officer to ensure adequate safe daily storage and handling procedures are used in order to avoid accidents. At the conclusion of a member's tour of duty, and unless being carried while off-duty, any authorized firearms will be secured.

- a. Commissioned and special commissioned officers are responsible for the safe storage of his or her weapon, i.e., by the use of a locked trigger guard, or locked metal box.
- b. Members with questions regarding weapons safety should contact the Senior Firearms instructor.

## II. Definitions

- A. **"Commissioned personnel"** as used herein, means a Police Officer of the Kirkland Police Department, regardless of rank or position.
- B. **"Special commissioned personnel"** as used herein, means a Correction Officer of the Kirkland Police Department, regardless of rank or position
- C. **"Uniformed commissioned personnel"** specifically refers to those officers, who usually wear a police uniform for the majority of their hours of duty.
- D. A **"Department issued" sidearm** means the firearm currently being issued and assigned to the officer.
- E. **"Alternate weapon"** means a firearm carried while on duty in addition to the officer's primary sidearm, and which is essentially intended for the self-defense of the officer when his/her primary sidearm is unavailable or when circumstances reasonably preclude or restrict its use.
- F. **"Proficiency"** means to demonstrate the proper loading, unloading, and safety techniques of the firearm and requires the attainment of a minimum passing shooting score on an approved qualification course.
- G. **"Qualified"** means to have attained a minimum passing shooting score in any qualification or practice session conducted by a Firearms Instructor.

### 1.3.10 Weapons Proficiency - Required

- I. Only fully commissioned officers demonstrating proficiency in the use of department authorized weapons, both lethal and less-lethal, both on and off-duty, will be approved to carry such weapons. Only special commissioned officers demonstrating proficiency in the use of department authorized on-

duty weapons, both lethal and less-lethal, will be approved to carry such weapons on-duty.

- A. Participation in all lethal and less-lethal qualifications is mandatory for all fully commissioned and special commissioned personnel and nonparticipation shall be reported to the Chief of Police.
  - B. Carrying of off-duty weapons by officers with special commissions is not authorized by the department. Officers not fully commissioned shall conform to all laws required of any citizen for the carrying of weapons. Concealed Pistol Licenses are required in order to carry concealed weapons while off duty for officers not fully commissioned.
- II. Demonstrated proficiency includes:
- A. Achieving minimum qualifying scores on an approved qualification course.
  - B. Demonstrated knowledge of the laws concerning the use of authorized weapons.
  - C. Demonstrated knowledge of department policy of use of force, escalating force, and deadly force.
  - D. Familiar with recognized safe-handling procedures for the use of these weapons.
- III. The instruction and qualification of all firearms will be provided by a member of the Firearms Training Unit cadre.
- IV. The instruction and qualification of all less-lethal weapons will be provided by a member of the Less-Lethal Training Unit cadre.

### **1.3.11 Weapons Proficiency - Annual Training**

- I. Policy
  - A. The Department shall provide safe and comprehensive firearm training and qualifications to all fully commissioned and special commissioned personnel.
  - B. Firearm qualifications will be conducted two times each calendar year.

1. Officers must qualify with all weapons, issued or allowed, they normally carry or have access to on duty.
2. These sessions shall include weapon maintenance, individual coaching, and additional practice opportunities, such as remedial training (time permitting).
3. A Practical Pistol Course (PPC) will be shot for score once every two years.
4. Scoring procedures will include both marksmanship and stress factors.
5. Rifle (AR-15) training shall be a part of firearms training and qualifications.
6. Qualification courses for alternate weapons shall be conducted on a yearly basis.

C. Failure to Qualify

1. Failure to Qualify with a department issued firearm (handgun and rifle) directly impacts an officer's ability to fulfill their duties as an officer with the Kirkland Police Department.
2. Initial Firearm Qualification Day – The officer will be given two attempts to qualify on this day. If the officer fails to qualify on their first attempt, then they will immediately be given a second opportunity to qualify on this date. If the officer does not qualify on this second attempt then the Firearms Instructor will provide the officer with a standard Firearms PIP form (Performance Improvement Plan). The standard Firearms PIP form will outline the bulleted items (a, b, & c) listed below. However, if the failure to qualify raises serious performance related issues where the Firearms Instructor believes the officer should not be allowed to immediately return to duty with their weapon, then the Firearms Instructor may invoke General Order 52.1.8 – Relief of Duty by advising an on-duty supervisor of their recommendation to relieve the officer from duty. The on-duty supervisor would then determine whether or not to invoke General Order 52.1.8. Upon determination, the on-duty supervisor will notify their Lieutenant via the chain-of-command.

- a. Failed attempts to qualify;
  - b. Plans for two remedial training sessions with a KPD Firearms Instructor which will occur prior to re-qualification; and
  - c. Firearm re-qualification date will be set for a period of at least fourteen (14) days from the date of the PIP notice.
3. Second Firearm Qualification Day – The officer will report for the Second Firearm Qualification Day as outlined in the previous Firearms PIP form. The officer will be given two attempts to qualify on this day. These qualification attempts will be on the same qualification course that the officer had previously failed. If an officer fails both attempts to qualify on this day, then the officer's department issued firearm will be taken from the officer, and the officer will be assigned to duty not requiring the use of a firearm. A PIP will be created by the Senior Firearms Instructor and will outline –
- a. Failed attempts to qualify;
  - b. Remedial training completed;
  - c. Plans for additional remedial training, to include but not limited to, a basic 40 hour Firearms training course; and
  - d. Firearm re-qualification date will be set for no later than thirty (30) days from the date of the PIP notice created by the Senior Firearms Instructor.
4. Third Firearm Qualification Day – The officer will report for the Third Firearm Qualification Day as outlined in the PIP written by the Senior Firearms Instructor. The officer will be given two attempts to qualify on this day. These qualification attempts will be on the same qualification course that the officer had previously failed. If an officer fails to qualify on this day, then the officer will remain assigned to duty not requiring the use of a firearm and a memo will be sent to the Chief by the Senior Firearms Instructor for final review and determination on the officer's status.

#### D. Qualification Exemptions

1. A Command Officer may grant temporary exemptions for medical reasons upon submission of a recommendation signed by a physician or in case of an administrative necessity upon written request of the officer's supervisor.
  - E. All fully commissioned and special commissioned personnel shall be proficient in the use of firearm(s) regularly carried as their duty weapon.
  - F. Training will take place biennially on less-lethal force as defined in General Order 1.3.4.
  - G. All participating personnel shall be subordinate to the Firearm Instructor while on the range.
- II. Definitions
- A. A Senior Firearms Instructor will bear the full responsibility for the safe and effective development and implementation of the departmental firearms training and qualifications. All participants and firearms instructors are subordinate to the Senior Firearms Instructor during qualifications.
  - B. The "Firearms Training Unit" is comprised of the Senior Firearms Instructor, who is in charge of the Firearms Training Unit, and firearms instructors.
  - C. A department issued firearm is that which has been approved for use while on duty status, but shall not include an alternate weapon.
- III. Procedure
- A. The Services Division shall be responsible for:
    1. Overall administration of the firearms training program.
    2. Maintenance of individual firearm performance records.
    3. Appointment and certification of Firearms Instructors.
      - a. Individuals will be designated as Firearms Instructors with the approval of the Services Captain upon the completion of a department wide selection process, and

upon receipt of a favorable recommendation by the Firearms Training Unit.

- b. Firearms Instructors will be certified as instructors only after successfully completing the Washington State Criminal Justice Training Commission Firearms Instructor course or its equivalent. This course must be completed as soon as possible upon the completion of the selection process.
- B. The Firearms Training Unit may meet prior to each firearms qualification for the purpose of:
1. Discussing firearms training standards and methods of attainment.
  2. Reviewing weapon and ammunition needs; submitting a comprehensive analysis to the Chief of Police via the chain of command when appropriate.
  3. Establishing responsibilities for the Senior Firearms Instructor and Firearms Training Unit.
    - a. Including courses of fire, range procedures and rules for the safety and protection of the participants and others.
  4. Assisting in the preparation of a preliminary firearms equipment and training budget.
- C. The Senior Firearms Instructor will:
1. Provide adequate training and supervision to instructors and participants.
  2. Provide regular firearm training in accordance with the approved course of fire.
  3. Ensure compliance with all range safety rules and procedures, and maintain range discipline.
  4. Provide firearm training reports to the Services Lieutenant.
  5. The Senior Firearms Instructor must meet all other requirements and duty responsibilities as described in the

Firearms Training Unit manual of standard operating procedures (TRN-001).

- D. Firearms instructors will:
1. Be assigned as an "officiating" Range Officer at firearms qualifications and training sessions.
  2. Provide adequate training and supervision to participants.
  3. Ensure compliance with all range safety rules and procedures, and maintain range discipline.
  4. Provide individual instruction to participants when necessary or requested.
  5. Perform other duties as assigned by the Senior Firearms Instructor.
  6. Meet all other requirements and duty responsibilities as described in the Firearms Training Unit manual of standard operating procedures (TRN-001).

### **1.3.12 Instruction Prior to Carrying Weapon**

- I. All employees authorized to carry weapons will be issued copies of and be instructed in the policies described in General Orders 1.3.1 through 1.3.5, and demonstrate their understanding before being authorized to carry a weapon.
- II. Those employees trained in less-lethal force will be issued a copy of General Orders 1.3.1 through 1.3.5 (Use of Force Policy) before they are authorized to carry less-lethal weapons.
- III. The issuance and instruction shall be documented, and maintained by the Senior Firearms Instructor and Senior Less-Lethal Instructor.

### **1.3.13 Use of Force Reports - Annual Analysis**

- I. In January of each year, the Chief will direct the Operations Captain to conduct an annual analysis of use-of-force incidents occurring the prior calendar year is conducted. The analysis will include the number and types of use-of-force reports as required by General Order 1.3.6.

The Chief will review the annual analysis to determine if there are patterns or trends that could indicate training needs and/or policy modifications.

### **1.3.14 Discharges**

- I. All discharges of firearms that are not applicable to Use of Force reports shall be documented with a written report.
  - a. This shall include accidental discharges and destruction of animals.
  - b. The officer's supervisor shall forward this report to the following persons:
    1. Operations Lieutenant
    2. Senior Firearms Instructor
  - c. Notifications to the Command Staff shall be in compliance with General Order 12.1.6, and this will be done by the officer's supervisor.
  - d. A review will be conducted by the Operations Lieutenant and Senior Firearms Instructor.
    1. A report of this review will be forwarded to the Chief of Police. This report will contain their findings and recommendations.
      - a. Recommendations may include, but not limited to, training.
    2. When the firearm discharge was for the destruction of a wounded or dangerous animal, and no property damage or personal injury occurred, the Operations Lieutenant and Senior Firearms Instructor may approve the officer's report without any additional recommendations.
- II. All discharges of Tasers and SL-6 weapons that are not applicable to Use of Force reports shall be documented with a written report.
  - a. This shall include accidental discharges.
  - b. The officer's supervisor shall forward this report to the following persons:

1. Operations Lieutenant
  2. Senior Less-Lethal Instructor
- c. Notifications to the Command Staff shall be in compliance with General Order 12.1.6. These notifications will be done by the officer's supervisor.
- d. A review will be conducted by the Operations Lieutenant and Senior Less-Lethal Instructor
1. A report of this review will be forwarded to the Chief of Police. This report will contain their findings and recommendations.
    - a. Recommendations may include, but not limited to, training.

### **1.3.15 Firearms – Retired Officers**

- I. Retired Kirkland Police Department law enforcement officers may submit an application to the Chief of Police to be considered for approval for carrying a concealed weapon in accordance with the Law Enforcement Officers Safety Act (LEOSA) of 2004.
  - A. Memo on the LEOSA by the US Attorney General, "On July 22, 2004, Congress passed and the President signed the Law Enforcement Officers Safety Act of 2004 (the "Act"), Pub. L. No. 108-277, 118 Stat. 865 (2004), codified at 18 U.S.C. §§ 926B and 926C. With certain limitations and conditions, the Act exempts active and retired "qualified law enforcement officers" ("qualified LEOs") from state laws and local ordinances prohibiting the carrying of concealed weapons. The Act does not purport to affect any state or local laws and ordinances that permit restrictions of concealed firearms on private property or any such laws that restrict the possession of firearms on any State or local government property, installation, building, base, or park."
- II. Standard Operating Procedure ADM-020 will be followed for this application process.
- III. Only the Chief of Police or his/her designee has the authority for approving or disapproving the retired Kirkland Police officer's application.



## **General Order No. 2.1**

### **SUBJECT: AGENCY JURISDICTION AND MUTUAL AID**

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This order consists of the following numbered sections:

- 2.1.1 Geographical Boundaries**
- 2.1.2 Concurrent Jurisdiction**
- 2.1.3 Mutual Aid Agreements**
- 2.1.4 Requesting Federal/National Guard Assistance**

#### **2.1.1 Geographical Boundaries**

- I. The corporate City limits of the City of Kirkland are the geographical boundaries of the Kirkland Police Department.
- II. Any time there is a question concerning jurisdiction, the on duty Patrol supervisor or Services Lieutenant should be consulted.
- III. Every department member should familiarize themselves with the geographical boundaries of the City of Kirkland.
- IV. Every department member should familiarize themselves with the geographical boundaries of the City of Kirkland.

#### **2.1.2 Concurrent Jurisdiction**

- I. Effective law enforcement is not a solitary effort but requires the cooperation and interaction of many agencies. The Kirkland Police Department supports this concept and will cooperate fully with other agencies in the discharge of these duties.
- II. Authority of the Kirkland Police Department
  - A. Within the City limits, the Kirkland Police Department will enforce the ordinances of the City of Kirkland and the laws of the State of Washington and carry out all duties and responsibilities attributed to the Police Department by the Chief of Police;
  - B. The Kirkland Police will enforce the traffic ordinances of the City of Kirkland and the traffic laws as denoted in Kirkland City Ordinances and Title 46 or Model Traffic Ordinance of the Revised Codes of Washington;

- C. The Kirkland Police Department has exclusive jurisdiction and responsibility in matters concerning Kirkland City Ordinances within the City limits;
  - D. Nothing prohibits members of the King County Sheriff's Department or Washington State Patrol from taking action in situations that occur in their presence within the City limits;
  - E. In any situation where a question arises concerning jurisdiction with another agency, the responding Kirkland police officer will make every attempt to resolve the matter in the most professional manner possible. If no resolution is possible, the matter will be turned over to a supervisor or Command Officer for resolution.
    - 1. If no amicable solution can be reached, the matter should be handled by this Department in the interest of the community and a report outlining the situation submitted to the Chief.
- III. Other agencies having jurisdiction within the City of Kirkland are the King County Department of Public Safety, the Washington State Patrol, and those other agencies authorized pursuant to RCW 10.93.070 by letter of authority. Employees of this Department will offer complete cooperation when situations arise where these agencies must exercise their authority within the City limits.

### **2.1.3 Mutual Aid Agreements**

- I. The Washington Mutual Aid peace officer powers act of 1985 is listed under RCW 10.93, and provides controlling legislation governing mutual aid, making provision for the Kirkland Police Department to enter into interagency agreements for "consent to the full exercise of peace officer powers". The Kirkland Police Department has written agreements with neighboring law enforcement agencies to provide mutual aid, including emergency situations.
  - A. RCW 10.93.070 lists circumstances in which a Kirkland Police Officer may enforce the traffic or criminal laws of this state throughout the territorial bounds of this state, in accordance with the Washington Mutual Aid peace officer powers act of 1985.
- II. Mutual aid agreements provide all the necessary information to initiate mutual aid activities either on behalf of our Department or at the request of the neighboring law enforcement agency. This information addresses the following information:

- A. The legal status of agencies and agency personnel responding to mutual aid requests;
  - B. Procedures for vesting provider agency personnel with the legal authority to act within the receiver agency's jurisdiction;
  - C. Procedures for requesting mutual aid;
  - D. Identity of those persons authorized to request mutual aid;
  - E. Identity of persons to whom outside personnel are to report;
  - F. Procedures for maintaining radio communication with outside personnel; and
  - G. Expenditures, if any, which should be borne by the receiver agency to compensate for the use of the provider agencies resources.
  - H. Procedures for review and revision if prescribed in the agreement.
- III. Copies of the agreements and policy will be kept on file in the Services Division.
- IV. A plan for providing or receiving aid in unusual occurrence situations is maintained by the Operations Lieutenant. This plan includes:
- A. Extent of aid that could be provided while maintaining adequate law enforcement coverage in the service area, and
  - B. Estimates of types and amounts of major resources and their locations.
- V. Exercising Authority Off-Duty
- A. Kirkland Officers may exercise their authority when off duty anywhere outside of Kirkland and in the State of Washington when the following circumstances exist:
    - 1. In response to an emergency involving an immediate threat to human life, or serious threat to property.
    - 2. In response to a request of a peace officer with enforcement authority.

- B. When officers exercise any authority under the Act while off duty outside the City of Kirkland they must submit a written report, detailing the incident, through their supervisor to the division commander.
- VI. Upon initiation of an emergency situation outside the City requiring Kirkland Police mutual aid, the Chief of Police, or his/her designee, will request that the ranking officer in charge from the requesting agency confer with the designated commander from the Kirkland Police Department. This will be done in order to determine if the mission of the Kirkland Police personnel is consistent with mutual aid agreements in effect. The designated Commander will ensure that a Kirkland Police Department advisor is assigned to assist the agency seeking mutual aid.
  - VII. The City of Kirkland has no independent correctional facilities located within its city limits. State law and current mutual aid agreements will govern any mutual aid response by the department to a correctional facility operated within King County. The responsibility for planning and implementation of operations rests with the primary law enforcement agency of the jurisdiction in which the correctional facility is located.

#### **2.1.4 Requesting Federal/National Guard Assistance**

- I. In any event requiring federal law enforcement assistance, Command Officers are authorized to solicit aid from the appropriate federal agency.
- II. If the Chief of Police is not available, then any command officer available will be briefed on the situation, and will make the decision on the aid request.
- III. Should an emergency arise necessitating the call-out of the Washington National Guard, the Chief or his designee must request the call-out from the Mayor. The Mayor shall be the sole authority for all requests for assistance and/or aid from the Washington State National Guard. This request from the Mayor will be forwarded to the Governor. The Governor has the authority to call out the Washington State National Guard, in accordance with RCW 38.08.040.
  - A. When State National Guard Troops are assigned to an area within the City for purposes of assisting in preserving law and order and/or the protection of life and property, they will be under the authority of and directly responsible to their military commanders.

- B. The authority of the Chief of Police or any department command officer will not extend to such troops. However, the Chief of Police, or his/her designee will advise the military commanders as to specific needs of the city, recommending areas in which the military can most appropriately be used to restore order in support of the civil authorities.
- IV. Should an emergency arise necessitating the call-out of Federal Troops, the Chief or his designee must request the call-out from the Mayor. The Mayor shall be the sole authority for all requests for assistance and/or aid from Federal Troops. This request from the Mayor will be forwarded to the State Legislature. The State Legislature has the authority to request that the President call out federal troops unless there is insufficient time for it to convene, in accordance with United States Code Title 10, Subtitle A, Part 1, Chapter 15, Section 331. In that event, the Governor has the authority, in accordance with United States Code Title 10, Subtitle A, Part 1, Chapter 15, Section 331. It is the Mayor of the City of Kirkland that has the authority to ask the Governor or the Legislature to exercise these powers, in accordance with RCW 35A.13.030.
- A. When federal troops intervene, the military commander will cooperate with the governor and other local and state authorities unless cooperation interferes with the accomplishment of the federal mission. Military personnel assigned to a problem area may recognize the authority of law enforcement commanders and assist in mutually restoring the area to normalcy, or if circumstances warrant, the military commander may assume sole command of the area. Officers of the department will cooperate with military forces assigned.



## **General Order No. 3.1**

### **SUBJECT: CONTRACTUAL AGREEMENTS**

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This order consists of the following numbered sections:

- 3.1.1 Law Enforcement Services Provided**
- 3.1.2 Contract Services – Employee’s Rights**

#### **3.1.1 Law Enforcement Services Provided**

- I. All contracts for law enforcement services shall be in a written agreement. This agreement shall include, but not limited to:
  - A. The contract shall clearly identify the specific services to be provided. This will include the nature and extent of the services.
  - B. Financial agreements will be included in the contract. This will include the time and manner of payment for services.
  - C. Records concerning the nature and extent of the service will be kept by the provider. The contract should define what type of records, such as number of calls for service, nature of the calls, etc. is to be kept. All contracts will be kept on file at the Kirkland City Clerk's office.
  - D. All contracts shall specify the parameters to include its duration, how it can be modified and the procedure for renewal and termination.
  - E. All contracts shall include contingencies of legal implications. These shall include which party will defend the provider agency in the event of a lawsuit, identification of persons who represent parties to the contract, and who provides payment of compensation should the provider agency be found liable in a lawsuit.
  - F. The provider of the contract shall be responsible for all its personnel involved in fulfilling the contract.
  - G. The provider will be responsible for the equipment and facilities, unless otherwise specifically noted in the contract.
  - H. A procedure for review and revision of the agreement, if needed.

II. All inter local contracts require the approval of the Kirkland City Council.

**3.1.2 Contract Services - Employee's Rights**

I. Members of the Kirkland Police Department assigned to fulfill a contract service shall not be penalized from exercising the same rights and benefits of other members of the Kirkland Police Department.



## General Order No. 11.1 SUBJECT: ORGANIZATIONAL STRUCTURE

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This order consists of the following numbered sections:

### 11.1.1 Organizational Structure

### 11.1.2 Organization Chart

### 11.1.1 Organizational Structure

- I. The Kirkland Police Department consists of three major components:
  - A. The office of the Chief of Police;
  - B. Operations; and
  - C. Services.
- II. The office of the **CHIEF OF POLICE** consists of:
  - A. **Chief of Police** - The *Chief of Police* is the Chief Executive Officer of the Kirkland Police Department. The Chief of Police is appointed by the City Manager and approved by the City Council. The Chief of Police appointment and authority is listed in Kirkland Municipal Code 3.16.010 and 3.16.020. The Chief of Police has full authority and responsibility for the management, direction, and control of the operations and administration of the police department. He/she exercises supervision over all departmental personnel directly or through subordinate supervisors.
  - B. **Police Services Administrative Coordinator** - Appointed by the Chief of Police. Oversees the general administrative activities in the department.
    1. Administrative support is provided by an *Administrative Assistant*, under the supervision of the *Police Services Administrative Coordinator*, whose primary function is to perform accounting work related to the processing of the department's payroll.
    2. Administrative support is also provided by an *Administrative Support Associate*, under the supervision of the *Police*

**Services Administrative Coordinator**, whose function is to perform clerical support as needed based on department established priorities, including payroll preparation and budget.

- C. **Administrative Investigations** - The Chief of Police or his/her designee is responsible for all administrative investigation functions for the Kirkland Police Department. The Chief of Police or his/her designee manages the assigning of administrative investigations and completion of those investigations. The duties and responsibilities for the Administrative Investigation function is outlined in General Order 52.1.
- III. **OPERATIONS** is commanded by a **Captain**, who coordinates the activities of the department under the direction of the Chief of Police. Operations consists of two divisions. Each division is under the command of a **Lieutenant**, who organizes, coordinates and manages the day-to-day operations of a major division under the direction of the Operations Captain. Operations consists of:
- A. **PATROL DIVISION** - Under the direction of a Lieutenant, the Patrol Division is responsible for most patrol related law enforcement operations under the first level supervision of a Police **Sergeant or Corporal**. The Patrol Operations Division consists of:
1. **Patrol Squads A, B, C, D:**
    - a. **Patrol Officers** are responsible for providing the basic law enforcement service to the community; responding to calls, conducting initial investigations, and traffic enforcement.
  2. **Traffic Unit:**
    - a. **Traffic officers** are assigned positions, under the direction of the **Traffic Sergeant**. Primarily responsible for traffic enforcement, traffic collision investigation, and all other traffic related incidents. Additionally, when necessary, the traffic section will assist patrol.
    - b. **Parking Enforcement Officers** (non-commissioned) duties and responsibilities include enforcement of parking regulations under the direction of the **Traffic Sergeant**.

3. **K-9 Unit:**
  - a. The ***K-9*** unit is an assigned position. Duties and responsibilities are outlined in General Order 41.1.4
4. **Special Response Team (SRT):**
  - a. ***SRT Officers*** are assigned positions and not a full-time position. ***SRT*** is a unit of specially trained and equipped officers of the Kirkland Police Department, whose purpose is to deal with the most potentially serious types of police confrontations. SRT personnel may be utilized as outlined in General Order 46.2.
5. **Crisis Negotiations Team (CNT)**
  - a. ***Crisis*** Negotiators are assigned positions and not a full-time position. Crisis Negotiations Team consists of personnel trained specifically to communicate with barricaded persons, hostage takers, mentally unstable individuals, and protest or activist groups.
6. **ProAct Unit**
  - a. ProAct Officers are temporarily assigned positions, under the first level supervision of the ProAct Sergeant. The ProAct Unit has the following primary objectives; to identify and respond proactively to crime trends affecting the City, develop strategies and tactics to respond effectively to serial and/or unique type street crimes, increase the Department arrests and clearance of motor vehicle related crimes, increase the Department recovery of stolen property, and supplement patrol's response to special details and/or unusual occurrences.
7. **Community Services Unit** - responsible for community crime prevention programs, school resource programs, and neighborhood resource programs. Under the first level supervision of a ***Sergeant***.
  - a. ***Crime Prevention Officer*** promotes a plan of community crime awareness, safety, and prevention through various

crime prevention programs. This is a half-time position and not a full time position.

- b. ***School Resource Officer*** assists with school safety issues, provides basic law enforcement functions, and teaches curriculum designed to provide information on; alcohol & drugs, conflict resolution, decision making, and identification of consequences. Also, acts as a resource to schools on police-related matters.
  - c. ***Neighborhood Resource Officer*** works with officers, citizens, neighborhoods or businesses on traffic issues and other targeted problems, identify solutions, and secure appropriate resources to successfully address issues and problems.
  - d. ***Explorers*** participate in community programs with the Kirkland Police Department, under the direction of an ***Explorer Leader***, to develop themselves in the areas of; career opportunities, citizenship, leadership experience, life skills, and character education.
- B. **INVESTIGATIONS DIVISION** - Under the direction of a Lieutenant, the Investigations Division is responsible for follow-up, long-term investigations, maintaining criminal intelligence and undercover narcotics enforcement. Under the first level supervision of a ***Detective Sergeant***. The Investigations Division consists of:
- 1. **Investigations Unit:**
    - a. ***Detective*** is a specialty assignment whose primary duties and responsibilities include the follow-up investigation of criminal activity, including crimes against person, property, and crime scenes.
  - 2. **Narcotics Unit:**
    - a. ***Narcotics Detective*** is an assigned position (and a member of the Eastside Narcotics Task Force). Primary duties and responsibilities include, but are not limited to covert narcotics transactions /investigations.
  - 3. **Intelligence Unit:**

- a. The ***Detective Sergeant*** is responsible for the Intelligence function. Intelligence duties and responsibilities are outlined in General Order 51.1.
4. **Family Violence Unit:**
    - a. The ***Family Violence Officer*** conducts follow-up investigations on reported cases of domestic violence/abuse, Child Protective Services case referrals and juvenile runaway cases. The unit also monitors registered sex offenders residing in Kirkland.
    - b. ***Family Violence Advocate*** is a non-commissioned position which provides victim assistance, intervention, counseling and coordinating assistance in family/youth issues such as domestic violence and missing/runaway juveniles.
  5. **Crime Analyst:**
    1. ***Crime Analyst*** reports to the Investigations Lieutenant. Crime Analyst duties and responsibilities are outlined in General Order 15.1.
- IV. **SERVICES** are commanded by a ***Captain***, who coordinates the activities of the department under the direction of the Chief of Police. Services consists of two Divisions under the command of a ***Lieutenant***, who organizes, coordinates and manages the day-to-day operations under the direction of a Captain. Services consists of:
- A. **POLICE SERVICES DIVISION** - Under the direction of a ***Lieutenant***, the Police Services Division is responsible for necessary tasks performed to support operational personnel. The ***Administrative Corporal*** assists the Services Lieutenant with the necessary tasks performed to support operational personnel. Those tasks are accomplished by the following:
    1. **Records Unit:**
      - a. ***Police Support Associates***, under the first-level supervision of the ***Police Support Supervisor***, whose primary duties and responsibilities include; records

maintenance, processing documents, and communication with the public.

2. **Training Unit:**

a. The **Training Officer** is an assigned position, under the direction of the **Administrative Corporal**, with a primary function to enhance the basic training an officer receives as well as their future development. Duties and responsibilities include developing and facilitating department training and maintaining records that pertain to department training,

b. **Field Training Unit:**

1. **Field Training Officers** is a specialty assignment, under the direction of a **Field Training Coordinator**, and is responsible for the field training of newly hired Correction Officers. FTO duties and responsibilities are outlined in General Order 33.4.3.

2. **Police Training Officers** is a specialty assignment under the direction of a **Police Training Coordinator**, and is responsible for the field training of newly hired officers. PTO duties and responsibilities are outlined in General Order 33.4.3.

c. **Training Cadres:**

1. **Firearms Training Unit – Firearms Instructor** is a part-time specialty assignment, under the direction of a **Senior Firearms Instructor**, which include planning & organizing firearms qualifications for all commissioned personnel, establishment of training protocols and requirements, maintenance of firearms training records, maintenance of the department's firearms inventory, and pre-qualification training of new officer hires.

2. **Less-Lethal Training Unit – Less-Lethal Instructor** is a part-time specialty assignment,

under the direction of a ***Senior Less-Lethal Instructor***, which include planning & organizing less-lethal qualifications, establishment of training protocols and requirements, maintenance of less-lethal training records, and maintenance of the department's less-lethal inventory. The Defensive Tactics Instructor also falls under the direction of this unit and the Senior Less-Lethal Instructor.

3. **Protective Measures Training Unit** – ***Protective Measures Instructors*** is a par-time specialty assignment under the direction of a ***Senior Less-Lethal Instructor***, which include planning & organizing protective measures training protocols and requirements, maintenance of protective measures training records, and maintenance of protective measures training equipment.

- B. **CORRECTIONS & PROPERTY DIVISION** – Under the direction of a ***Lieutenant***, the Corrections & Property Division is responsible for necessary tasks performed in the operation of the Kirkland Jail and the Kirkland Police Property Room.

1. **Corrections Unit:**

- a. ***Corrections Officers***, under the first-level supervision of the ***Corrections Corporal***, whose duties include; booking, housing, and transportation of prisoners; and maintaining the security of the Corrections facility.

2. **Property Management:**

- a. The ***Property Officer***, under the supervision of the ***Corrections Lieutenant***, is responsible for the management of the Evidence and Property Room function.

- C. **ACCREDITATION** - The Kirkland Police Department is a Washington State accredited (Washington Association of Sheriffs and Police Chiefs - WASPC) agency. Accreditation is a continuing process, with management of the accreditation function assigned to the ***Services Captain***, whose duties and responsibilities are to ensure compliance

with established General Orders while maintaining the integrity of the accreditation reporting system.

### **11.1.2 Organization Chart**

- I. The organizational chart will be reviewed and updated as needed, at least annually. The chart is accessible to all personnel.



## **General Order No. 11.2**

### **SUBJECT: UNITY OF COMMAND**

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This order consists of the following numbered sections:

#### **11.2.1 Employee Accountability**

#### **11.2.2 Direct Command/Organizational Components**

##### **11.2.1 Employee Accountability**

- I. Each employee will be accountable to only one supervisor at any given time.
- II. Occasions may arise requiring a supervisor to issue an order to an employee outside the supervisor's immediate responsibility. Nothing in this section will prevent this.
  - A. A person's rank within the department carries the authority of the rank regardless of which division the supervisor is assigned.

##### **11.2.2 Direct Command/Organizational Components**

- I. Each division or unit of this Department is under the direct command of only one supervisor.
- II. Whenever two or more officers of the same rank are on duty and supervising the same area of responsibility within this Department, the chain of command will be determined according to time and rank in grade, except when otherwise designated by a superior officer.
  - A. Time in grade is determined by the length of time within a rank as determined by the appointment date to that specific rank;
  - B. Rank in grade is determined by the actual placement on a promotion test when more than one person is promoted on the same date;
  - C. Such order of time and rank in grade shall be recorded in the Kirkland Police Department personnel roster. The personnel roster will be issued and updated as necessary.
- III. When two or more officers are dispatched to a call for service, the following will apply;

- A. The primary unit assigned by radio to respond to the complaint shall assume control of the situation until it is concluded or until relieved by a more senior officer.



## **General Order No. 11.3**

### **SUBJECT: AUTHORITY AND RESPONSIBILITY**

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This order consists of the following numbered sections:

#### **11.3.1 Responsibility / Accountability of Employees**

#### **11.3.2 Supervisory Accountability**

#### **11.3.1 Responsibility / Accountability of Employees**

- I. The success of the organization requires that responsibility be accompanied by necessary authority. Authority to execute the required activity of the organizational component is delegated by the Chief of Police through the command structure to individual employees. At every level of the organization, employees will be given the authority to make decisions necessary for the effective execution of their responsibilities.
  - A. The Chief of Police is ultimately responsible for the performance of the organization. To assist the Chief in accomplishing the goals and objectives of the Department, employees are delegated authority to perform the duties of their assignments.
  - B. Command Officers are responsible and accountable for all aspects of their command. Within policy guidelines and legal constraints, a Command Officer has authority to direct and coordinate assigned personnel, and allocate resources to achieve organizational goals and objectives. Command Officers shall rely on policy, directives, training, and personal initiative to guide them in achieving the highest possible level of performance.
  - C. The Kirkland Police Department is responsible for the law enforcement services in the City of Kirkland. In order to accomplish its mission, department employees are delegated authority and are empowered through or by the color of the badge, position, and/or rank. Each employee will be held accountable for their overall performance and the success or failure to use this delegated authority in accomplishing the responsibilities of their position. This will be measured through the performance evaluation process.

#### **11.3.2 Supervisory Accountability**

- A. Supervisors will be held accountable for the performance of the employees under their immediate supervision. Supervisory positions have the responsibility to guide, direct, motivate, and instruct all personnel under their supervision. Supervisors are responsible for planning the work of personnel in an orderly manner; delegating authority and responsibility when appropriate, and following the progress of assignments to a satisfactory completion. All supervisors of all ranks and/or levels within the department are responsible for the work performance of subordinate personnel under their immediate control. Although supervisors may delegate the actual performance of a given task, supervisory officers cannot rid themselves of the responsibility or accountability for the accomplishment of the task.



## **General Order No. 11.4**

### **SUBJECT: GENERAL MANAGEMENT AND ADMINISTRATION**

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This order consists of the following numbered sections:

- 11.4.1 Administrative Reporting**
- 11.4.2 Forms Management**
- 11.4.3 Accreditation Tracking System**
- 11.4.4 (RESERVED)**
- 11.4.5 Notify Chief of Incident with Liability**

#### **11.4.1 Administrative Reporting**

- I. Reports are derived from data entered into the computer system and are provided to the chain-of-command. Reports reflect comparative data on activities and trends and include but are not limited to:
  - A. Daily Recaps which summarizes occurrences during the previous 12 hours, written by patrol supervisors, keeping personnel informed of major crimes, collisions, arrests and other criminal activities. These reports are distributed via e-mail to supervisors and command staff in every division;
  - B. UCR (Uniform Crime Reporting) submitted monthly by the Crime Analyst to provide a database for crime statistics. This is submitted to the FBI via the state reporting system (WUCR) in accordance with the Uniform Crime Reporting Handbook. (Refer to General Order 82.1.3);
  - C. Monthly officer activity reports submitted by supervisors which provides information on; reports, citations, calls for services, arrests, or other activity. These reports are distributed to the respective Division Lieutenants;
  - D. The Crime Analyst will prepare crime analysis bulletins and other bulletins on a routine basis, which provide an analysis of police activity and crime by type of activity, location, time, and date. The reports will be available to all department members. These are distributed to the briefing logs in the Patrol briefing room and via e-mail;
  - E. An annual report of UCR and statistical information is completed by the Crime Analyst. This report provides a summary on comparative

data and activities of the agency. These reports are distributed to the command staff;

- F. The Training Officer shall prepare an annual training plan that identifies training priorities and establishes the proposed curriculum for the annual in-service training. This is submitted to the Services Lieutenant;
  - G. Ad hoc reports may be obtained from the computer as needed. These reports are distributed via the chain of command.
- II. Division Lieutenants will submit monthly reports to their respective Captains accounting for the activities in their units for the previous month and identifying goals and objectives for the ensuing months. Reports may be written or oral.
- A. Weekly staff meetings serve as an opportunity for informal reporting and problem solving between Divisions within the Department. This process is also extended to all supervisors within the Department.
- III. The Captains report the status of their respective Divisions to the Chief of Police on a monthly basis. The report contains each Division's Monthly Activity Report, as well as the status of Services and Operations in regard to the mission statements, goals and objectives of the Kirkland Police Department. The report may be written or oral.

#### **11.4.2 Forms Management**

- I. The Police Services Administrative Coordinator has the direct responsibility for forms management within the Department.
- II. Department forms will be reviewed as necessary or at least annually to ensure removal of duplicity, removal of obsolete forms, necessary revisions, and compliance in use.
- III. Forms Management shall be as follows:
  - A. All forms shall bear the Department form number, which reflects the year the form was originated or revised.
  - B. The Chief of Police or his/her designee must approve all new forms as well as revision or deletion of any existing forms utilized by the Department.

- C. The Police Services Administrative Coordinator is responsible for ensuring policy and procedure compliance and for the assignment of department form numbers and titles.
  - D. A master file of department forms is maintained at the Police Services Administrative Coordinator's office.
- IV. All new, revised, or obsolete forms shall be forwarded through the chain of command to the respective Division Lieutenant for review, prior to approval by the Chief or his/her designee.
- V. Upon approval by the Chief of Police or his/her designee, for a new, revised, or obsolete form to be deleted, the Police Services Administrative Coordinator will:
- A. Review to ensure the absence of duplication with existing forms;
  - B. Assign a Department form number and formal title;
  - C. Maintain a copy of the new or revised form in a master file.
  - D. Remove forms from the master file that are obsolete.
- VI. Refer to General Order 82.3.4 regarding accountability of citations.
- VII. Refer to General Order 11.4.1 regarding accountability of Department forms.

#### **11.4.3 Accreditation Tracking System**

- I. The Police Services Administrative Coordinator manages a spread sheet which monitors periodic reports, reviews and other activities mandated by applicable accreditation standards.
- II. This tracking system is utilized to ensure that periodically required reports, reviews, and other activities take place; and to identify and correct instances where a requirement was not met.

#### **11.4.4 (RESERVED)**

#### **11.4.5 Notify Chief of Incident with Liability**

- I. The Chief of Police or his/her designee will be notified, via the chain of command, of incidents where there may be a question as to the agency's

liability or those incidents which may result in heightened community interest. This will include, but is not limited to, the following:

- A. All incidents where employees have allegedly performed in a manner that created an increased likeliness of death or serious injury to persons or significant loss of property.



## **General Order No. 11.5**

### **SUBJECT: GOALS AND OBJECTIVES**

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This order consists of the following numbered sections:

#### **11.5.1 Goals and Objectives**

#### **11.5.2 Progress Towards Goals and Objectives**

#### **11.5.1 Goals and Objectives**

- I. Division Lieutenants are responsible for developing and submitting division goals and objectives to the Chief of Police, via the Chain of Command, on an annual basis.
- II. Department goals and objectives are established annually by the Chief of Police and/or Command Staff. All department members are encouraged to offer input in formulating department goals and objectives. Once established, annual Goals and Objectives are distributed to all department members.

#### **11.5.2 Progress Towards Goals and Objectives**

- I. Annually, a written evaluation of the progress made toward the attainment of goals and objectives will be prepared and submitted, to ensure that the Chief of Police is informed on a regular basis. A written evaluation is required by each organizational component.



## **General Order No. 11.6**

### **SUBJECT: PLANNING AND RESEARCH**

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This order consists of the following numbered sections:

- 11.6.1 Planning and Research – Function**
- 11.6.2 Planning and Research - Organizational Placement**
- 11.6.3 (RESERVED)**
- 11.6.4 Multi-year Plan**

#### **11.6.1 Planning and Research - Function**

- I. Lieutenants are generally assigned the responsibility for the research and planning function. This function includes, but is not limited to, the preparation of research studies of proposed programs and equipment. Other department members may be assigned to and/or become involved with this function as needed.
- II. The Command Staff is responsible for research and development with regard for: developing departmental policies and procedures; developing short and long range planning; and conducting research on specific issues as assigned.
- III. Operational activities are summarized on a monthly basis by Operations & Investigations command staff.

#### **11.6.2 Planning and Research - Organizational Placement**

- I. The planning and research function is assigned to the Command Staff.
  - A. The Command Staff is provided access to all departmental information resources, to ensure the ability to collect data and make programmatic recommendations.
  - B. The Command staff is comprised of the Lieutenants, Captains, and Chief of Police.

#### **11.6.3 (RESERVED)**

#### **11.6.4 Multi-year Plan**

- I. The Kirkland Police Department maintains a current multi-year plan, which articulates goals and objectives, and a plan for achieving them. The annual budget also includes departmental goals and objectives. The plan also anticipates long-term problems of at least five years and suggests alternative solutions to them. The multi-year plan is the responsibility of the Services Captain, and includes the following:
  - A. Development of long-term goals and operational objectives;
  - B. Anticipation of population trends and their impact on workload;
  - C. Anticipation of personnel levels;
  - D. The department will participate in the development of the City Capital Improvement Plan that identifies the capital needs of the Police Department.
  - E. The multi-year plan will be updated as necessary, but reviewed at least once a year.



## **General Order No. 12.1**

### **SUBJECT: DIRECTION**

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This order consists of the following numbered sections:

- 12.1.1 CEO Authority and Responsibility**
- 12.1.2 Command Protocol**
- 12.1.3 Obeying Lawful Orders**
- 12.1.4 Inter-departmental Communication**
- 12.1.5 Notifications – Serious Incidents**
- 12.1.6 Notifications – Requirements**

#### **12.1.1 CEO Authority and Responsibility**

- I. The Chief of Police is the chief executive officer of the Police Department and is responsible for the protection of lives and property in the City of Kirkland through the supervision of all police functions. The Chief of Police designation, authority and responsibility is listed in Kirkland Municipal Code 3.16.010, 3.16.020 and 3.16.060. Under the general direction of the City Manager, the Chief assumes full responsibility for Departmental administration and operation within established policies.

#### **12.1.2 Command Protocol**

- I. The Kirkland Police Department has an established system of succession to ensure that continuous leadership is available as follows:
  - A. In the absence of the Chief, the sequential order of command authority, unless otherwise designated, is as follows:
    - 1. Captain
    - 2. Lieutenant
    - 3. Sergeant
    - 4. Corporal

The Chief of Police, prior to an absence, shall appoint which captain is acting Chief of Police. Failing to do so, the City Manager shall appoint the acting Chief of Police from the Captains.

- B. In exceptional situations, such as emergency or unusual occurrences, refer to the Emergency Operations Center (EOC) Procedures Manual.

- C. Leadership of single operations involving personnel of different units or divisions normally will be determined by rank. This will mean that the ranking officer at the scene will be in charge. The arrival of a higher ranking officer at the scene does not automatically place him/her in charge of that scene, unless he/she assumes control by announcing he/she is taking control.
  - D. Command in normal day-to-day department operations will be determined by rank in that division, unless otherwise designated.
- II. For anticipated absences, command officers should designate, in writing, an acting authority.

### **12.1.3 Obeying Lawful Orders**

- I. Employees are required to obey any lawful order of a supervisor, including any order relayed from a supervisor by an employee of the same or lesser rank.
  - A. The term lawful is included to acknowledge the uncommon yet potential situation in which an order may be given that is unlawful. An example of an unlawful order is one in which a subordinate is directed to use excessive force. Such unlawful orders shall be brought to the attention of the person issuing the order and reported via the chain of command to the respective Division Lieutenant.
- II. Should any lawful order, given by a supervisor, be inconsistent or conflict with any previous order, the employee will respectfully bring this conflict to the attention of the supervisor. The supervisor who issued the conflicting order will take the necessary steps to correct the conflict and assume responsibility for the subordinate's actions.
- III. In the event that neither issuing supervisor can be readily advised, the employee will carry out the most recent order and advise a supervisor of the conflict as soon as practical.

### **12.1.4 Inter-departmental Communication**

- I. Interdepartmental Coordination
  - A. Operations and Services will encourage and support the exchange of information between Divisions for the purpose of coordinating performance;

- B. Methods and procedures which can enhance inter-departmental coordination include:
  - 1. Weekly command staff meetings;
  - 2. Supervisory meetings;
  - 3. Utilization of both formal and informal memos;
  - 4. Utilization of electronic mail (e-mail) and voice mail.
- C. Interdepartmental coordination of serious incidents: There are many incidents where additional assistance and direction for supervisors is necessary to ensure the proper response to and investigation of major incidents. Command Staff notifications will be made during these incidents. General Order 12.1.5 lists those incidents.

#### **12.1.5 Notifications – Serious Incidents**

- I. Command Staff Notifications shall be made in the following order:
  - A. Lieutenant
  - B. Captain
  - C. Chief of Police
- II. The supervisor will notify department command staff whenever any of the following occur:
  - A. Homicide/Suspicious Death investigation.
  - B. Traffic fatality.
  - C. Anytime a police department employee is injured to the extent that medical treatment is necessary.
  - D. A spouse or child of an officer or other police employee is killed or seriously injured.
  - E. Patrol vehicle collisions involving serious injuries or fatalities.
  - F. Anytime an officer discharges their weapon in the line of duty.

- G. Armed robberies with injuries or shots fired.
  - H. Any death of a prisoner while in custody of the Kirkland Police Department personnel.
  - I. Regional disasters outside of Kirkland where assistance may be requested in a mutual aid capacity.
  - J. A Kirkland City official is killed or seriously injured, either here or elsewhere, and any other public official is killed or seriously injured in our jurisdiction.
  - K. The filing of a complaint of serious misconduct by an officer or other police employee of the department.
  - L. The arrest of an officer or other police employee of the department, either here or elsewhere, and the arrest of any other police officer in our jurisdiction.
  - M. Criminal accusation against a Kirkland City official.
  - N. The arrest of a Kirkland City official or a member of their immediate family.
  - O. Any time Negotiators or the Special Response Team are activated.
  - P. Whenever the supervisor has a question, needs direction or feels an incident needs to be brought to the attention of command.
  - Q. Death of a Washington State Police Officer in the line of duty.
  - R. Any other circumstances wherein a duty supervisor deems it advisable to notify the Chief of Police.
- III. When contacted, the Command Staff Officer shall decide the appropriate notification, action and response, if any, and shall direct the supervisor or employee accordingly.

#### **12.1.6 Notifications – Requirements**

- I. The notifications outlined in General Order 12.1.5 require a written report.
  - A. These reports shall be submitted before the end of shift.

- B. The reports will be sent to the Chief of Police via the chain of command.
  - C. An e-mail shall be sent by the on duty supervisor to the entire Command Staff.
    - 1. A brief synopsis will be included in this e-mail and it will be completed before the end of shift.
- II. Additional incidents that will require a written report include:
- A. Property damage to department equipment.
  - B. Department equipment that has been lost.
  - C. Traffic incidents and traffic collisions involving vehicles used for department purposes.
  - D. Accidental discharges of firearms as described in General Order 1.3.2
  - E. Accidental discharges of a Taser or SL-6.
  - F. Destruction of an animal.
- III. The reports for these additional incidents will be handled in the following manner:
- A. Submitted before the end of shift.
  - B. Forwarded to the Operations Lieutenant and Services Lieutenant.
    - 1. Reports also to be forwarded to the following:
      - a. Senior Firearms Instructor – Firearms Discharges
      - b. Less-Lethal Weapons Lead Instructor – Less- Lethal Discharges.
      - c. Traffic Sergeant – Traffic incidents / traffic collisions
  - C. An e-mail shall be sent by the on duty supervisor to the entire Command Staff.

1. A brief synopsis will be included in this e-mail and it will be completed before the end of shift.



## General Order No. 12.2

### SUBJECT: WRITTEN DIRECTIVES

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This order consists of the following numbered sections:

#### 12.2.1 Written Directive - System

#### 12.2.2 Written Directive - Dissemination, Storage

#### 12.2.1 Written Directive - System

- I. The Kirkland Police Department utilizes a written directive system that includes the following:
  - A. Agency values and mission statement.
  - B. Authority is vested in the Chief of Police to issue, modify, or approve department written directives.
  - C. Written Directives by type and issuing authority are:
    1. **General Orders** shall be issued by the Chief of Police and retained by all personnel. Personnel shall maintain General Orders in the manner provided, and are to substitute each order with subsequent revisions and new orders.
    2. **Special Orders** shall only be issued by Lieutenants and above, to all affected personnel, as well as retained for easy access.
    3. **Personnel Orders** shall be issued by the Chief of Police.
    4. **Standard Operating Procedures (SOP's)** are issued at the Lieutenant level and above.
    5. An **Instructive** memo may be issued by any employee to direct or instruct only those employees directly or functionally assigned to the writer.
    6. **Information Bulletins** may be issued at the Lieutenant level and above.
    7. **Training Bulletins** may be issued at the Lieutenant level and above.

- D. Format of written directives serves the following purpose:
1. **General Orders** announce adoption or revision of policies, and direct procedures department wide for the indefinite future. Examples include permanent changes in organization or installation of permanent programs that affect more than one division. General Orders are numbered to correspond with the WASPC Accreditation Program Standards Manual.
  2. **Special Orders** are used to implement procedures or policies needed to govern an objective or event that is specific and short term. These become self-canceling after the objective is reached. Examples include personnel assignments to training schools or personnel deployment to a special event. Special Orders shall be indexed by date of issue.
  3. **Personnel Orders** direct any change in rank, title or assignment of employees. Examples include promotion or transfer, hiring, suspension, dismissal, demotion, retirement, and acting assignments to other ranks/positions and temporary assignments. Personnel Orders shall be indexed by year and order of issue.
  4. **Standard Operating Procedures** are used as a guiding source of reference to procedural matters involving operation of specific Divisions/Units. Examples of SOP's include Jail Contraband procedures and Investigative Fund procedures. SOP's shall be numbered by the Division/Unit abbreviation and sequentially numbered with three digits (e.g. INV-001, PAT-021, etc.). SOP's will include reference to the General Order(s) addressed, and SOP's will be maintained in a manual by each Division.
  5. An **Instructive** memo may be used to provide information or instructions, which do not warrant a more formal order. Examples include announcements of department, community, or social events, interdivision assignments or to direct the actions of subordinates in specific situations or circumstances below division level.
  6. **Information** and **Training Bulletins** disseminate information on a topic, explore a subject matter, or clarify a departmental policy or procedure in authoritative detail.

- E. Copies of all General, Special, and Personnel Orders shall be forwarded to the Accreditation Manager upon issuance. The Accreditation Manager shall review all orders each year after their anniversary date to determine if they should be:
  - 1. Cancelled;
  - 2. Incorporated into a manual;
  - 3. Revised;
  - 4. Continued in their present form.

Cancellations and incorporations into other manuals will be accomplished by a Special Order. SOP Manuals, including the Field Training Manual & Police Training Manual, will be reviewed and updated yearly by the respective Division Commander. Each department member has access to a General Orders Manual and is responsible for maintaining it up-to-date. Department manuals are subject to inspection by a supervisor or any employee.

- F. Department policies are contained within the General Orders. Each employee shall be responsible for the knowledge of, and compliance with, all official Department directives pertaining to their assignment.
- G. Department rules and regulations are contained within the General Orders, City of Kirkland Administrative Policy Manual, or SOP's. Each employee shall be responsible for the knowledge of, and compliance with, all official Department directives pertaining to their assignment.
- H. Procedures for carrying out department activities are contained within the General Orders, City of Kirkland Administrative Policy Manual, or SOP's. Written orders and memoranda issued at any level shall not conflict with established policies and procedures directed by a higher authority.
- I. Additions, revisions, and new General Orders will be reviewed prior to implementation by all Command Staff members then a final draft will be submitted to the Chief of Police for approval. Additions, revisions and new General Orders may be issued by emergency order of the Chief of Police.

### **12.2.2 Written Directive - Dissemination, Storage**

- I. Dissemination and storage of written directives for the Kirkland Police Department includes, but is not limited to, the following:
  - A. General Orders will be issued to all personnel, either in electronic form or hard copy form, with periodic updates. Special and Personnel Orders will be issued to all affected employees, as well as posted. Standard Operating Procedures will be issued to each employee in their respective Division/Unit.
  - B. The General Orders are maintained electronically in a computerized documentation system. The Police Services Administrative Coordinator shall keep a master file of all General Orders, Personnel Orders, and Special Orders. The Police Services Administrative Coordinator maintains and prepares updates as requested by the Accreditation Manager. Hard copies of the General Orders and other directives are kept at strategic locations in the department. The hard copies are maintained by the Police Services Administrative Coordinator. Employees have access to both the electronic and hard copy formats.
  - C. Upon issuance of General Orders and updates, all personnel are required to sign and date an acknowledgment receipt, indicating their receipt and review of it. The task of assuring that personnel correctly understand the written directives is a shared task of training and those supervising affected personnel.



**General Order No. 15.1**  
**SUBJECT: CRIME ANALYSIS**

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This order consists of the following numbered sections:

**15.1.1 Crime Analysis**  
**15.1.2 (RESERVED)**

**15.1.1 Crime Analysis**

- I. Crime Analysis Function - Crime analysis is the responsibility of the Crime Analyst and reports to the Investigations Lieutenant. Crime analysis procedures are listed under Standard Operating Procedure INV-027 and will include:
  - A. Identifying documents from which crime analysis data elements are extracted;
  - B. Disseminating analysis findings; and
  - C. Briefing the agency's chief executive officer on crime patterns or trends.

**15.1.2 (RESERVED)**



## **General Order No. 16.1**

### **SUBJECT: ALLOCATION AND DISTRIBUTION OF PERSONNEL**

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This order consists of the following numbered sections:

#### **16.1.1 Allocation of Personnel Staffing Table**

#### **16.1.2 Workload Assessments**

#### **16.1.1 Allocation of Personnel Staffing Table**

- I. The Kirkland Police Department maintains a staffing table that provides the total number and type of each position as authorized in the agency's budget.
- II. A staffing table is maintained by Services and this table contains the location of each authorized position within the agency's organizational structure.
- III. A spreadsheet is maintained by Services which contains position status information, whether filled or vacant, for each authorized position in the agency.

#### **16.1.2 Workload Assessment**

- I. The Kirkland Police Department allocates personnel to, and distributes personnel within, all organizational components in accordance with workload assessments conducted at least once every three years. The purpose of workload assessments is to increase the efficiency and effectiveness of the department by:
  - A. Proper allocation of personnel;
  - B. Equalization of individual workloads;
  - C. Ensuring that personnel strength in each function is consistent with its workload.
- II. It is the responsibility of the Services Captain and Operations Captain to conduct a workload assessment for each position as the Chief of Police deems necessary. The common goal of workload assessment, regardless of position, should be:
  - A. Determining actual workload. Some of the factors influencing workload demands include:

1. Nature or number of tasks;
  2. Complexity of tasks performed;
  3. Time required for completion of tasks;
  4. Percentage of committed time;
  5. Percentage of available time.
- B. Determine staffing needs. Possible staffing information sources include:
1. Monthly and annual activity reports;
  2. The International Association of Chiefs of Police Assignment and Availability Formula (IACP);
  3. Future projections contained within the Multi-year Plan.
- III. Upon completion, the Services and Operations workload assessments will be forwarded to the Chief of Police along with recommendations for allocation and distribution of personnel.



## **General Order No. 16.2**

### **SUBJECT: SPECIALIZED ASSIGNMENT**

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This order consists of the following numbered sections:

- 16.2.1 Specialized Assignments – Annual Review**
- 16.2.2 Specialized Assignments**
- 16.2.3 Temporary Assignments**
- 16.2.4 Transfers**

#### **16.2.1 Specialized Assignments - Annual Review**

- I. Specialized assignments will be reviewed annually during the budget preparation process. Decisions regarding the continuation of specialized assignments are important to the department, and reviews are the responsibility of the affected Division Lieutenants. This annual documented review will include:
  - A. A listing of the department's specialized assignments includes:
    - 1. Detective
    - 2. K-9 Officer
    - 3. Field Training Officer & Police Training Officer
    - 4. Traffic Officer
  - B. A statement of the purpose for each of the listed specialized positions.
  - C. An evaluation of the initial problem or condition that required the implementation of the specialized assignment.
- II. Upon completion, the reviews will be forwarded with recommendations for change, if any, to the Chief of Police by the Services Captain and Operations Captain.

#### **16.2.2 Specialized Assignments**

- I. The Kirkland Police Department announces anticipated openings for specialized assignments agency wide and fills those positions through a selection process. The announcements and selection processes must first be approved by the Chief of Police or his/her designee.

- II. **Announcement** – This will be issued by the Division Lieutenant responsible for the specialized position. This will be done in the form of an Instructive Memorandum notifying all personnel of the specialty position opening. The Instructive Memorandum will:
- a. Be distributed at least two weeks in advance of the selection process;
  - b. Include a description of the duties and requirements of the position;
  - c. Include an estimate of the duration of the specialty assignment;
  - d. Include eligibility requirements;
  - e. Include a description of the Selection Process;
  - f. Include any other considerations; and
  - g. Include application instructions.
- III. **Selection process** – This will be in accordance with the Commissioned Collective Bargaining Agreement. This may include any or all of the following:
- A. Resume
  - B. Written and/or Oral examinations
  - C. Past work performance
  - D. Other considerations – the following criteria may also be considered:
    1. Length of service with the Department;
    2. Special skills, general knowledge, and experience in the area of the assignment;
    3. Interest and attitude toward the current assignment;
    4. Level of performance as determined by the review of performance evaluations, discipline records and other material deemed appropriate;
    5. A review of comments from the employee's current supervisor.

- IV. **Duration of Assignment** – This will be in accordance with the Commissioned Collective Bargaining Agreement.
- A. All officers assigned to specialty positions shall remain there for a minimum of three years unless the employee's job performance does not meet requirements or the employee requests a transfer or a special assignment position is eliminated.
  - B. In the event that more personnel than can reasonably be accommodated are scheduled to rotate out of a specialty position during a particular period, the rotation of one or more persons may be delayed, with the approval of the Chief of Police.
  - C. Should an officer not rotate from a specialty position because of the absence of a qualified applicant for that position, the officer currently assigned will be given a new rotation date, not to exceed six months, and an officer will be assigned to rotate into that position.

### 16.2.3 Temporary Assignments

- I. It will be the policy of the Kirkland Police Department to utilize the talents and expertise of personnel throughout the organization by making temporary assignments, as needed. This program will be used when a need has been identified. Announcements and Selection Processes for temporary positions will be at the discretion of the Chief of Police or his/her designee.
- II. **Temporary Positions** –This includes the following:
  - A. **Command Officers** – all assignments are to be considered temporary assignments.
  - B. **Sergeants, Corporals, and Officers** – all assignments, other than Specialty Assignments, are considered temporary in accordance with the Commissioned Collective Bargaining Agreement.
  - C. **Other Positions** – The Chief of Police or his/her designee may designate temporary positions based on the needs of the organization.
- III. **Announcement** – Announcements do not apply to Command Staff, Sergeants, or Corporals. When the determination is made that a need exists for a temporary assignment position, the Chief of Police or his/her designee may distribute an Instructive Memorandum notifying all personnel of the upcoming temporary position. The Instructive Memorandum will:

- a. Be distributed at least two weeks in advance of the selection process;
  - b. Include a description of the duties and requirements of the position;
  - c. Include an estimate of the duration of the temporary assignment;
  - d. Include a short profile of the desired qualifications;
  - e. Include a description of the Selection Process;
  - f. Include any other considerations; and
  - g. Include application instructions.
- IV. **Selection process** – This process does not apply to Command Staff, Sergeants, or Corporals. When applied, the Selection Process may include any or all of the following:
- A. Resume
  - B. Written and/or Oral examinations;
  - C. Past work performance;
  - D. Practical exercises;
  - E. Interested personnel will submit a letter to the appropriate Division Lieutenant, through their chain of command, indicating their interest and qualifications for the position; and
  - F. The employee's immediate supervisor will decide to recommend or not recommend the submitting employee for the position. This will be included with the employee's letter. The supervisor will provide the reason(s) for this recommendation or non-recommendation to the submitting employee.
- IV. **Duration of Assignment** – all temporary positions will be rotated at the direction of the Chief of Police or his/her designee.
- V. Notwithstanding any other provision of this policy, all personnel are subject to reassignment at any given time, at the discretion of the Chief of Police.

#### 16.2.4 Transfers

- I. All transfers within the department will be made based on the department's needs. The Chief of Police will make the final decision regarding the granting of a transfer and its duration.
- II. All requests for a transfer will be submitted through the chain of command and will state the reason a transfer is requested.
- III. Personnel will not request the aid of any person outside the department to secure a transfer to another assignment or shift.



## General Order No. 16.4 SUBJECT: AUXILIARIES

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This order consists of the following numbered sections:

- 16.4.1 Auxiliaries**
- 16.4.2 Auxiliaries Training**
- 16.4.3 Auxiliaries Uniforms**

### 16.4.1 Auxiliaries

- I. ***Volunteers*** – The Kirkland Police Department uses volunteers identified through the City of Kirkland volunteer program. These volunteers are used to assist regular department employees in accomplishing the department's mission. All volunteers must be authorized by the Services Captain upon successful completion of a background investigation and recommendation by the City of Kirkland Volunteer Coordinator responsible for volunteers.
  - A. Volunteers are not commissioned with sworn officer status.
  - B. Volunteers shall be assigned tasks by the Kirkland Police Department, but are not given duties requiring sworn officer status. Examples of these tasks may include, but are not limited to, the following:
    - 1. Clerical work such as typing and filing.
    - 2. Research such as gathering data for projects and reports.
    - 3. Monitoring and gathering information from traffic complaint areas.
- II. ***Explorers*** – The Kirkland Police Department sponsors an Explorer Post. The Kirkland Police Explorer Post, number 804, is chartered through the Boy Scouts of America.
  - A. Explorers are not commissioned with sworn officer status.
  - B. Explorers shall be assigned tasks by the Kirkland Police Department, but are not given duties requiring sworn officer status. Examples of these tasks may include, but are not limited to, the following:

1. Assist with monitoring traffic at private and municipal parking lots during community functions.
  2. Assist with community events such as charity functions and city events.
  3. Provide assistance as role players for training events with the Kirkland Police Department.
- C. The Kirkland Police Explorer Post shall ordinarily be coordinated through the Community Services Sergeant.
1. Supervisory responsibility for the Post shall be assigned to a Commissioned Officer/Explorer Advisor. The Chief of Police shall approve Explorer Post Advisors.
- D. Explorers must meet the following minimum eligibility requirements:
1. The candidate must be at least fourteen years of age and out of the eighth grade, or fifteen to twenty one years of age.
  2. The candidate must apply to the Explorer Post using an Explorer Post application. The candidate must then pass a background examination, including, but not limited to, a criminal records check.
  3. The candidate must receive parental approval and signatures on those sections of the application requiring them.
  4. The applicant must be of sound moral character and possess good habits, including good driving habits.
  5. The applicant must have a grade point average of 2.5 or above. Explorers must maintain this GPA while they are members of the post.
  6. All appointees must complete the Washington State Law Enforcement Explorer Academy, as soon as possible, upon being accepted into the Post.
  7. The candidate must successfully complete a six-month probationary period.

- III. Volunteers and Explorers have no property interest in their positions, and serve at the pleasure of the Chief of Police. The services of a Volunteer or Explorer may be terminated as necessary.
- IV. Volunteers and Explorers are required to abide by all Kirkland Police Department General Orders, SOP's, Canons of Ethics, or otherwise directed.
- V. Volunteers and Explorers are responsible for maintaining confidentiality of all information to which they are exposed while accessing department records. Failure to maintain confidentiality will result in termination of the relationship with the department.
- VI. Each Volunteer and Explorer who is accepted to a position with the department shall have a clearly identified supervisor who is responsible for direct management of that Volunteer or Explorer. This supervisor shall be responsible for day-to-day management and guidance of the work of the Volunteer or Explorer, and shall be available to the Volunteer or Explorer for consultation and assistance.

#### **16.4.2 Auxiliaries Training**

- I. ***Volunteers and Explorers*** will receive a general orientation on the nature and purpose of the Department, an orientation on the nature and operation of the program or activity for which they are recruited, and a specific orientation on the purposes and requirements of the position which they are accepting in that effort.
- II. Volunteers and Explorers will receive training to provide them with the information and skills necessary to perform their assignment. The timing and methods of delivery of such training should be appropriate to the complexity and demands of the position and the capabilities of the Volunteer or Explorer.
  - A. Volunteers and Explorers will be instructed in Department rules and regulations that apply to them.
  - B. The Training Officer shall coordinate Volunteer training and ensure all Volunteer personnel have received this training.
  - C. The Explorer Post Advisors shall be responsible for providing training opportunities for the Explorer Post and assuring that Post members comply with the guidelines stated in the Explorer Post Manual.

#### **16.4.3 Auxiliaries Uniforms**

- I. **Volunteer** positions are non-uniformed assignments, except for **Traffic Volunteers** (see below). If a uniform is worn, it must be clearly distinguishable from that of a regular officer.
  - A. **Traffic Volunteers** are issued the following uniforms during volunteer duties on the public roads:
    1. Blue reflector jacket with Kirkland Police Department patch and a **Volunteer** rocker insignia.
    2. Baseball cap with Kirkland Police Department Patch and a **Volunteer** rocker insignia.
    3. Orange Traffic Vest.
    4. White shirt with Kirkland Police Department Patch and a **Volunteer** rocker insignia
- II. As representatives of the Department, volunteers, like staff, are responsible for presenting a good image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.
- III. All volunteers will wear a nametag designating them as a volunteer.
- IV. A volunteer is prohibited from using his/her nametag or identification card for personal or financial benefit or as a means of obtaining privileges not otherwise available to him/her, or for avoiding consequences of illegal acts.
- V. **Explorer** uniform dress code is described in the Kirkland Police Explorer Manual under sections 050.05 – 050.15, and Explorer uniforms are clearly distinguishable from the sworn officer uniforms. Explorers are expected to maintain an acceptable appearance consistent with a professional organization. Uniforms and equipment shall be clean and well maintained.
  - A. Kirkland Police Explorers are restricted from carrying any equipment other than what is authorized by the department. This equipment authorization is restricted to that which relates directly to the activities with which the explorers are involved.



**General Order No. 16.5**  
**SUBJECT: CIVILIANS**

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This order consists of the following numbered sections:

**16.5.1 (Reserved)**

**16.5.1 (Reserved)**



## **General Order No. 17.1**

### **SUBJECT: FISCAL MANAGEMENT**

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This order consists of the following numbered sections:

#### **17.1.1 Fiscal Management Responsibilities**

##### **17.1.1 Fiscal Management Responsibility**

- I. The Chief of Police shall have the authority and responsibility for the fiscal management of the Police Department based on Kirkland Municipal Code 3.16.010, 3.16.020, and 3.16.060. The Chief works closely with the City Manager's Office and Finance Department in fiscal matters. The Chief of Police is responsible to supervise and approve budget recommendations and purchase requests.
- II. The City Finance Department is responsible in maintaining accurate accounting of all funds allocated to the Police Department and keeping the Chief apprised of the status of the various accounts.
- III. In the absence of the Chief of Police, the Services Captain will be responsible for the overall fiscal management function of the Police Department. Purchase authorization from the petty cash fund may be approved by any Command Staff Officer. The Chief of Police, or Services Captain in the absence of the Chief of Police, must approve all other purchase authorizations.
- IV. All fiscal management and reporting by the Police Department shall comply with the Washington State Budget Accounting and Reporting System (BARS) as ordered by the City Finance Director.
- V. The Services Captain and Operations Captain are responsible for internal monitoring and control of the department's budget.



## **General Order No. 17.2**

### **SUBJECT: BUDGET**

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This order consists of the following numbered sections:

#### **17.2.1 Budget - Process**

#### **17.2.2 Budget - Recommendations**

#### **17.2.1 Budget - Process**

- I. The City of Kirkland Finance Department develops a budget calendar which outlines scheduled activities, types and use of forms, and instructions for preparing new budgets. Captains and Lieutenants will participate in the budget preparation under the direction of the Chief of Police. Each Division Lieutenant will participate in the development of the department budget and submit appropriate justifications for the continuation of existing programs, proposed new programs, and requested increases. Proposed division budgets will be forwarded to the Services and Operations Captains for development of the department budget. The Chief of Police is responsible for budget preparation and presentation to the City Manager and City Council for approval.

#### **17.2.2 Budget - Recommendations**

- I. During the budget process command personnel will submit in writing any budget requests and recommendations for the upcoming budget year. These recommendations will be based on operational and activity analysis, future personnel needs, and an assessment of current assigned positions to ensure that the position allocated to departmental functions are appropriate.
- II. Budget preparation may also utilize input from organizational component personnel and supervisors, and include written recommendations.



## **General Order No. 17.3**

### **SUBJECT: PURCHASING**

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This order consists of the following numbered sections:

#### **17.3.1 Equipment Purchase / Requisition**

#### **17.3.1 Equipment Purchase / Requisition**

- I. All requisitions for the purchase of agency equipment or supplies shall be routed through the chain of command to the Services Lieutenant. The Services Lieutenant will review the request then approve the request or forward the request to the Services Captain for further review. If the request is forwarded to the Services Captain, then he/she will review and approve the request, or send the request to the Chief of Police for review and approval. All purchases are governed by Kirkland Municipal Code Chapter 3.85. Procedures for the requisition and purchase of agency equipment and supplies are listed under Standard Operating Procedure ADM-011 and include the following:
  - A. Specifications for items requiring standardized purchases, such as uniforms;
  - B. Bidding procedures;
  - C. Criteria for the selection of vendors and bidders;
  - D. Procedures for the emergency purchasing or rental agreements for equipment; and
  - E. Procedures for requesting supplemental or emergency appropriation and fund transfer.



## **General Order No. 17.4**

### **SUBJECT: ACCOUNTING**

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This order consists of the following numbered sections:

- 17.4.1 Accounting System - Status Reports**
- 17.4.2 Cash Fund - Account Maintenance**
- 17.4.3 Audit - Independent**

#### **17.4.1 Accounting System - Status Reports**

- I. The Chief of Police authorizes the use of all cash funds and accounts within the Kirkland Police Department. This authority is derived from Kirkland Municipal Code 3.16.060.
- II. Accounting status reports, including internal expenditure reports are accessed from the City of Kirkland Finance Department's central accounting system by the Police Services Administrative Coordinator and distributed to all command personnel for review as needed, but at least monthly.
- II. Accounting status reports provide the monthly status on the following:
  - A. Initial appropriation for each account;
  - B. Balances at the commencement of the monthly period;
  - C. Expenditures and encumbrances made during the period;
  - D. The unencumbered balance.

#### **17.4.2 Cash Fund - Account Maintenance**

- I. All cash funds and accounts within the Kirkland Police Department where personnel receive, maintain, or disburse cash, or will become City funds, will include:
  - A. A system, such as a ledger or balance sheet that identifies initial balance, cash received, cash disbursed, and the balance on hand;
  - B. Receipts or documentation for cash received;

- C. Authorization for cash disbursement from the appropriate cash fund supervisor or higher;
  - 1. The Chief of Police or his/her designee must authorize any petty cash disbursements in excess of \$50.
- D. Maintenance of records, documentation, and/or invoice requirements for cash expenditures;
- E. The following personnel are responsible for the appropriate handling and collection of cash:
  - 1. Detective Sergeant: Investigative fund and seizure fund (see Standard Operating Procedure INV-002 and INV-008);
  - 2. Police Support Associate – Lead: payments for reports, bail, Electronic Home Detention fees, Work Release Fees, weapons permits, and other services (see Standard Operating Procedure REC-001).
  - 3. Designated Police Support Associate: Petty Cash fund;
  - 4. Police Services Administrative Coordinator: Endowment & Gift fund, and Police Explorers Special Revenue Fund. These funds are taken directly to the Cashier in the City Finance Department.
- F. An accounting of cash activities will be conducted at least quarterly.

### **17.4.3 Audit - Independent**

- I. All departmental budgets of the City of Kirkland, including the Police, are audited together on a yearly basis by representatives of the Washington State Auditor's Office. The City Finance Department maintains copies of all auditor reports. The City Finance Department also conducts audits, regular checks, and monitors Police Department fiscal activities. These audits include the Police Department's fiscal practices.



## **General Order No. 17.5**

### **SUBJECT: AGENCY-OWNED PROPERTY**

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This order consists of the following numbered sections:

- 17.5.1 Agency Property - Inventory Control**
- 17.5.2 Agency Property - Issue / Reissue**
- 17.5.3 Agency Property - Operational Readiness**

#### **17.5.1 Agency Property - Inventory Control**

- I. Inventory Control of Agency Property - External
  - A. The City of Kirkland Finance Department is responsible for inventory control of all equipment and vehicles with a cost of \$10,000 or more, or as required, if asset is funded by a grant.
    - 1. Procedures for acquisition, maintenance, disposal, and inventory control are outlined in the Finance Department Asset Policy and Procedure (Draft: 02-26-03), and Kirkland Municipal Code chapters 3.85, 3.86 and 3.88.
  - B. The Finance Department maintains a Fixed Asset Summary Listing by Department, which contains:
    - 1. Date acquired and cost
    - 2. Description, including serial number
    - 3. Location (division, unit)
    - 4. Tag number
- II. Inventory Control of Agency Property - Internal
  - A. The Services Division is responsible for the maintenance of inventory for standard issued items, and this inventory is maintained in accordance with Standard Operating Procedures ADM-013.
  - B. Inventory of the following equipment is maintained in accordance with Standard Operating Procedure ADM-013:

1. Firearms
  2. Less-lethal weapons
  3. SRT Equipment
  4. Radars, Lidars, and Major Crime Response Vehicle equipment.
  5. CNT Equipment
  6. Portable Breath Test machines (PBT)
  7. ProAct Equipment
- C. Inventory reports will be conducted by the responsible persons outlined in Standard Operating Procedures ADM-013.
- D. All inventory reports shall be accessible for inspection by the Services Captain, who is responsible for the accounting of department property and other assets.

#### **17.5.2 Agency Property - Issue / Reissue**

- I. Under the direction and responsibility of the Chief of Police, distribution, issuance and re-issuance of department owned property and equipment to authorized users is a function of the Services Division. Accountability for department owned property is assigned to the Services Captain.
- II. Individual responsibility for department owned property rests with the person who was assigned the property. Lost or damaged property will be reported in writing immediately to the Services Captain, via the chain-of-command.
  - A. Immediately report the loss or theft of any issued firearm, in writing, to their supervisor. Include all facts concerning the loss or theft and a complete description of the firearm in the written report. Have the weapon entered as lost or stolen in WACIC. The supervisor shall review the report and forward it via the chain of command to the Chief of Police.
- III. Procedures for the issuance, re-issuance, repair, and replacement of department property are listed under Standard Operating Procedure ADM-012.

### **17.5.3 Agency Property - Operational Readiness**

- I. Lieutenants are responsible for maintaining agency-owned property assigned to their areas of responsibility in an operational readiness condition.
  - A. Examples of property referred to in this General Order include; radars, cameras, surveillance devices, etc.
  - B. Operational readiness means that such equipment will have had the appropriate care and cleaning, preventative maintenance, repair and is in a state of workability and responsiveness.
  - C. Equipment should be checked for operational readiness at regular intervals.



## **General Order No. 21.1**

### **SUBJECT: TASK ANALYSIS**

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This order consists of the following numbered sections:

#### **21.1.1 Job Task Analysis**

##### **21.1.1 Task Analysis**

- I. The City of Kirkland Human Resources Department is responsible for conducting and maintaining the job classification function for all police department positions, including every class of full-time employee. Information to be included in the development and maintenance of job classification includes, at a minimum:
  - A. Work behaviors:
    1. Duties
    2. Responsibilities
    3. Functions
    4. Tasks
  - B. Frequency with which the work behavior occurs
  - C. Essential job-related skills, knowledge, and abilities.



## **General Order No. 21.2**

### **SUBJECT: CLASSIFICATION**

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This order consists of the following numbered sections:

- 21.2.1 Classification Plan**
- 21.2.2 (Reserved)**
- 21.2.3 Job Descriptions**

#### **21.2.1 Classification Plan**

- I. The Kirkland Police Department has a written classification plan that conforms to the City of Kirkland Administrative Policies and Civil Service Rules and Regulations. This plan consists of four elements:
  - A. Categorization of every position into classes, based upon similarities in duties, responsibilities, and qualification requirements.
  - B. Position classes within the Department are as follows:
    - 1. Chief of Police
    - 2. Captain
    - 3. Lieutenant
    - 4. Sergeant
    - 5. Senior Corporal
    - 6. Corporal
    - 7. Police Officer
    - 8. Police Services Administrative Coordinator
    - 9. Administrative Assistant
    - 10. Administrative Support Associate
    - 11. Police Support Associate – Lead

12. Police Support Associate
  13. PSO Property / Evidence Technician
  14. Corrections Lieutenant
  15. Corrections Corporal
  16. Corrections Officer
  17. Crime Analyst
  18. Parking Enforcement Officer
  19. Family Youth Advocate
- C. Provisions for relating compensation to classes is provided through collective bargaining and compensation as depicted in the annual City of Kirkland Index of Positions and Pay Ranges.
- D. Provisions for position reclassification are in accordance with City of Kirkland Administrative Policy, Chapter 4, Policy 4-7.

### **21.2.2 (Reserved)**

### **21.2.3 Job Descriptions**

- I. Current job descriptions for each department position are maintained and updated as necessary. Included in the job description are the duties and responsibilities of each job. Copies of job descriptions are available from the City's Human Resources Department on request.



## **General Order No. 22.1**

### **SUBJECT: COMPENSATION**

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This order consists of the following numbered sections:

#### **22.1.1 Salary Program**

#### **22.1.1 Salary Program**

- I. The Kirkland Police Department's salary program is established and controlled by collective bargaining agreements and City Policy and Procedure. They address the following areas:
  - A. Entry level salaries;
  - B. Salary differential within ranks;
  - C. Salary differential between ranks;
  - D. Salary level for those with special skills;
  - E. Compensatory time policy;
  - F. Overtime policy;
  - G. Provision of salary augmentation.
- II. Specific compensation for the foregoing categories can be found in the Collective Bargaining Agreements and the City of Kirkland Salary Schedule.
- III. Compensatory Time Policy
  - A. Compensatory time will be granted at the employee's request in lieu of overtime pay in accordance with the Collective Bargaining Agreements.
  - B. A commissioned officer may accrue compensatory time in accordance with the Collective Bargaining Agreement.
  - C. Non-commissioned employees will be granted compensatory time in accordance with the Collective Bargaining Agreement.

#### IV. Overtime Policy

- A. In accordance with the Commissioned Collective Bargaining Agreement, all work, unless otherwise specified, which has been specifically pre-approved by supervisory personnel, performed in excess of the normal work day, or on a day off, unless such work is caused by a change of shift, shall constitute overtime. This is in compliance with the Commissioned Collective Bargaining Agreement. This applies to full time employees.
  - 1. For non-commissioned employees, overtime shall mean all pre-approved work performed in excess of 40 hours per week in accordance with the Support Staff Collective Bargaining Agreement.
- B. Overtime for commissioned and non-commissioned personnel below the rank of Lieutenant is set forth in the respective Collective Bargaining Agreements;
- C. The Command Staff, Police Services Administrative Coordinator, and Corrections Lieutenant are exempt from overtime;
- D. The Chief may authorize adjustments in normal duty hours for Command Staff, granting time off in recognition that employees in administrative capacities periodically work irregular work schedules which exceed 40 hours per week.

#### V. Salary Augmentation

- A. Pay added to an employee's base pay is salary augmentation. It includes overtime, accreditation pay, and working out of classification pay. Compensation is set forth in the respective Collective Bargaining Agreements.

#### VI. Call Back and Standby Compensation

- A. Call Back – In unanticipated emergency situations, employees may be called back to active duty even if they have completed their assigned shift. Employees shall report back to duty and carry out duties assigned by commanding officers. Compensation is in accordance with the current Collective Bargaining Agreements.
- B. Standby – Employees may be placed on "standby status" when it is necessary to have them readily available to return to duty. When

placed on standby status, employees will remain near a telephone and will leave the number with their supervisor. Employees will be prepared to report to duty immediately upon being notified to do so. Compensation is in accordance with the current Collective Bargaining Agreements.



## **General Order No. 22.2**

### **SUBJECT: BENEFITS**

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This order consists of the following numbered sections:

- 22.2.1 Benefits - Leave Program**
- 22.2.2 Benefits - Retirement**
- 22.2.3 Benefits - Health/Medical Insurance**
- 22.2.4 Benefits - Disability/Death Benefits**
- 22.2.5 Benefits - Personnel Support**
- 22.2.6 Traumatic Incident Assistance - Department Members**
- 22.2.7 Benefits - Liability Insurance**
- 22.2.8 Uniforms and Equipment Issued**
- 22.2.9 Benefits - Education**
- 22.2.10 Benefits - Employee Assistance Program**
- 22.2.11 Employee Identification**
- 22.2.12 Pregnancy**

#### **22.2.1 Benefits - Leave Program**

##### **I. Administrative Leave**

- A.** Administrative leave is a leave of absence, with or without pay, granted by the Chief of Police. Such leave is granted for employees involved in traumatic incidents or other situations deemed appropriate by the Chief of Police.
- B.** Specific categories of administrative leave are provided for:
  - 1.** Jury Duty: City of Kirkland Administrative Policy – Chapter 4, Policy 4-27, and Kirkland Municipal Code 3.80.120 (b);
  - 2.** Military Leave: City of Kirkland Administrative Policy – Chapter 4, Policy 4-19, and Kirkland Municipal Code 3.80.120 (a);
  - 3.** General Leaves of Absence: City of Kirkland Administrative Policy – Chapter 4, Policy 4-16, and Kirkland Municipal Code 3.80.120 (d).
  - 4.** Notice of Intent to Dismiss - If an employee is served a notice of intent to dismiss, the affected employee will be placed on administrative leave. The employee will remain on administrative leave until a final disciplinary determination is made.

## II. Holiday Leave

- A. Holiday leave is subject to the applicable provisions of the collective bargaining agreements. Ten specific days and two floating days are set forth therein for holiday leave and other such days as the Kirkland City Council may fix, without reduction in pay.
- B. Since public safety employment frequently requires employees to work on a scheduled holiday, some employees may have the option of taking an approved day off in lieu of the specific scheduled holiday provided.
- C. An employee must be employed for six (6) consecutive months in order to be eligible for their floating holiday. In selecting the floating holiday, the employee's choice will be granted, provided that prior approval is given by the immediate supervisor or the Division Commander. The floating holiday must be taken during the calendar year, or entitlement to the day will be forfeited, Kirkland Municipal Code 3.80.110;
- D. Temporary employees shall receive the ten holidays and two floating holidays without pay, in accordance with the Collective Bargaining Agreements.
- E. Employees desiring to take a floating holiday shall submit a Leave Request form to their supervisor for approval or disapproval, by the supervisor and commander of their respective division.
  - 1. Approval or disapproval shall be based on operational needs, and;
  - 2. Shall be granted to employees in the order in which requests are submitted;
  - 3. In the event several requests are submitted on the same day, approval shall be based on seniority.
- F. All holidays must be taken during the calendar year earned, and must be used within 12 months of the holiday hours earned.

- G. Non-guild employees receive holiday benefits as provided in Kirkland Municipal Code 3.80.110.
- H. Holidays are also subject to the provisions of the applicable collective bargaining agreements.

### III. Sick Leave

- A. Upon appointment; Police Officers, Parking Enforcement Officers, and Police Support Officers will have available 96 hours sick leave. These 96 hours are a loan charged against accrued sick leave. If employees terminate before the unearned used sick leave hours are actually earned they are charged for those days. At the completion of the probation period, the employee shall accrue sick leave at the rate indicated in the collective bargaining agreements.
- B. Any employee unable to report for duty because of illness or injury must notify the **on-duty supervisor** a reasonable length of time prior to a scheduled shift. Sudden illness, injury, or other emergency circumstances are sufficient cause for departure from this requirement. Under all circumstances, notify the department as soon as possible, on or before each day that sick leave is used.
- C. Upon returning to work, employees taking sick leave must report their sick leave on a Leave Request form.
- D. An employee who has been on sick leave may be required to provide a doctor's release to return to duty, in accordance with Kirkland Municipal Code 3.80.100 and the collective bargaining agreements.
- E. Sick leave may be used for the following purposes:
  - 1. The incapacitation of an employee due to illness or injury;
  - 2. Medical examinations and treatments;
  - 3. Illness in the employee's immediate family requiring the employee's presence, including maternity leave.
- F. Sick leave is subject to the provisions of the applicable collective bargaining agreements.

### IV. Vacation Leave

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- A. Vacation accrual rates are specified in the collective bargaining agreements, and extended to all non-represented full-time employees.
  - B. Regular full-time employees shall accrue vacation leave at a rate of one-twelfth of annual vacation per month of service, and regular part-time employees that will or have exceeded one thousand and forty hours within six months of hire shall accrue vacation leave at a rate proportionate to the number of hours worked per month, based on the schedule located in Kirkland Municipal Code 3.80.090
  - C. Vacation Scheduling
    - 1. Upon satisfactory completion of six months service, an employee shall be eligible for paid vacation. All requests for vacation leave must be scheduled and approved, by the supervisor and Lieutenant of their division. Vacation leave shall be granted in the best interests of the city, in accordance with Kirkland Municipal Code 3.80.090.
    - 2. Employees schedule vacation leave through their immediate supervisor. Vacation requests will only be disallowed if they create insufficient staffing.
    - 3. If two employees request time off on the same date and scheduling permits only one absence, the first employee making the request will be given the leave. If both employees submitted the request at the same time, the senior employee will be given the leave, except as provided for in section (2) above.
    - 4. Extended vacations beyond two weeks may be scheduled within Divisions with the approval of the Division Commander, provided they do not prevent another employee from scheduling a desired vacation pursuant to Section (3), above.
    - 5. Vacation leave is subject to the provisions of the applicable collective bargaining agreements.
  - V. Other Leave
    - A. **Bereavement Leave** – Employees shall be entitled to Bereavement Leave without loss of compensation, in accordance with the collective bargaining agreements, upon the death of a member of the Employee's immediate family.

1. Immediate family shall be defined as; wife, husband, son, daughter, mother, father, brother, sister, mother-in-law, father-in-law, or more distant relative if living with and as a member of the employee's immediate household and other relatives as approved by the City manager or his designee.
- B. **Family Medical Leave Act (FMLA)** – Employees will be allowed leave consistent with State and Federal law; and with City of Kirkland Administrative Policy – Chapter 4, Policy 4-25 & Kirkland Municipal Code 3.80.120.
1. Maternity and Paternity Leave are covered under this section.
  2. Employees must inform their immediate supervisor, who will then notify Human Resources, of their specific reasons for the leave at least 30 days prior to the anticipated date of delivery or placement for adoption, or provide 30 days' notice prior to pre-scheduled medical treatment for themselves or sick family member. If circumstances do not allow the employee to give the required notice, the employee must obtain a waiver from the Chief of Police.

### **22.2.2 Benefits - Retirement**

- I. Full-time commissioned law enforcement officers are provided retirement benefits in accordance with RCW 41.26, the Law Enforcement Officers' and Firefighters Retirement System (LEOFF).
- II. Non-commissioned regular full-time employees are provided retirement benefits in accordance with RCW Chapter 41.40; the Washington Public Employees Retirement System.
- III. Employees may request retirement information or apply for retirement benefits pursuant to Kirkland Municipal Code 3.80.040, and City of Kirkland Administrative Policy – Chapter 4, Policy 4-30.

### **22.2.3 Benefits - Health / Medical Insurance**

- I. The City provides medical, dental, and vision insurance for all permanent employees as outlined in City of Kirkland Administrative Policy – Chapter 4, Policy 4-13.

- II. Coverage is subject to the provisions of the applicable collective bargaining agreements.

#### **22.2.4 Benefits - Disability / Death Benefits**

##### I. Temporary Disability

- A. The City of Kirkland provides insurance coverage against loss of income resulting from job-related injuries for all city employees pursuant to RCW 51.32. This includes Labor & Industry claims for job-related injuries.
- B. Disability coverage for LEOFF Plan I members (membership in retirement system prior to October 1, 1977) is provided for duty and non-duty disabilities pursuant to RCW Chapter 41.26.
- C. Additional long-term disability coverage is available through the Kirkland Police Guild for members of the Guild.
- D. Temporary disabilities are covered through the Disability insurance provided through the City of Kirkland Municipal Employees Benefit Trust (MEBT) plan, for regular and temporary employees that are benefit-eligible.
- E. Modified Duty Assignments
  - 1. Working employees are the Department's most valuable resource. There may be times when the Department has specific tasks or assignments of a limited duration (Modified Duty Assignments) that can be performed by employees who cannot perform the essential functions of their position due to illness, injury or pregnancy.
  - 2. The Department may offer an employee who becomes sick, injured or pregnant a modified duty assignment consistent with the needs and operations of the Department as determined by the Chief of Police.
  - 3. Modified duty is a short term work assignment for employees who have temporary medical restrictions precluding them from performing one or more essential job functions. Modified duty is intended to transition the employee from the injury / illness, to the return to full duty.

4. Pregnancy shall be administered in accordance with General Order 22.2.12
  5. Note: The Chief of Police will have the sole discretion to create, maintain or eliminate modified duty assignments. There is no employee right to a modified duty assignment.
- F. Eligibility for Modified Duty Status
1. Employees will be eligible for modified duty status when:
    - a. The employee has an illness / injury which prevent them from working in their regular assignment.
    - b. The employees health care provider releases the employee to perform employer determined available specific tasks or projects, and
    - c. The employee obtains a written medical prognosis of return to full duty of 90 days or less from the date identified need for absence or placement in modified duty assignment.
- G. Length and Limitations of Modified Duty Assignment
1. The employer shall have the discretion to determine the length of the modified duty assignment consistent with the time limitations set out below. Modified duty assignments shall be for a maximum of 90 days. The employer may grant an extension, however in no event shall the modified duty assignment exceed a total of six months beginning from the date of the first assignment to modified duty for the illness, disability and/or injury giving rise to the need for the modified duty assignment. Modified assignments shall be subject to continuous re-assessment dependant on department need and the employee's ability to satisfactorily perform in this temporary capacity.
  2. If an employee cannot adequately perform in a modified duty assignment, if the department need no longer exists, or there is a change in organizational priorities, such assignment may be modified or revoked.
- H. Requesting Modified Duty Assignment

The employee shall:

1. Make a written request for a modified duty assignment or extension of modified duty assignment to his/her immediate supervisor who will forward it to the Division Captain via the chain of command.
2. Complete all required Human Resources documents before being placed in a modified duty assignment.
3. Obtain a health care provider certification that:
  - a. Releases the employee to work in the modified duty assignment.
  - b. Lists all restrictions and conditions for work; and,
  - c. States the medical expectation for when the employee will be able to perform the essential functions of his/her regular position.
4. The Department reserves the right to determine, from a city-appointed health care provider, at city expense, whether the employee can perform the modified duty assignment. The Division Captain(s), with the possible assistance of Human Resources, will determine if any modified duty assignment exists for which the employee qualifies.

I. Modified Duty Placement

1. Employees on modified duty will not wear their uniform, drive a marked patrol car or perform any arrest function or suspect contact. The ability to carry a firearm will be determined by the Division Lieutenant upon review of the health care provider's certification of restrictions and limitations.
2. The Division Captain will determine (along with the Division Lieutenant where appropriate) the Modified Duty shift hours. The shift need not be the same as those worked during the employee's regular full duty assignment and shall be decided based on operational needs. A Lieutenant shall be assigned to oversee the Modified Duty Assignment.

3. The assigned Lieutenant is responsible for monitoring the employee on modified duty, maintaining necessary records, coordinating with other city departments, such as Risk Management and Human Resources, ensuring the employee has appropriate supervision and is performing the assigned duty in an acceptable manner.
4. Employees who transition from Labor and Industries (L&I) leave status, to Modified Duty, must notify their L&I claims manager of this change in work status. While on modified duty, employees will receive their regular compensation from the City. If the modified duty assignment ends, and the employee is not able to return to regular duty, they will return to their previous L&I status. The employee must then contact their L&I claims manager to report this change and complete Workers Verification to continue time loss payments. These forms are available from the noted Claims Manager.

J. Return to Full Duty

1. Upon returning to full duty status after an extended absence, the Department expects its employees to bring their job knowledge and skills up-to-date.
2. Employees returning to full duty from an extended absence are to be governed by this procedure.
3. Any employee absent from full duty for 6 months or more will report to the Training Unit on the first day of his/her return to receive updated training and to review and update personnel records.
4. Employees will provide current physician certification of ability to return to full duty.
5. Training may include, but is not limited to:
  - a. Firearm's qualifications
  - b. Defensive tactics refresher training
  - c. Policy and procedure review
  - d. Other mandatory in-service training missed during their absence.
6. Personnel records update will include, but not limited to:

- a. Updating Department personnel records
  - b. Updating emergency notification forms
  - c. Review of other changes in protocol or business practices
7. Uniforms and equipment will be checked and reissued if necessary.
  8. The employee's Division Lieutenant is responsible for notifying the Training Unit as timely as possible of the anticipated return date and need for updating training and personnel records review and/or updating.
  9. Returning employees are instructed to contact the Training Unit before the first date of their return for instruction on what equipment is needed for training sessions and what documents are needed for personnel records update.

## II. Permanent Disability

- A. Non-Commissioned Personnel: The Public Employees Retirement System, RCW Chapter 41.40, provides permanent disability coverage to non-sworn members as specified therein.
- B. Commissioned officers are provided permanent disability coverage pursuant to the provisions of RCW Chapter 41.26.
- C. Disability benefits are also available to city employees pursuant to RCW Chapter 41.41, State Employees Retirement--Federal Social Security.
- D. Permanent disabilities are covered through the Disability insurance provided through the City of Kirkland Municipal Employees Benefit Trust (MEBT) plan, for regular and temporary employees that are benefit-eligible.

## III. Death Benefits

- A. Commissioned officers death benefits are provided for in RCW Chapter 41.26, Law Enforcement Officers' and Firefighters Retirement System (LEOFF);
- B. \$150,000 line of duty Federal death benefit;

- C. Non-commissioned employee's death benefits are provided in accordance with RCW 41.40; the Washington Public Employees Retirement System;
- D. Pursuant to RCW Chapter 41.41, State Employees Retirement--Federal Social Security;
- E. The City of Kirkland provides group term life insurance to active employees working at least 20 hours a week. This is through Standard Life Insurance Company, Portland, Oregon, under policy number 63095-B. The coverage includes a benefit of two times the employee's annual salary.
- F. \$1,000 death benefit provided by the Kirkland Police Guild for active members of the guild.
- G. Additional Group Life Insurance is available through the City of Kirkland – Group Extra Life and Group Extra Life Spouse plan. Underwritten by The Union Central Life Insurance Company, Cincinnati, Ohio.

#### **22.2.5 Benefits - Personnel Support**

- I. EAP (Employee Assistance Program) – the City of Kirkland has an established voluntary program of professional and confidential counseling assistance to employees whose job performance, health, or well-being are adversely affected by personal problems. This program is also available to the employee's family members.
- II. Critical Incident Debriefing – The department will provide critical incident debriefing with an assigned or approved counselor (psychologist or psychiatrist experienced in assisting law enforcement personnel), within 24 hours of an incident that may cause extreme stress and trauma for involved employees. The department recognizes that certain incidents, such as those involving extreme violence or the death of a child, may cause such extreme stress and trauma for involved employees.
  - A. Debriefings shall attempt to aid employees in recognizing and coping with the natural responses to critical incidents. Attendance at these debriefings is voluntary and all conversations will remain strictly confidential.
  - B. Debriefings may be in groups or individual, as determined by the Police Department Psychologist.

### 22.2.6 Traumatic Incident Assistance - Department Members

- I. The death or serious injury of a Kirkland Police employee is a tragedy we all hope to avoid. The department must, however, be prepared for the event and act in accordance with this policy. Kirkland Police Department policy is centered around the following goals:
  - A. Providing liaison assistance to the immediate survivors of any member who dies in the line of duty, whether feloniously or accidentally, while an active member of this department. This assistance will include the clarification and comprehensive study of survivor benefits, as well as providing emotional support for surviving family members.
  - B. Providing liaison assistance to the immediate family of any member who is seriously injured in the line of duty, whether feloniously or accidentally, while an active member of this department. This assistance will include the clarification and comprehensive study of benefits, as well as providing emotional support for family members.
  - C. The family member's distress level will be greatly affected by the department's response to the tragedy. The purpose of this policy, therefore, is to assist the Kirkland Police Department and its personnel in providing proper support and emotional care for the employee's family, co-workers, and other affected individuals.
- II. The interests of the family shall be taken into full consideration during this time. Regardless of the circumstances of the member's death or serious injury, it should be treated with dignity and respect, the family needs to be treated with sympathy, understanding and support.
- III. The **"Law Enforcement Death and Serious Injury Procedure Manual"** covers the Department's response in these situations. It is designed to help the Department deal with the following areas.
  - A. Notification of Death or Injury
  - B. Assistance, Benefits and Other Information
  - C. Funeral and Memorial Services
  - D. Court Proceedings
  - E. Follow-up with the Family and Survivors

F. Resources

IV. Notification

- A. It is the policy of the Kirkland Police Department that the notification of the immediate family of the death or serious injury of a department member shall be made in person and the notifying officers will work as a team.

**22.2.7 Benefits - Liability Insurance**

- I. The City of Kirkland will defend and indemnify employees against suit and make payments for judgments, costs and expenses in accordance with Kirkland Municipal Code 3.72 and the Collective Bargaining Agreement.
- II. The City provides: collision, comprehensive, bodily injury and property damage liability insurance coverage for employees authorized to use their own vehicles on official City business.
- III. Liability insurance is subject to the applicable provisions of the collective bargaining agreements.

**22.2.8 Uniforms and Equipment Issued**

- I. Members of the Kirkland Police Department receive uniforms and equipment, or a specific monetary allowance according to the provisions of the applicable collective bargaining agreements. Non-represented employees required to wear or maintain uniforms will also receive uniforms and equipment.
  - A. The lists of uniforms and equipment issued to Commissioned and Non-Commissioned employees are kept by the Services Lieutenant.
- II. Uniform standards are described in General Order 41.3.4.

**22.2.9 Benefits - Education**

- I. Tuition reimbursement is provided to employees pursuant to City of Kirkland Administrative Policy 4-32.
- II. The Kirkland Police Department may grant leave to undertake academic or vocational instruction to employees as part of their work assignment in order

to acquire or further develop skills to qualify them for specialized assignments and advancement opportunities.

- A. Paid leaves of absence may normally be approved if they involve attendance at a state or federal academy, workshops which are job related, seminars, or other types of training for which any tuition or expense would be paid from the department training budget;
  - B. An employee may be granted a leave of absence in order to further their education at their own expense. Requests for educational leave with pay are submitted as a training request through the chain of command on the training request form. Requests for educational leave without pay are submitted in a letter to the Chief of Police.
- III. Command officers may exercise discretionary latitude in permitting regular schedules to be realigned to allow employees to pursue academic study. Schedule changes must not conflict with the procedures for assigning officers to Patrol Watches and should be administered equitably.

#### **22.2.10 Benefits - Employee Assistance Program**

- I. The Kirkland Police Department makes available to employees an Employee Assistance Program (EAP) designed to assist in the identification and resolution of concerns or problems (personal or job related), which may adversely affect an employee's personal or professional well-being or job performance. These personal concerns may include, but are not limited to, health, marital status, family, financial, substance abuse, emotional/stress, and other personal matters. The Employee Assistance Program includes:
  - A. Description of program services;
  - B. Procedures for obtaining program services;
  - C. Confidential, appropriate, and timely problem assessment services;
  - D. Referrals to services, either workplace or community resources for appropriate diagnosis, treatment, and follow-up;
  - E. Procedures and guidelines for referral; and
  - F. Training of supervisory personnel in the program services, supervisor's role and responsibility, and identification of employee behaviors which would indicate the existence of employee concerns, problems and/or issues that could impact employee job performance.

- II. The Employee Assistance Program is intended to assist employees who are suffering from persistent problems that may tend to jeopardize the employee's psychological and/or physical well being. The goal of this type of program is to help individuals who have developed problems by providing services for consultation, treatment, and rehabilitation in order to prevent their condition from progressing to a degree that it will prevent the employee from functioning effectively in the workplace.
- III. Employee participation in the Employee Assistance Program (EAP) is voluntary.
  - A. Required medical and/or psychological examinations are listed under General Order 22.3.5 (Fitness for Duty).
- IV. Confidentiality is assured by protection of the Federal Privacy Act of 1974.

#### **22.2.11 Employee Identification**

- I. All department personnel will be issued a plastic identification card displaying the following unique information; full name, holder's signature, photograph, physical descriptors, department role or position, applicable rank, identification or personnel number, and issue date. The issuance and maintenance of these identification cards will be in compliance with Standard Operating Procedure ADM-002.
- II. All department personnel shall carry their identification cards at all times while working and shall present the card to any person requesting to see the card, except when impractical or dangerous to their safety or to an investigation. Personnel assigned to a covert operation, however, are excused from adherence while in the actual performance of covert duties; this is also in accordance with General Order 41.3.4 (III) (G).

#### **22.2.12 Pregnancy**

- I. Temporary Duty and Pregnancy
  - A. It is the policy of the Kirkland Police Department to apply temporary duty assignments equally to pregnant and non-pregnant employees. The provisions contained within General Order 22.2.12 will be in compliance with the following:
    - 1. Federal Pregnancy Discrimination Act (PDA),

2. Federal Family Medical Leave Act (FMLA),
3. Family Leave – RCW 49.78,
4. Discrimination - Human Rights Commission – RCW 49.60,
5. Pregnancy, childbirth, and pregnancy related conditions – WAC 162-30-020,
6. Kirkland Police Guild Collective Bargaining Agreement (CBA),
7. Family Medical Leave Act – City of Kirkland Administrative Policy Chapter 4, Policy 4-25,
8. Reasonable Accommodation – City of Kirkland Administrative Policy Chapter 4, Policy 4-3,
9. Return to Work Program – City of Kirkland Administrative Policy Chapter 4, Policy 4-40, and
10. Temporary Duty – General Order 22.2.4 (I) (E).

## II. Process

- A. **Immediate Notification** – When a pregnant Department employee notifies her immediate supervisor of her pregnancy, the employee will also advise whether and when a temporary duty assignment may be desired, as dictated by her pregnancy. The employee will be provided with a physician's estimate of physical capacities form to apply for temporary duty at a later date. The Department employee is responsible for providing a copy of her job description to her doctor.
- B. **Request** – If a pregnant Department employee is seeking a temporary assignment because of a medical condition or temporary disability due to her pregnancy, then the pregnant Department employee shall provide to her immediate supervisor a completed physician's estimate of physical capacities form requesting temporary duty that outlines duty restrictions.
- C. **Assignment** – The Department will make a reasonable effort to provide a temporary duty assignment for a pregnant Department employee consistent with operational needs as determined by the Chief of Police.

1. The Department will not require a pregnant Department employee to be reassigned to a temporary duty position unless, consistent with the Collective Bargaining Agreement and federal and state law, the Chief of Police determines, upon medical consultation, there is a business necessity because the pregnant employee is unable to perform her essential functions.
- D. **Return to Duty** – In every case, a request to return to full duty status must be accompanied by a physician's estimate of physical capacities form releasing the employee to full duty.

### III. Uniforms

- A. Pregnant uniformed employees and employees returning from maternity leave who usually wear uniforms on a day-to-day basis will be provided with maternity uniforms, if requested.
1. When a pregnant Department employee notifies her immediate supervisor of her pregnancy, the employee will be provided with an equipment/supply/repair request form to apply for a maternity uniform at a later date;
  2. A pregnant Department employee may utilize her discretion as to when to begin wearing a maternity uniform;
  3. Consistent with a pregnant Department employee's doctor's advice, a pregnant employee may wear a maternity uniform until a temporary duty position is requested and approved. The maternity uniform is also available following return to full time regular duty;
  4. Except as provided herein, all other provisions of G.O. 41.3.4 - 41.3.5 remain in effect; and
  5. Requests for maternity uniforms will follow the protocol for other uniform and equipment requests as listed under General Order 41.3.4 (VII-VIII), General Order 17.3.1, and Standard Operating Procedure ADM-012.

### IV. Nursing & Protective Vest

- A. **Nursing** – The Department will make available the City of Kirkland employee first aid room for Department employees who are nursing mothers to allow them to express milk as needed. If physical space

issues change for the employee first aid room, then another similarly appropriate space will be made available. The employee will be responsible for her own pump, cooler, and other related equipment.

1. If desired, by a nursing employee, a collapsible privacy screen will be set up in the Kirkland Police Department female locker room for expressing milk (electrical outlets, sink, water, soap, and a seat are available);
2. The logistics of the reasonable timing of expressing milk during any duty shift will be arranged between an individual Department employee and her immediate supervisor upon returning to duty after a maternity leave, and will be consistent with the applicable Collective Bargaining Agreement and City Policies. This will typically occur during a work shift during the break time bargained for in the Collective Bargaining Agreement.

**B. Protective Vest** – If a pregnant or nursing officer has issues related to wearing a Department required Kevlar protective vest, the officer may raise the issue with her immediate supervisor and upon receipt of a physician's estimate of physical capacities form from the officer's doctor, the officer may apply to their Division Lieutenant for a temporary exemption in accordance with General Order 41.3.5 (I) (C). This request will be forwarded to the Chief of Police for determination, in accordance with General Order 22.2.4 (I) (E) – Temporary Assignments.

1. If an officer receives a temporary exemption from wearing a Kevlar protective vest due to pregnancy or nursing, that employee shall be temporarily ineligible to perform patrol functions, and will work with her immediate supervisor regarding a temporary duty position following Department and City policy. A temporary protective vest exemption due to nursing will be granted for up to three (3) months from the date of being released to full time regular duty.

#### V. Firearms

- A. The Department will accommodate Department officers who are pregnant or nursing as follows:
1. When an officer notifies her immediate supervisor of a request for a temporary exemption of firearm qualification testing

requirements, the officer will be provided with a physician's estimate of physical capacities form. Officers may receive a temporary exemption of the firearm qualification testing requirement during twelve months of the pregnancy/delivery term upon submission of a physician's estimate of physical capacities form to her immediate supervisor, in accordance with General Order 1.3.11 (I) (C). If an officer receives a temporary exemption of firearm qualification testing due to pregnancy or nursing, that officer shall be temporarily ineligible to perform patrol functions, and will work with her immediate supervisor regarding a temporary duty position following Department and City policy. A temporary firearm qualification exemption due to nursing will be granted for up to three (3) months from the date of being released to full time regular duty.

2. Alternatively, Officers who are pregnant or nursing may wear protective masks during the qualification process (with a HEPA filter rated for lead); and/or
  3. Officers who are pregnant or nursing may use lead-free ammunition; and/or
  4. Officers who are pregnant or nursing have the option of not picking up spent brass; and/or
  5. Officers who are pregnant or nursing may receive assignment of another officer to clean a pregnant officer's service weapon; and/or
  6. Officers who are pregnant or nursing may coordinate with their immediate supervisor to time the qualification testing for a period during the pregnancy and/or after delivery that would be consistent with the officer's doctor's written recommendation.
- B. In every case, Officers who were pregnant or nursing and are out of compliance with firearm qualification testing must re-qualify upon receipt of a physician's estimate of physical capacities form that provides clearance for firearm qualification before returning to full time regular duty.



## **General Order No. 22.3**

### **SUBJECT: CONDITIONS OF WORK**

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This order consists of the following numbered sections:

- 22.3.1 Physical Examinations**
- 22.3.2 General Health and Physical Fitness**
- 22.3.3 Secondary Employment – Non-Police Related**
- 22.3.4 Off-duty Employment – Police Related**
- 22.3.5 Fitness for Duty**
- 22.3.6 Blood borne Pathogens**

#### **22.3.1 Physical Examinations**

- I. A physical examination is a benefit to both the employee and the Department. Employees may be required to submit to an examination by a designated physician when an employee's work or attendance indicates a health related problem. The Department must have cause when requiring an employee to submit to such an examination. Physical examinations required by the Department will be paid for by the Department. G.O. 22.3.5 details requirements for fitness for duty, confidentiality, and maintenance of reports
- II. Employee initiated physical examinations are at the employee's expense, unless otherwise provided for in their medical plan.
- III. The City of Kirkland periodically sponsors various medical examinations at little or no cost to the employee.

#### **22.3.2 General Health and Physical Fitness**

- I. Employees are required to maintain a level of fitness which permits them to effectively carry out their duties and responsibilities.
- II. Employees' work and attendance records are monitored for signs of health problems related to fitness.
  - A. If an officer's ability to perform regular duties is affected due to an apparent low level of health or fitness, the officer may be required to submit to a physician's examination and bring their health or fitness level to an acceptable level.
- III. The City provides a wellness program that encourages good health and fitness.

- IV. Police Department employees are provided access to cardiovascular and weight training equipment at no cost.

### **22.3.3 Secondary Employment – Non-Police Related**

- I. All employees, prior to accepting secondary employment, must submit a written request to the Chief of Police for any period of secondary employment. The Chief of Police will return a copy of all requests, with or without approval to the applying employee. All requests must be renewed annually, using the secondary employment request form.
- II. The following general conditions will apply to secondary employment:
- A. No request will be approved for off-duty employment if it conflicts with the duties and obligations imposed upon all members of the department.
  - B. Any record of above average days off for sickness, a poor work record, or misconduct may result in the denial or revocation of a secondary employment work request.
- III. Employees may not work in any of the following situations:
- A. Any occupation of a menial nature which would tend to lower the dignity of the police service.
  - B. As a process server, bill collector, security officer, or any other employment which may require the use of police powers for a private purpose.
  - C. Employment that may require access to police information, files, records, or services as a condition of employment, unless prior approval for each use has been authorized by the Chief of Police.
  - D. Employment which assists any defense preparation in a criminal proceeding.
  - E. Any place of employment where, because of illegal or questionable operation, there has been a necessity for continuous police action or scrutiny.

- F. Employment with a towing company, ambulance company, security company, or similar business whose activity is closely related to that of law enforcement.
  - G. Any employment which is hazardous; such as security work.
  - H. Employment requiring wearing of the police uniform outside Kirkland city limits, without the Chief of Police approval.
  - I. Working in uniform in a licensed establishment while liquor is being served; except for security (temporarily) at problem bars with the approval of the Chief of Police.
  - J. Any non-police related employment requiring the wearing of the police uniform and the exercise of police powers.
- IV. Maximum secondary employment time will not exceed 24 hours during the week and not more than 12 hours per day on days off.
- V. If secondary employment interferes with the department's image, department's efficiency, the employee's on-duty work performance, or involves misuse of the police commission, then the officer will be required to terminate such employment immediately.
- VI. The primary obligation and responsibility of an employee who accepts secondary employment must be to the department. Employees directed to report for overtime, or called in, for example, must do so regardless of their secondary employment.

#### **22.3.4 Off-duty Employment – Police Related**

- I. All off-duty law enforcement employment as a Kirkland Police Officer shall be authorized by the Chief of Police or his/her designee prior to such employment. Personnel must receive permission to engage in off-duty employment.
  - A. Off-duty, in uniform employment at jobs such as patrolling dances, furnishing traffic control for parades and construction, or providing police security at a home or business, is approved by the Chief of Police. Although employees are hired by someone other than the City of Kirkland, the City still delegates their authority and police power.
    - 1. Off-duty employment must not interfere with an employee's responsibility to the City.

- B. The Chief of Police may allow employment as an off-duty Police Officer outside the City and with the approval of the chief law enforcement officer (or his/her designee) in the jurisdiction where the off-duty job is located.
  - C. Off-duty employment will not be approved when officers are requested to work given the following situations:
    - 1. Any occupation of a menial nature, when in uniform or otherwise identified as an officer, which would tend to lower the dignity of the police service.
    - 2. As a process server, bill collector, or any other employment which may require the use of police power for a private purpose.
- II. Officers working off-duty employment are considered employees of the City of Kirkland Police Department. Officers shall comply with all department policies and procedures while working in an off-duty capacity.
- A. If the demands of the employer conflict with department rules and policy, department policy take precedence. If this is not acceptable to the employer, then the employment is categorically disapproved.
  - B. All non-probationary officers are authorized to work off-duty law enforcement employment unless otherwise directed by the Chief of Police or his/her designee.
- III. The Off-duty Employment Program is administered with the assistance of the Kirkland Police Officer's Guild
- A. Employees are permitted equal opportunity in seeking off-duty employment. In order to accomplish this objective, the Kirkland Police Officer's Guild will assist in the administration of off-duty employment.
  - B. A Guild officer will have the following administrative responsibilities for off-duty law enforcement employment:
    - 1. Monitoring of the off-duty employment phone line regarding requests for off-duty employment.
    - 2. Review of requests for off-duty employment.

3. Determine the law enforcement/private security service needs of the off-duty employer.
4. Analysis of appropriate staffing levels for the off-duty job.
5. Approval of off-duty employment requests under the direction of the Chief of Police or his/her designee.
6. Provide a description of the off-duty job and the expectations of officers with the posting.
7. Processing of payment requests including the correlation of payment requests with job announcements and openings.
8. Generation and maintenance of off-duty employment records and postings.
9. Enforcement of off-duty job policies and procedures, to include the ability to recommend disciplinary action by the Guild for failure to appear.
10. Review violations of off-duty job policy and procedure and refer to the Operations Lieutenant.

#### IV. Off Duty Employment Policy

##### A. Off-duty Sign-up

1. Officers shall only work off-duty jobs on their regular scheduled time off.
  - a. Regular days off are defined as days off according to their work schedule.
  - b. Scheduled days off are defined as leave time (Vacation, Holiday, Comp time)
2. When signing up for an off-duty job, officers shall:
  - a. Personally sign up for the off-duty job.
  - b. Sign in the space provided.

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- c. Be responsible for working the assignment or having a replacement officer work the assignment when unable to.
3. Cancellation of an Off-duty Job Assignment.
    - a. Officers who sign up for a job must fulfill the obligation. If, for any reason, the officer is unable to work the job, the officer must find a replacement. If the officer cannot find a replacement, then it is their responsibility to fulfill the obligation.
    - b. Officers who have to cancel for emergency or exigent circumstances shall immediately notify the Guild officer administering the off-duty assignments.
- B. Working an Off-duty Job
1. Officers must notify NORCOM of the location and hours of the off-duty job via radio.
  2. Officers will use their personnel number as their call sign.
  3. Officers will remain at the location of the off-duty job except in the event of a critical or emergency call for service or at the direction of a patrol supervisor.
  4. Officers will not accept gratuities from the off-duty job employer and will follow rules of conduct as outlined in General Order 26.1.
  5. Officers shall perform extra duties which are requested by the employer and approved by the Guild officer coordinating the off-duty job.
  6. Supervision of police action taken by officers working off-duty jobs is assigned to the on duty Patrol supervisor.
- C. Payment for Off-duty Job Assignment.
1. Upon completion of an off-duty assignment, the officer will receive payment in accordance with the agreement between the Guild officer coordinating the job and the employer.

2. The rate of pay for off-duty jobs is established by the Kirkland Police Officer's Guild
  3. Comp-time in lieu of pay for off-duty employment is not authorized when the job is contracted by a non City employer.
- D. Violations and Complaints.
1. Violations of off-duty policy and procedure shall be reported to the Guild officer coordinating the off-duty job. Violations may include failure to complete a job assignment or failure to follow the policy as outlined in Section IV above. The Guild officer shall report all violations of department policy to the assigned Operations Lieutenant.
  2. Police/Citizen complaints will be processed according to General Order 52.1.
  3. Violations of Department policy during off duty employment will be reviewed by the assigned Operations Lieutenant.
    - a. Discipline may include suspension from working off-duty jobs for up to six months or progressive discipline per the current Collective Bargaining Agreement.
    - b. The above penalties shall be imposed for offenses occurring in any one year period of time.

### **22.3.5 Fitness for Duty**

- I. The City of Kirkland values its employees. It further recognizes the many demands, risks, and pressures associated with police service, and that injuries and symptoms of stress that may occur. It is the City of Kirkland's position and intent to care for and support an employee in need.
- II. A fitness for duty evaluation is a tool to determine the wellness of an employee and his/her ability to perform their duties. Anyone determined to not be fit for duty shall become the subject of a plan to expedite their recovery and hopeful return to duty.
- III. A Medical and/or Psychological examination of fitness for duty may be required of an employee. The following are examples of when this may be required:

- A. Employee suffered a physically or emotionally disabling injury or condition which, in the judgment of the department, does or may prevent an employee from performing their duties.
  - B. Employee demonstrates performance irregularities, unstable mannerism, or a propensity for conduct or self-abuse that is likely to produce injury to the employee or others.
- IV. Required medical / psychological examinations of fitness for duty will be at the expense of the Kirkland Police Department.
- V. Examination / Evaluation Requirements
- A. The examination and subsequent re-evaluation may be a prerequisite for returning to duty under post-treatment conditions.
  - B. An examination may also be a requirement for determining physical/emotional stability in light of performance standards. The examination is a means of determining a prognosis, and a plan of treatment, if necessary.
  - C. The evaluation may include; treating physician or psychological practitioners authorization, LEOFF Board approval, and/or an independent examination by and at the expense of the department prior to the employee being allowed to return to duty.
- VI. Reporting requirements.
- A. The employee who knows he/she is confronted with medical, psychological, or habitual conditions that may jeopardize their ability to perform their assigned duties or pose risk to themselves or others, is obligated to report that condition to their supervisor.
  - B. Anyone of supervisory responsibility who observes or receives information amounting to reasonable suspicion to believe an employee has demonstrated conduct or characteristics making them unfit or potentially unfit to perform their assigned duty, has an obligation to act.
- VII. Supervisor Responsibilities
- A. Shall include an assessment of each of the following:

1. Conduct an immediate preliminary investigation of the circumstance and make an assessment of danger to the employee or others and ability to perform assigned duties.
2. If in the best interest of the employee, department, and the community, release the employee from duty to paid administrative leave from his/her current duty assignment.
3. If the employee is a danger to themselves or others, then the supervisor may:
  - a. Relieve an officer of his/her firearm(s), badge, identification card, key, and access card.
  - b. Consider involuntary commitment.
  - c. Make every effort to ensure the employee's immediate conduct and activity is monitored.
4. The supervisor shall notify their Division Lieutenant of the circumstances and request advice & consent from the Lieutenant.
5. Report the circumstance and any action taken in writing to the Chief of Police via the chain of command prior to the end of shift.

#### VIII. Evaluation Process

- A. The Chief of Police will evaluate all information and make a determination if a fitness-for-duty examination is required.
- B. All current and available information shall be committed to writing and made available to the professional conducting the fitness-for-duty assessment.
- C. A departmental command or supervisory level person may accompany the employee to the professional's office in order to facilitate an orderly transition, furnish pertinent information, or answer any questions.
- D. The employee will be required to sign the Release of Information form prior to beginning the assessment.

1. **The Release of Information form initiated by the doctor or examining professional is a reminder that the professional conducting a fitness-for-duty evaluation represents the department and reports his/her assessment to the department.**
- E. Reports – A written assessment by the professional will be submitted in a timely fashion to the Chief of Police. The report will contain, at a minimum, the following information:
1. Qualifications of the examiner
  2. Statement of the assessment process including any psychological tests used (if applicable)
  3. History of the current problems
  4. Current mental status (if applicable)
  5. Diagnostic statement, if appropriate
  6. Statement of opinion regarding fitness-for-duty
  7. Recommendations
- F. Confidentiality
1. The report will be stored in a secure location, separate from the employee's personnel file, under the control of the Chief of Police.
  2. The report is a confidential report prepared solely for the Chief of Police.
  3. The contents of the report may be disclosed for additional medical review for fitness or as part of a labor or legal proceeding, if the document is relevant.
  4. The employee wishing to query its contents shall be referred to its originator to explain and interpret its contents.
  5. The document should be sent to Human Resources in a sealed envelope for recordkeeping purposes.

- G. Treatment – Upon receipt of the evaluator's findings, a determination shall be made as to treatment, treatment responsibility, benefit application, and contractual impacts.
  - 1. Treatment which relies on a confidential relationship can be accomplished through referral as part of an agreed upon treatment program.
  - 2. In cases of an evaluation stemming from emotional difficulties, treatment shall occur with someone other than the evaluating professional to ensure employee confidentiality.
  
- IX. Kirkland City Administrative Policy, Chapter 4, Policy 4-20, is also applicable to fitness for duty.

#### **22.3.6 Blood borne Pathogens**

- I. It is the policy of the City of Kirkland to provide a safe and healthy working environment and to control occupational exposure to diseases caused by blood borne pathogens.
- II. The City of Kirkland has an established Blood borne Pathogen Exposure Control Plan which applies to the Kirkland Police Department.
- III. In addition there is a Standard Operating Procedure for Blood borne Pathogens (TRN-005) which shall be followed by employees of the Kirkland Police Department.



## **General Order No. 24.1**

### **SUBJECT: COLLECTIVE BARGAINING - ADMINISTRATION**

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This order consists of the following numbered sections:

#### **24.1.1 Collective Bargaining - Process**

#### **24.1.2 Labor Agreement - Ratification**

#### **24.1.1 Collective Bargaining - Process**

- I. Public employee's collective bargaining is set forth in detail in RCW Chapter 41.56. The Kirkland Police Department assists the City of Kirkland's bargaining team in an advisory capacity, with the Chief of Police or his/her designee(s) serving on the team to provide input regarding Department policies, procedures, and the impact of provisions in written agreements.
  - A. The bargaining team for the City may normally be composed of the following; Financial Planning and Administration Division Director, Human Resources Director, Services Captain, Operations Captain, Services Lieutenant, Operations Lieutenant, and Investigations Lieutenant. At the start of each bargaining session, the City will designate a member as the principal negotiator.
  - B. The City will bargain collectively, with the bargaining representatives of the employees, the Kirkland Police Officers Guild (KPOG) Commissioned and Kirkland Police Officers Guild (KPOG) Non-Commissioned. The employees' bargaining representative will designate a member as the principal negotiator. The bargaining team is selected by the KPOG.
  - C. In compliance with RCW 41.56, the City of Kirkland and the KPOG have a mutual obligation to negotiate in good faith at reasonable times and places with respect to wages, hours and conditions of work. This good faith obligation does not compel either party to agree to a proposal or make a concession.
  - D. The City and the KPOG may decide on mutually acceptable ground rules to adhere to during the bargaining process.
  - E. Both the City and the KPOG commit to abide, in both letter and spirit, by the negotiated labor agreement that has been signed by

management, labor representatives, and ratified by the bargaining unit.

### **24.1.2 Labor Agreement - Ratification**

- I. Upon ratification of a negotiated labor agreement by all parties, the Chief of Police or his designee will:
  - A. Provide copies of the signed agreement to those who supervise and manage employees in the bargaining unit. Changes in existing contract language should be disseminated to those same supervisors and managers. This distribution may be done electronically.
  - B. Review all General and Special Orders, and amend as necessary to comply with the terms of the labor agreement.
  - C. Disseminate information relative to the new labor agreement, including modifications to existing agreements, to staff and supervisors of affected personnel. All Department command staff and supervisors are required to be familiar with the contents of and ensure compliance with the provisions of the collective bargaining agreements.



## **General Order No. 25.1**

### **SUBJECT: GRIEVANCE PROCEDURE**

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This order consists of the following numbered sections:

- 25.1.1 Grievance Procedure**
- 25.1.2 Grievance - Responsibility**
- 25.1.3 Grievance - Annual Analysis**

#### **25.1.1 Grievance Procedure**

- I. It is the policy of the Kirkland Police Department to objectively and expeditiously hear all grievances brought by employees with the intent of adjudicating all matters in a fair and just manner.

The current Kirkland Police Officer Guild (KPOG) Commissioned collective bargaining agreement and the current Kirkland Police Officer Guild (KPOG) Support Staff collective bargaining agreement, Kirkland Municipal Code 3.80.60, and City of Kirkland Administrative Policy, Chapter 4, Policy 4-20 establish a grievance procedure for employees. Employees not covered by the collective bargaining agreements may submit a grievance following the same procedure outlined in the agreement, except that the Guild will not be involved in the process.

- A. Identification of matters that are grievable (scope) and the levels of the Department or City to which the grievance may be filed or appealed is contained within the above listed references.
- B. Time limits for filing or appealing the grievance to the next level are contained within the above listed references.
- C. A written grievance must include the following information:
  1. A written allegation of the specific wrongful act and harm done.
  2. A written statement of the remedy or adjustment sought.
  3. A written statement of the grievance and the facts upon which it is based.
- D. As the written grievance proceeds through the various steps of the process, each person receiving the grievance will:

1. Acknowledge receipt of the grievance by noting time, date and name of the person receiving the grievance;
  2. Gather, analyze and record in writing all pertinent facts and allegations;
  3. Affirm or deny, in writing, the allegations in the grievance;
  4. Be continuously aware of the timetables to insure that they are not violated;
  5. Identify the remedy or adjustments, if any, to be made.
- E. Criteria for employee representation in the grievance process is specifically provided for in the respective collective bargaining agreements.

#### **25.1.2 Grievance - Responsibility**

- I. The Lieutenant of each division is responsible for coordinating the grievance process involving an employee assigned to their division.
- II. A copy of all written grievances will be forwarded to the Services Captain.
- III. The Services Captain is responsible for the maintenance and control of grievance records of Police Department employees. The records will be kept secure and accessible only to the Chief of Police or his designee.

#### **25.1.3 Grievance - Annual Analysis**

- I. The Services Captain will provide the Chief of Police with a documented annual analysis of all written grievances. The Chief will review the documented annual analysis of the grievances to determine what steps might be taken to minimize the causes.



## **General Order No. 26.1**

### **SUBJECT: CODE OF CONDUCT FOR DEPARTMENT MEMBERS**

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This order consists of the following numbered sections:

- 26.1.1 Code of Conduct and Appearance**
- 26.1.2 Employee Awards**
- 26.1.3 Sexual Harassment**
- 26.1.4 Discipline - System**
- 26.1.5 Discipline - Supervisory Role**
- 26.1.6 Discipline - Appeal Procedure**
- 26.1.7 Discipline - Dismissal**
- 26.1.8 Discipline - Records Retention**

#### **26.1.1 Code of Conduct and Appearance**

- I. Rules of Conduct - Violation of any of these rules shall be sufficient cause for counseling, written reprimand, loss of accumulated time such as vacation, holiday, or compensatory time, demotion, suspension, and/or dismissal of any member of the Police Department.
- II. These rules of conduct describe expectations of behavior and conduct, both on duty and off duty, for all commissioned police personnel and, where applicable, all members of the department, whether paid or volunteer. All members of the department are 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). All members of the department shall become familiar with these standards and shall abide by them.
- III. The term "members of the Police Department" applies to all employees of the Kirkland Police Department, sworn, non-sworn and volunteers. The term "officer" applies only to sworn police officers of the Department. The term "civilian member" applies only to non-sworn personnel employed by the Kirkland Police Department.
  - A. Violation of Rules - Members of the Police Department shall not commit any acts, or omit any acts, which constitute a violation of any of the rules, regulations, directives or orders of the Department, City of Kirkland or Kirkland Civil Service Commission, whether stated in this rule or elsewhere.

- B. Unbecoming Conduct - Members of the Police Department shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. Unbecoming conduct shall include that which brings the Department into disrepute or reflects discredit upon the individual as a member of the Police Department, or that which impairs the operation or efficiency of the Department or the individual.
- C. Conformance to Laws - Members of the Police Department shall obey all laws of the United States, and of any state or local jurisdictions in which the members are present. A conviction of the violation of any law shall be prima facie evidence of a violation of this section.
- D. Reporting for Duty - Members of the Police Department shall report for duty at the time and place required by assignment or orders, and shall be physically and mentally fit to perform their duties. They will be properly equipped and will make themselves cognizant of information required for the proper performance of duty, so that they may immediately assume their duties. During the shift, employees will carry out their sworn and assigned duties to the best of their ability. Judicial subpoenas shall constitute an order to report for duty under this section. If, due to an illness or other circumstances, an employee cannot report for duty at the assigned time but will be late or absent, **the employee will contact the on duty supervisor** before the start of the shift to explain the situation. Employees are required to remain on duty for their entire assigned shift unless excused by their supervisor or higher-ranking personnel. If any employee must leave duty before the end of a shift due to illness or other circumstances, the employee must inform a supervisor before leaving. No employee will be absent from duty except in case of illness or injury without the consent of their supervisor. Any employee who fails to report and who does not have a bona fide excuse will be subject to disciplinary action.
- E. Neglect of Duty - Members of the Police Department shall not commit any acts expressly forbidden or omit any acts that are specifically required by the laws of this state, the ordinances of the City of Kirkland, these Rules of Conduct, or any other orders, policies, procedures, or directives of the Police Department. Members shall not engage in any activity, or personal business, which could cause them to neglect, or be inattentive to duty. While on duty, employees will remain attentive to their assigned responsibilities. Employees will respond in a prompt and appropriate manner when dispatched or ordered to respond to a situation or department need. Postponing response or failure to respond is considered neglect of duty.

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- F. Fictitious Illness or Injury Reports - Members of the Police Department shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive, or attempt to deceive, any official of the Department as to the condition of their health.
- G. Sleeping on Duty - Members of the Police Department shall remain awake while on duty. If unable to do so, they shall report to their supervisor, who shall determine the proper course of action.
- H. Leaving Duty Post - Members of the Police Department shall not leave their assigned duty post during a tour of duty, except when authorized by proper authority. Leaving an assigned shift early without authorization will be deemed neglect of duty and will be grounds for disciplinary action.
- I. Meals - Employees are permitted to suspend their work activities, upon the approval of their supervisor, for meal periods and breaks as specified in the respective collective bargaining agreements. This is also extended to non-Guild employees.
- J. Unsatisfactory Performance (Commissioned members) Commissioned members of the Police Department shall maintain sufficient competency to properly perform their duties, and assume the responsibility of their positions. Members shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced, an unwillingness or inability to perform assigned tasks, the failure to conform to work standards established for the officer's rank, grade, or position, the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention, or absence without leave. In addition to other indicators of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluations, or a written record of repeated infractions of rules, regulations, directives, or orders of the Department.

Unsatisfactory Performance (Non-commissioned members) - Civilian members of the Police Department shall maintain sufficient competency to properly perform their duties, and assume the responsibility of their positions. Civilian members shall perform their duties in a manner which will maintain the highest standards of

efficiency in carrying out the functions and objectives of the Department. Unsatisfactory performance may be demonstrated by a lack of knowledge of Department policy and procedures, an unwillingness or inability to perform assigned tasks, the failure to conform to work standards established for the civilian member's rank, grade, or position, the failure to take appropriate action within the responsibilities of the civilian member's assignment, or absence without leave. In addition to other indicators of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluations or a written record of repeated infractions of rules, regulations, directives, or orders of the Department.

- K. Alcoholic Beverages and Drugs in Police Installations - Members of the Police Department shall not store or bring into any police facility or vehicle, any alcoholic beverages, controlled substances, narcotics, or hallucinogens except those which are to be submitted to the property room as evidence, safekeeping, or for disposal.
- L. Possession and Use of Drugs - Members of the Police Department shall not possess or use any controlled substances, narcotics, or hallucinogens, which could affect or impair their ability to function in their job, except when prescribed in the treatment of members by a physician or dentist.
- M. Use of Alcohol on Duty or in Uniform - Members of the Police Department shall not consume intoxicating beverages while in uniform, or on duty, except in the performance of duty, and while acting under proper and specific orders from a superior officer. Members of the Police Department shall not appear for duty, or be on duty, while under the influence of intoxicants to any degree whatsoever, or with an odor of intoxicants on their breath. Employees are subject to breathalyzer tests in accordance with City of Kirkland Administrative Policy – Chapter 4, Policy 4-28 and the collective bargaining agreement drug policy.
- N. Use of Alcohol Off Duty - Members of the Police Department, while off duty, shall refrain from intoxication, or obnoxious, or offensive behavior which discredits them or the Department, or renders the member unfit to report for their next regular tour of duty. Employees are subject to breathalyzer tests in accordance with City of Kirkland Administrative Policy – Chapter 4, Policy 4-28 and the collective bargaining agreement drug policy.

- O. Use of Tobacco or Gum - Employees may not smoke, chew tobacco or chew gum while in contact with the public, unless in a private place where such practice is not objectionable. Objectionable activity shall be defined as noticeable chewing tobacco in the mouth, visible chew tobacco containers in uniforms and/or work areas, spitting and/or visible "chew cups". No smoking is permitted in police facilities or police vehicles. Smoking is permitted at designated smoking areas in the immediate area outside the Police Department and Kirkland City Hall.
- P. Insubordination - Members of the Police Department shall promptly obey any lawful orders of a superior officer. This will include orders relayed from a superior officer by an officer of the same or lesser rank. Failure to do so could be grounds for insubordination and subject to discipline.
- Q. Conflicting or Illegal Orders - Members of the Police Department who are given an otherwise proper order which is in conflict with a previous order, rule, regulation, or direction, shall respectfully inform the superior officer issuing the order of the conflict. If the superior officer issuing the order does not alter or retract the conflicting order, the last given order shall stand. Under these circumstances, the responsibility for the conflict shall be upon the superior officer. Members shall obey the conflicting order, and shall not be held responsible for disobedience of the order, rule, regulation, or directive previously issued. Members of the Police Department shall not obey any order, which they know, or should know, would require them to commit any illegal act. If in doubt as to the legality of the order, officers shall request the issuing officer to clarify the order or to confer with a higher authority.
- R. Gifts, Gratuities, Bribes or Rewards - Members of the Police Department shall not solicit or accept from any person, business, or organization, any gift (including; money, tangible or intangible personal property, food, beverage, loan, promise, service or entertainment) for the personal benefit of the member(s) of the Department, except as provided for in General Order 26.1.1 under Section (IV) (B). Solicitation for Department programs may be conducted by the Chief of Police or his/her designee. This standard is not intended to isolate members from normal social practices, or to preclude gifts among friends, associates, or relatives, where appropriate. Members shall not consider their badge of office as a license designed to provide them with special favor or consideration.

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- S. Abuse of Position - Use of official position or identification. Members of the Police Department shall not use their official position, official identification cards, or badges for:
1. Personal or financial gain; or;
  2. Obtaining privileges not otherwise available to them except in the performance of duty.
- T. Avoiding consequences of illegal acts - Members of the Police Department shall not lend to another person their identification cards, or badges, or permit them to be photographed or reproduced, without the approval of the Chief.
- U. Use of the name, photograph, or title - Members of the Police Department shall not authorize the use of their names, photographs, or official titles, which identifies them as officers or employees of the Police Department, in connection with testimonials or advertisements, or any commodity or commercial enterprise without the approval of the Chief.
- V. Endorsements and Referrals - Members of the Police Department shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service (such as an attorney, ambulance service, towing service, bondsman, mortician, etc.) In the case of ambulance or towing service, when such service is necessary, and the person needing the service is unable or unwilling to procure it or request assistance, members shall proceed in accordance with established departmental procedures.
- W. Identification (Commissioned Members) - Members of the Police Department shall furnish their name to any person requesting that information when they are on duty, or while presenting themselves as having an official capacity, except when the withholding of such information is necessary for the performance of police duties, or is authorized by proper authority.
- X. Identification (Non-commissioned Members) - Civilian members of the Police Department shall furnish their name to any person requesting the information when they are on duty, or while presenting themselves as having an official capacity, except when the withholding of such information is necessary for the performance of police duties, or is authorized by proper authority.

- Y. Citizen Complaints - Members of the Police Department shall courteously and promptly record, in writing, any complaint made by a citizen against any member of the Department, and refer it to the Division command officer for handling. Members taking the complaint may attempt to resolve the complaint, but shall never attempt to dissuade any citizen from lodging a complaint against any member, or the Department. Members shall follow established departmental procedures for processing complaints.
- Z. Courtesy - Members of the Police Department shall be courteous to the public and other Members of the Police Department. Members shall be tactful in performance of their duties, shall control their tempers and exercise the utmost patience and discretion, and shall not engage in argumentative discussions, even in the face of extreme provocation. In the performance of their duties, members shall not use coarse, violent, profane, or insolent language or gestures, and shall not express any prejudice concerning race, sex, religion, politics, national origin, life style, or similar personal characteristics. Members shall respect and uphold the dignity, human rights, and constitutional rights of all persons.
- AA. Requests for Assistance - When any person applies for assistance or advice, or makes complaints or reports, either by telephone or in person, all pertinent information will be obtained in an official and courteous manner, and will be properly and judiciously acted upon consistent with established departmental procedures.
- BB. Associations - Members of the Police Department shall not knowingly associate with persons and/or organizations, whom they know, or should know are persons under criminal investigation or indictment, or who have a reputation in the community or the Department for present involvement in felonious or criminal behavior, where that association would tend to discredit his or her credibility as a law enforcement employee, except as necessary to the performance of official duties, or where unavoidable because of other personal relationships of the members. Members may not belong to, or participate in the activities of, any organization or group which is subversive in nature, or which may adversely influence or control the employee's official capacity. Violation of this policy is grounds for disciplinary action up to and including dismissal.
- CC. Visiting Prohibited Establishments - Members of the Police Department shall not knowingly visit or frequent a house of prostitution, gambling

house or establishment wherein the laws of the United States, the State, or the local jurisdiction are regularly violated, except in the performance of duty, or while acting under proper and specific orders from a supervisor.

- DD. Gambling - Members of the Police Department shall not engage or participate in any form of illegal gambling at any time, and employees shall not engage in any form of gambling while on duty or in uniform, except in the performance of duty, and while acting under proper specific orders from a supervisor. The purchase of Washington State Lottery tickets is not considered gambling.
- EE. Public Statements and Appearances- Employees' constitutional freedom of speech rights shall not be abridged. This right shall not protect speech which is defamatory, obscene or insubordinate. Furthermore, employees may not make public statements on behalf of the department for publication or broadcast concerning the plans, policies, or administration of the department unless authorized. Any such statements shall accurately represent the department's position. This shall not infringe on the right of employees to present their personal opinions when not representing the department.
- FF. Personal Appearance - Members of the Police Department on duty shall wear uniforms or other clothing in accordance to the standards set forth in General Order 41.3.4.
- Except, when acting under proper and specific orders from a supervisor, members on duty shall maintain a neat, well-groomed appearance, and shall style their hair accordingly.
- GG. Political Activity - Members of the Police Department shall not engage in political activities or services of any nature that would imply endorsement by the Police Department. Members shall not engage in illegal political activities. The Department restricts any member from participating in partisan political activity while on duty. Political activities include soliciting or receiving any assessment, subscription, or contribution for any political party or cause, or storing, posting, carrying, or distributing political literature of any nature.
- HH. Telephones - Members of the Police Department shall have telephones in their residences, and shall as soon as reasonably possible report any changes in telephone numbers or addresses to their superior officers, and to such other persons as may be appropriate.

II. Intervention -

1. Officers shall not interfere with cases being handled by other officers of the Department, or by any other governmental agency unless:
  - a. Ordered to intervene by a superior officer, or;
  - b. The intervening officer believes beyond a reasonable doubt that a manifest injustice would result from failure to take immediate action.
2. Officers shall not undertake any investigation, or other official action, not part of their regular duties without obtaining permission from their superior officer, unless the urgency of the situation requires immediate police action.
3. No employee will aid any person to escape arrest or escape after arrest. Employees will also not aid anyone under suspicion or investigation by this department in order to circumvent the investigation in any way.

JJ. Reports - Members of the Police Department shall submit all necessary reports on time and in accordance with established departmental procedures. Reports submitted by members shall be truthful, complete and impartial, and no member shall knowingly enter, or cause to be entered, any inaccurate, false or improper information, or alter, remove or destroy any report once filed for the purpose of obstructing justice, misleading superior officers, or altering the natural order of information. Violation of this policy is grounds for disciplinary action up to, and including, dismissal.

KK. Processing Property and Evidence - Property or evidence, which has been discovered, gathered, or received in connection with departmental responsibilities, will be processed in accordance with established departmental procedures. Members of the Police Department shall not convert to their own use, manufacture, conceal falsify, destroy, remove, tamper with, or withhold any property or evidence in connection with an investigation or other police action, except in accordance with established departmental procedure.

LL. Abuse of Process - Officers shall not intentionally make false accusations of a criminal or traffic charge.

- MM. Use of Department Materials and Equipment - Members of the Police Department shall utilize Department equipment only for its intended purpose in accordance with established departmental procedures, and shall not abuse, damage, or lose Department equipment. All Department equipment issued to members shall be maintained in proper working order. Department materials and equipment are not to be used for personal use (e.g., copy machine, paper supplies, pens, etc.) Department stationary shall be used for official business only.
- NN. Civil Actions - Members of the Police Department shall not institute any civil action arising out of their official duties without first notifying the Chief of Police in writing.

Members of the Police Department shall not accept anything as payment for personal injury incurred in the line of duty, without notifying the Chief of Police in writing. An exception may be considered in the event of a personal injury stemming from a traffic accident or an assault in court proceedings of a civil nature.

Members of the Police Department shall not serve civil papers on duty, except as directed by a supervisor.

Whenever the City of Kirkland, Kirkland Police Department, or one of its members is involved in, or likely to be involved in civil litigation, no employee shall discuss the action with anyone without the express permission of the Chief of Police.

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

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

- OO. Court Appearance - Members of the Police Department required to be in court by Department order, subpoena, or court notice, shall be prompt in attendance, and shall remain until excused by competent authority. While in court, officers shall avoid any indication of bias, prejudice, or anger. They shall testify in a clear, concise, and distinct manner. Questions shall be answered promptly, truthfully, and

without a trace of evasion. Personal behavior shall be exemplary while waiting call or while on the stand. Members late for or missing court are subject to disciplinary action unless they have a valid excuse and have made all attempts to contact the court or police department. Officers receiving subpoena's to Kirkland Municipal Court shall call the Subpoena Line in accordance with Standard Operating Procedure ADM-019.

PP. Out-of-State Court Appearance – In the event a member of the Police Department is required to be at an out-of-state court by subpoena or court notice, for the purpose of testifying as a witness in a case at the request of a law enforcement agency or prosecuting attorney, the following is required:

1. The member shall immediately notify the Chief of Police, or his/her designee, via the chain of command.
2. The notification shall be in the form of a written memo and shall include;
  - a. A copy of the subpoena or court notice, and
  - b. The name and phone number of the prosecuting attorney.
3. A maximum of three days may be allowed for the purpose of the out-of-state court appearance, unless otherwise authorized by the Chief of Police or his/her designee.

Upon approval by the Chief of Police, or his/her designee, the member will report for the court appearance as directed. During this court appearance, the member will be bound by this chapter on Code of Conduct and all other General Orders of the Kirkland Police Department.

The member will be paid their normal wages by the City of Kirkland for the duration of this court appearance. This will be done in lieu of any witness fees for their court appearance, and any such fees shall be turned over to the Chief of Police, or his/her designee, via the chain of command upon their return.

QQ. Shopping in Uniform - Employees will not conduct personal business during duty hours. Employees in uniform will not shop extensively or

carry large quantities of merchandise unless directly connected with official police business.

- RR. Operating Vehicles - Members of the Police Department shall operate official vehicles in a careful and prudent manner and shall obey all laws and all departmental orders pertaining to such operation. Loss, suspension or revocation of any driving privileges shall be reported to the Department immediately.
- SS. Carrying Firearms - Officers shall carry firearms in accordance with the law and established departmental procedures.
- TT. Truthfulness - Upon the order of the Chief of Police, the Chief's designate, or a superior officer, members of the Police Department shall fully and truthfully answer all questions specifically directed, and narrowly relating to the performance of official duties, or fitness for office, which may be asked of them.
- UU. Treatment of Persons in Custody - Members of the Police Department shall not mistreat persons who are in their custody. Members shall handle such persons in accordance with the law and departmental procedures.
- VV. Use of Force - Officers shall not use more force in any situation than is reasonably necessary under the circumstances. Officers shall use force in accordance with the law and departmental procedures.
- WW. Use of Weapons - Officers shall not use or handle weapons in a careless or imprudent manner. Officers shall use weapons in accordance with the law and departmental procedures.
- XX. Arrest, Search and Seizure - Officers shall not make any arrest, search, or seizure, which they know, or should know, is not in accordance with the law and departmental procedures.
- YY. Ethics - Members of the Police Department shall not conspire, or knowingly engage in any activity, which deprives any person of their civil rights, due process, equal opportunity for employment, advancement, job opportunities, or any constitutionally or statutory guaranteed right. No member of the Police Department shall disseminate confidential police related information to any unauthorized person for any purpose. The Kirkland Police Department has adopted the Law Enforcement Code of Ethics, as adopted by IACP

(International Association of Chiefs of Police) and WASPC (Washington Association of Sheriffs and Police Chiefs).

- ZZ. Addressing Supervisors - Employees will treat supervisors courteously and with respect at all times. When on duty, and particularly in the presence of the public, refer to supervisors by rank. Violators of this policy are subject to disciplinary action up to and including dismissal.
  - AAA. Duty to Report Misconduct – The quickest way for misconduct to grow in a department is for employees to tolerate it among their fellow employees. Misconduct by one employee reflects poorly on all. For this reason, employees will report any violation of department orders, neglect of duty, or illegal conduct by any member of the department to their supervisors or superior officers.
  - BBB. Reading On Duty – Employees may not read newspapers, periodicals, or similar material in the public view, except in connection with official duty.
  - CCC. Gossip – Employees may not gossip about the personal conduct or character of any other employee.
  - DDD. Notice - Resignation by any member of the department in good standing will be submitted to the Chief of Police in writing at least fifteen (15) calendar days before leaving service. Terms of the resignation will comply with Civil Service Regulations. Any member of the department who voluntarily leaves the department's employ without submitting a formal resignation as required, will be deemed to have resigned with prejudice and a suitable notation will be made on their personnel record. An employee intending to retire should notify the department of their intention at least sixty (60) days in advance of the proposed retirement date. Terms of the retirement will comply with applicable LEOFF or PERS provisions.
- IV. **Gratuities** - As stated in General Order 26.1.1 under section (III) (S), members of the Police Department will not accept gifts, favors, rewards or other benefits from any person, business or organization when such benefit is granted either fully or partially as a result of their employment by the department. Procedures for compliance with this policy are as follows:
- A. Gratuities given to the Department, or any member of the Department, will be returned to the provider with an explanation of the departmental policy. When it comes to the Department's attention that a business or individual is reluctant, or refuses to honor this

- policy, a letter requesting understanding and cooperation will be sent by the Chief of Police.
- B. If the provider is unknown, the item will be turned over to the general fund, or to a charitable organization, depending on the nature of the item.
  - C. No member of this Department will offer or give special privileges to any other person or agency in expectation of special benefit to themselves or the department;
  - D. No employee of this Department will solicit any form of benefit for themselves, the department, the City, or any other organization from any person, group, or firm, when the benefit is to be secured as a result of their employment by the department. Donations for Special Olympics and the Ronald McDonald House are exceptions, and subject to approval by the Chief of Police.
  - E. Permissible actions include the following:
    - 1. Employees may accept a meal at the home of a friend or relative.
    - 2. An employee is a guest speaker, or is being honored by some organization and receives a meal and an award.
    - 3. A service organization or retail merchant wishes to donate a gift to a Department-sponsored event, wherein the gifts are given to children or other needy persons.
    - 4. Employees are permitted to accept a nonalcoholic beverage from an associate, friend or acquaintance, other than at a business establishment (restaurant, convenience store, bar), where there is normally a charge for the beverage.
    - 5. Employees may accept unsolicited advertising or giveaway material such as pens, pads, calendars, diaries, coffee cups, or similar items of little or nominal value.
  - V. Each Police Department employee will be provided a copy of the departmental Rules of Conduct. These Rules of Conduct will be kept in a designated section of the General Orders Manual. It shall be each employee's responsibility to read, understand and comply with these Rules of Conduct.

### **26.1.2 Employee Awards**

- I. The recognition of personal excellence is an important aspect of this department's activities. Presenting departmental awards for exceptional service provides that recognition, thereby enhancing departmental morale, reinforcing the department's commitment to the maintenance of a high standard of performance by its members, and motivating personnel to perform their duties at the highest possible level. Therefore, it is the policy of this department to recognize and reward exceptional service through an awards program to be administered under the established procedures. This General Order provides a uniform means of recognizing actions or performances by members of the Police Department and citizens.

### **II. Structure of Awards Program**

#### **A. Awards Board**

1. The Chief of Police shall appoint an Awards Board to receive and evaluate recommendations for awards. This Board shall determine whether an award should be recommended and, if so, which award.
2. The Board shall consist of the number of members determined to be appropriate by the Chief and shall represent a cross-section of departmental ranks and duty assignments.
3. Each Board member shall serve a term established by the Chief of Police.
4. The Board will elect one of its members to serve as chair of the Board.
5. If a member of the Awards Board is under consideration for receipt of any award, that member shall be excused from the Board for the period when this award is under consideration. The Chief may appoint a temporary member to the Board of appropriate rank to serve on the Board in place of the officer/employee being considered for the award. This temporary appointment shall expire immediately after the award decision.

#### **B. Awards**

1. Medal of Honor - Awarded to departmental members killed in the line of duty, or displaying exemplary meritorious conduct. This award is established as this State's highest award for law enforcement, in accordance with RCW 41.72.020. All nominations shall be forwarded to the Washington State Law Enforcement Medal of Honor Committee and shall be in accordance with all policies and procedures set forth. This award will be presented at an annual ceremony, and presented in the form of a medal with ribbon, a ribbon bar, and a certificate.
2. Medal of Valor - Awarded to departmental members for conspicuous gallantry while acting in the line of duty, not falling within the guidelines for the Medal of Honor. Presented to officers for acts of exceptional bravery performed at very high risk to their own lives with full awareness of the danger involved. This award will be presented in the form of a medal, a ribbon bar and a certificate.
3. Distinguished Service Award - Awarded to departmental members who distinguish themselves in the line of duty by acts of personal bravery, not falling within the guidelines for the Medal of Valor. This award will be presented in the form of a ribbon bar and a certificate.
4. Meritorious Service Award - Awarded to any member of the department for outstanding job accomplishment that has contributed to a more effective and efficient police department. This may involve improved administration, improved operations, substantial cost savings, or other benefits to the department that have materially facilitated the effective performance of the department's mission. This award is presented in the form a certificate.
5. The Chief's Award for Excellence in Teamwork - Presented to departmental units, squads, teams or work groups that delivered or performed an extraordinary service for the agency, the community or the law enforcement profession. This may include any group that collectively performed their duties in a manner that demonstrates excellence, professionalism, selflessness, devotion to duty, and dedication to the performance of the departmental mission. This award is presented in the form a certificate

6. Certificate of Commendation - Presented in recognition of a high degree of competence and professionalism in the performance of departmental duties. This includes exemplary conduct during a field incident or operation, outstanding administrative work, the effective handling of a criminal investigation, the organization of a new and beneficial departmental program, designing and conducting a course of training, and commendable participation in any other activity that improves the department's functioning or brings credit upon the department in any way. It may also be presented to any employee who has demonstrated long-term excellence in service to the agency. This award is presented in the form of a certificate.
7. Letter of Recognition - Presented to departmental members who perform their duties in a manner that demonstrates professionalism, devotion to duty, and dedication to the performance of the departmental mission. This award may also be presented for the submission of any suggestion subsequently adopted by the department that materially improves the efficiency of the department. This award is presented in the form of a letter to the employee signed by the Chief of Police. Line supervisors may make presentations of these awards to officers under their command as approved by the Chief of Police.
8. Citizen Commendation - This award may be presented to any person who is not a member of the department but who has materially aided the department or its officers in some way. This includes assistance in the solution of crime or the apprehension of criminals, aiding an officer in the field in a critical situation, and cooperation with or assistance to the department as a whole in any aspect of the department's administration or operations. This award to be presented in the form of a letter signed by the Chief of Police.
9. Certificate of Promotion - The Certificate of Promotion is presented to employees who have been promoted within the department. The Chief of Police shall present the Certificate of Promotion award. The Certificate of Promotion shall be presented in the form of a mounted certificate.
10. Other Awards - The department may establish other awards as deemed desirable and as designated by the Chief of Police. Any

such additional awards shall be considered and presented in accordance with this General Order.

### III. Awards Process

#### A. Recommendations for Awards

1. Who May Make Recommendations - Any departmental member may recommend another departmental member or citizen for any award. More than one person may make recommendations jointly.
2. Form of Recommendations - Award recommendations shall be neatly typed and shall set forth in detail the circumstances upon which the award is recommended. The recommendation must identify the person or persons making the recommendation and be signed by that person or those persons.
3. Supporting Documentation - The recommendation form may be accompanied by such supporting documentation as is deemed desirable by the person or persons initiating the recommendation. This documentation may include such items as witness statements, photographs, incident and medical reports, statements from civilians familiar with the incident, newspaper articles, and any other evidence that will assist the Awards Board in determining the merits of the recommendation.
4. Forwarding of Recommendation - Unless otherwise noted, all recommendations shall be forwarded to the Awards Board via the chain of command.
5. Nomination of Private Citizens for Awards - Any member of the department who is given significant assistance by a citizen, or any member of the department who is aware that such assistance has been given to another employee, may nominate that citizen for a Citizen Commendation. Such nominations shall be prepared and forwarded in the manner prescribed for recommendations of departmental personnel.
6. Letters from Citizens Commending a Departmental Employee - Letters from citizens commending a departmental employee shall be forwarded to the employee's supervisor for review. If the supervisor concludes that in addition to the citizen's letter,

an award to the employee may be justified, he or she shall prepare and forward to the Awards Board a recommendation for award in accordance with the procedures set forth in this General Order.

B. Determination of Awards

1. All recommendations for departmental awards are to be retained on file pending the next meeting of the Awards Board.
2. The Awards Board shall meet as needed or at such other intervals as directed by the Chief. Special meetings may be held at the discretion of the Board Chair to consider recommendations requiring the Board's immediate attention. Where the recommendation is for an award to be presented posthumously, or for an award to a departmental member who has been seriously injured in the incident that is the subject of the recommendation, the Board shall convene to consider the award as soon as possible following receipt of the recommendation.
3. The Awards Board shall conduct a hearing to examine the circumstances of the recommendation and collect all of the facts pertinent to the case. This fact-finding process may include the hearing of witnesses, the examination of supporting documents submitted with the recommendation, the examination of any other reports prepared in connection with the incident, and, if necessary, field investigation to determine the accuracy of the testimony and documentation submitted.
4. Upon completion of the fact-finding process, the Board shall consider the case in closed session and vote upon the recommendation. A majority of the votes of the Board members present and voting shall be sufficient to determine the Board's recommendation.
5. The Board may make any one of the following findings:
  - a. That the case meets the standards for the award that is the subject of the recommendation, and that the award is therefore approved, or
  - b. That the circumstances justify recognition, but that it has been determined that the presentation should be for an

- award other than that specified in the initial recommendation, or
- c. That the facts as currently known do not justify an award at this time.
6. Following the Board's deliberations, a written report shall be forwarded to the Chief of Police setting forth the Board's findings.
  7. Upon receipt of the Board's report, the Chief of Police may approve, disapprove, or modify the Board's findings.
  8. Only one award shall be made to an individual for any one act, achievement, or period of meritorious service. However, there is no limit to the number of medals, certificates, or letters of recognition that may be awarded to an individual for separate acts.
  9. The Awards Board shall maintain an Awards Case File. This file shall contain copies of each report of the Board's deliberations upon each recommendation received. This includes all recommendations for awards, together with copies of any supporting documents submitted with the recommendations.
  10. Prior to January 1 of each year, the Board shall prepare and forward to the Chief of Police, an annual report stating the number of award recommendations received during the prior year, the total number of awards presented during that year, and the number of each type of award presented.
- C. Awards Which Do Not Require Action by the Awards Board
1. Certificate of Promotion
- D. Notification of Award
1. Personnel who have been approved to receive the Washington State Law Enforcement Medal of Honor will be notified verbally, followed up by written correspondence, only after the Chief of Police has been notified in the same manner by the Secretary of the Washington State Law Enforcement Medal of Honor Committee.

2. Personnel for whom departmental awards have been approved shall be notified immediately of the award through the chain of command. In exceptional cases, the notifications may be made directly by the Chief of Police or his/her designee.
3. Notices of all departmental awards may be noted in appropriate departmental documents and publications.
4. All departmental awards shall be made a matter of record in the employee's personnel file. A photocopy of the certificate of award shall be included in the file. All awards shall be considered in connection with future personnel decisions, such as promotion or assignment to a particular duty or location.
5. Where appropriate, press releases regarding departmental awards should be made available to local media representatives.
6. A copy of the citizen's letter of commendation shall be forwarded to the employee and a copy shall be placed in the employee's personnel file.
7. Citizens who have received departmental commendations for assistance to the department should be notified in a similar manner.

E. Presentations of Awards

1. All Medal of Honor recipients, or family designees, in accordance with RCW 41.72.020, shall receive their medal at a formal ceremony, held annually, at a site designated by the Washington State Law Enforcement Medal of Honor Committee.
2. All Medals of Valor and Distinguished Service Award recipients shall receive their awards during a public meeting, ceremony or event deemed appropriate by the Chief of Police.
3. Presentation of all other departmental awards may be made at a formal ceremony deemed appropriate by the Chief of Police.
4. During awards ceremonies, presentations of awards shall be made whenever possible by the Chief or another ranking departmental member as designated by the Chief.

5. All personnel not otherwise engaged in duty assignments shall be encouraged to attend the presentation. The recipient's supervisors should be present, and the ceremony should be scheduled to make this possible. All personnel attending such ceremonies should be properly attired under guidelines established by the department.
6. Members of the recipient's family may be invited to attend the ceremony and, upon arrival, should be escorted to a position that provides a full view of the proceedings.
7. Members of the local press may be invited to attend presentations of awards.
8. Normally, the individual who has earned the award will accept the award in person at the presentation ceremony.
9. Posthumous awards shall be received by the next of kin. "Next of kin" normally is construed to mean one of the following:
  - a. Widow or widower
  - b. Eldest son or daughter
  - c. Parent
  - d. Eldest brother or sister

This order of preference may be modified as circumstances dictate in individual cases.

10. Posthumous awards may be presented at the memorial or funeral service for that individual or at such other time as is deemed appropriate by the next of kin.
11. Letters of recognition not presented at a formal ceremony shall be placed in the employee's personnel file.
12. Commendations to civilians may be presented at a formal ceremony at the discretion of the Chief of Police, but only with the prior approval of the citizen concerned.

#### F. Wearing Awards

1. Medals are not permitted for wear on the regular duty uniform.

2. Award ribbon bars may be worn on the duty uniform in a manner consistent with General Order or as otherwise directed by the Chief of Police.
3. No other medals, ribbons, or pins of any type shall be worn on the uniform unless the department specifically authorizes such wear.

### **26.1.3 Sexual Harassment**

- I. It is the policy of the Kirkland Police Department to provide a work environment for its employees which is free from sexual harassment. All police department employees are subject to Kirkland Municipal Code 3.80.045, which prohibits sexual harassment and makes provision for the reporting and commitment to a thorough investigation of allegations. This is also in accordance with City of Kirkland Administrative Policy – Chapter 4, Policy 4-20.

### **26.1.4 Discipline - System**

- I. Discipline is the responsibility of each individual. A well-disciplined police force is one that voluntarily and ungrudgingly conforms to all rules and orders.
- II. A disciplinary system is necessary to maintain good order and discipline and ensure all employees are performing to the best of their abilities. The Kirkland Police Department employs a structured disciplinary system to be followed in case of alleged or suspected violations of Department rules, orders, City of Kirkland ordinances, Civil Service Rules, or any applicable state or federal statute by members of the Kirkland Police Department. This procedure is meant to assure the prompt and thorough investigation of complaints, clear the innocent, establish the guilt of wrongdoers, and facilitate fair, suitable, and consistent disciplinary action.
- III. Discipline will generally be administered in a progressive fashion (i.e., from minimal to maximum). This does not mean that all discipline will start from the lowest level in every instance. Discipline may be issued at a higher level. The seriousness of the incident will dictate at what level of the progressive discipline continuum the incident will fall. The following will all be taken into consideration in the administration of discipline; the seriousness of the incident, the circumstances surrounding the incident, the employee's past disciplinary records, the employee's past work performance, the overall negative impact on the organization the incident caused, and the prognosis for future similar problems.

- A. Upon conclusion of an investigation, if it is apparent that an employee is guilty of a rule violation, and disciplinary action is appropriate, discipline will be administered as follows:
1. **Counseling/Training** - If the employee misconduct is minor, consisting of only a minor procedural mistake or inappropriate judgment, employees, as a general rule, will be counseled or given appropriate training. Counseling/training is not considered discipline.
    - a. Not to exceed three repetitions within a one year period for the same violation.
    - b. Must be documented by the supervisor and retained by the supervisor for a minimum of one evaluation period.
    - c. Not considered a formal reprimand.
    - d. The Services Division shall be responsible for developing and conducting in-service training for Police Department employees designed to further their knowledge and understanding of proper and effective police methods and techniques. The training should foster positive and constructive techniques for improving employee productivity, effectiveness and morale. The Department may mandate remedial training for employees found to be deficient in some necessary skills.
  2. **Written Reprimand** - If the employee misconduct is serious, part of a continuing pattern of behavior involving repeated minor misconduct / mistakes, or there are more than three repetitions within a one year period for the same violation, employees as a general rule will be issued a written reprimanded. Written reprimands will contain charges (what rules have been violated) and specifications (description of the conduct that constituted the rule violation). Reprimands will be part of an employee's personnel file.
  3. **Loss of Accumulated Time** - If the employee misconduct is serious, or is part of a continuing pattern of behavior involving repeated serious misconduct, the employee may be recommended for loss of accumulated time. Recommendations for loss of accumulated time will be implemented according to

current Civil Service Rules and Regulations, and Kirkland Municipal Code Chapter 3.54. Loss of Accumulated Time will be part of an employee's personnel file.

4. **Recommendations for Suspension/Demotion** - If the employee misconduct is very serious, or is part of a continuing pattern of behavior involving repeated serious misconduct, employees may be recommended for suspension / demotion. Recommendations for suspension / demotion will be implemented according to current Civil Service Rules and Regulations, and Kirkland Municipal Code Chapter 3.54.
    - a. Recommendations for suspension or demotion will include charges and specifications for the particular offense. Suspensions/demotions will become a part of an employee's personnel file.
  5. **Recommendation for Dismissal** - If the employee misconduct is so serious that continued employment is no longer appropriate or is part of a continuing pattern of behavior involving repeated serious or very serious misconduct, employees as a general rule will be recommended for dismissal. Recommendations for dismissal will contain charges and specifications for the particular offense. Dismissals will be implemented according to current Civil Service Rules and Regulations, and Kirkland Municipal Code Chapter 3.54. Dismissals will be part of an employee's personnel file.
- B. Discipline is also subject to the collective bargaining agreements.

### 26.1.5 Supervisory Role and Authority

- I. The Chief of Police is appointed by the City Manager and approved by the City Council. The Police Chief's appointment and authority is listed in Kirkland Municipal Code 3.16.010 and 3.16.020. The Chief of Police has the power and authority to discipline members of the department for noncompliance with the rules, regulations, procedures, and lawful orders issued by him or any commanding officer.
  - A. Depending on the severity of the violation involved and the officer's past record, such action could include but not necessarily be limited to:
    1. Verbal Reprimand

2. Written Reprimand
3. Counseling (either internal or external)
4. Suspension without Pay
5. Loss of Pay or Privileges
6. Demotion
7. Termination of Employment

II. In the disciplinary process, the role of the supervisor is:

- A. To observe the performance, conduct and appearance of members, and detect those incidences when commendations or disciplinary actions are warranted;
- B. To investigate allegations of employee misconduct, when within the scope of their activity and responsibility;
- C. To recommend the most effective methods of discipline, taking into consideration the behavior history and personality traits of the personnel under their supervision;
- D. To implement the disciplinary action approved by the Chief of Police.

III. Supervisors or command officers, who personally observe employee misconduct, have the authority to exercise limited disciplinary action.

- A. If the misconduct is very minor, such as a minor mistake, departure from procedure, or the exercise of inappropriate judgment, the supervisor may take immediate corrective action in the form of coaching or counseling. Notification to a superior is optional. The employee's misconduct and the corrective action taken should be documented by the supervisor for a minimum of one evaluation period;
- B. If the misconduct is serious, and the supervisor believes that a written reprimand is appropriate, a memorandum explaining all of the details of the situation and outlining the supervisor's decision to reprimand, should be submitted to the supervisor's Division Lieutenant. A written reprimand should be prepared by the Division Lieutenant, and issued to the employee following review by the Chief of Police via the chain of command. Command officers, who are considering issuing a written reprimand, are strongly encouraged to internally confer with their superior prior to issuance of the reprimand to insure the appropriateness and consistency of their actions;

- C. If the misconduct is very serious and the supervisor believes that a suspension, demotion, or dismissal may be appropriate, a written memo should be completed and forwarded as a sealed document to the Division Lieutenant. The complaint is logged, and then assigned, per General Order 52.1;
  - 1. In these situations, supervisors should immediately, but internally, advise their superior of the circumstances surrounding the incident and any action they have taken;
  - 2. If a supervisor believes it is necessary to relieve a member from duty because the conduct observed is extremely serious, or the officer is unfit for duty due to intoxication or other reasons, supervisors may make an emergency suspension for up to one day with pay to allow the investigative process to begin and higher authority to be informed.
- D. The disciplinary process is also subject to the collective bargaining agreements.

**26.1.6 Discipline - Appeal Procedure**

- I. Written Reprimands are subject to the Grievance process according to General Order 25.1 and the collective bargaining agreements.
- II. With the exception of reprimands, a member shall have the right to appeal any disciplinary action imposed by the Chief of Police or his/her designee through the following:
  - A. Civil Service Commission as provided for in the Commission's Rules and Regulations, and Kirkland Municipal Code 3.54.070, or
  - B. Grievance Procedure as outlined in the collective bargaining agreements.

**26.1.7 Discipline - Dismissal**

- I. If an investigation of employee misconduct results in dismissal, the employee shall receive written notice which includes the following information:
  - A. Reason for dismissal (charges and specifications);
  - B. Effective date of dismissal;

- C. Status of fringe and retirement benefits after dismissal;
- II. In the case of discharges of probationers or other employees not covered by guild agreement or civil service, a pre-termination meeting with the departmental hiring authority is required to explain the reason for discharge and to allow the employee an opportunity to respond.
- III. The department will attempt to ensure employees who are discharged for poor performance are advised of their deficiencies through the performance/evaluation system before discharge, whenever possible.

### **26.1.8 Discipline - Records Retention**

- I. Personnel File
  - A. An employee's personnel file is the property of the employer.
  - B. Personnel files are confidential, but are subject to due process.
  - C. Contents of a personnel file may be released upon agreement between the employer and employee.
  - D. Any disciplinary action, such as suspension or written reprimand charges and specifications, will be entered in the concerned employee's personnel file.
  - E. Employees may review anything placed in their personnel file.
  - F. Records of disciplinary actions will be maintained in the employee's personnel file, in accordance with City of Kirkland Administrative Policy, Chapter 4, Policy 4-20 and the Collective Bargaining Agreement.
    - 1. A reprimands must contain a date when it is to be removed from the employee's personnel file. Otherwise the reprimand will be kept permanently in the employee's personnel file.



## **General Order No. 31.1**

### **SUBJECT: RECRUITMENT: ADMINISTRATIVE PRACTICES AND PROCEDURES**

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This order consists of the following numbered sections:

#### **31.1.1 Recruitment - Participation**

#### **31.1.2 Recruitment - Assignment**

#### **31.1.1 Recruitment - Participation**

- I. The Kirkland Police Department is committed to ensuring that professional law enforcement selection methods are incorporated into the hiring process.

The Kirkland Police Department utilizes a formal process for the selection of qualified applicants incorporating defensible minimum standards; job related written tests of mental ability and aptitude, physical agility or physical proficiency test, oral interview, in-depth background investigation, polygraph and/or CVSA (Computerized Voice Stress Analyzer) test, psychological examination, and medical examination.

- II. The major recruiting activities for all City of Kirkland employees are vested with and under the direction of the City of Kirkland Human Resources Department. Many aspects of the recruiting process require the active involvement of both departments to achieve the maximum benefits.
- III. The Services Captain is responsible to administer the recruiting program through the Training Unit, with the assistance of the Human Resources Department.

#### **31.1.2 Recruitment - Assignment**

- I. The recruitment function is the responsibility of the Services Captain. Recruiter training will be a mutual effort by the Police and Human Resources Departments. All personnel assigned to recruiting duties will be trained. The training will cover the following topics:
  - A. The Department's recruitment needs and commitments;
  - B. The Department's career opportunities, salaries, benefits, and training;
  - C. The EEO (Equal Employment Opportunity) and Civil Service compliance guidelines;

- D. The community and its needs (including demographic data, community organizations, educational institutions);
- E. Cultural awareness in different ethnic groups;
- F. Techniques of informal record keeping and systems for candidate tracking;
- G. The different components of the selection process, including; background investigations, polygraph/CVSA, psychological tests; and written, oral and physical agility examinations. ;
- H. Recruitment programs of other jurisdictions.
- I. Characteristics that may disqualify candidates.
- J. Medical requirements.



## **General Order No. 31.2**

### **SUBJECT: RECRUITMENT COOPERATIVE AGREEMENTS**

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This order consists of the following numbered sections:

- 31.2.1 Ethnic and Gender Representation**
- 31.2.2 Recruitment Plan**
- 31.2.3 Equal Employment Opportunity Plan**

#### **31.2.1 Ethnic and Gender Representation**

- I. The City of Kirkland is committed to be fair and impartial in all relations with employees and applicants for employment and to conduct all aspects of employment without regard to race, color, religion, gender, age, national origin or ethnic heritage, in accordance with Kirkland Municipal Code 3.80.020 (b).
- II. The City of Kirkland voluntarily established a recruitment plan to emphasize the City's commitment to compliance with the various federal and state laws regarding recruitment and equal employment opportunities.
- III. The City of Kirkland and the Kirkland Police Department is an Equal Opportunity Employer.
- IV. The City of Kirkland is committed to the goal of achieving a work force that is representative of our community. Our objective is to have a ratio of minority group employees in approximate proportion to the makeup of our community. The department has in place a federally approved affirmative action plan, in accordance with Kirkland Municipal Code 3.80.020 (b).

#### **31.2.2 Recruitment Plan**

- I. The City of Kirkland Human Resources Manager has the primary responsibility for maintaining and furthering the goals of the recruitment plan and equal employment opportunity.
- II. The City of Kirkland Recruitment Plan includes the following elements:
  - A. Statement of measurable objectives;
  - B. Plan of action designed to achieve the objectives identified in bullet (A);

- C. Procedures to evaluate the progress toward objectives every three years; and
- D. Revise/reissue the plan as needed.

### **31.2.3 Equal Employment Opportunity Plan**

- I. The City of Kirkland Recruitment Plan contains all elements required by equal employment opportunity (EEO) guidelines. The EEO Plan contains specific action steps the City of Kirkland takes to ensure equal employment opportunity is a reality, including advertising as an "equal opportunity employer".
- II. The EEO plan assures equal opportunities for employment to minorities and women. This commitment is reflected by the Kirkland Police Department's history of employing minorities and women.



## **General Order No. 31.3**

### **SUBJECT: RECRUITMENT COMMUNITY OUTREACH**

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This order consists of the following numbered sections:

- 31.3.1 Job Announcements - Content**
- 31.3.2 Job Announcements - Postings**
- 31.3.3 Employment Applications - Acknowledgement**
- 31.3.4 Employment Applications - Rejection**

#### **31.3.1 Job Announcements - Content**

- I. Posting job announcements for all employee positions within the Kirkland Police Department is the responsibility of the City of Kirkland Human Resources Department.
- II. The Kirkland Police Department conducts a continuous hiring process. The job announcement is placed on the City of Kirkland website.
  - A. The job announcement will include statements on the following items:
    - 1. Class Title for which applications are being solicited;
    - 2. Pay grade of the class;
    - 3. Duties, responsibilities and minimum qualification requirements of the class;
    - 4. Identification of the parts of the examination to be used to measure qualification;
    - 5. Time and place of scheduled examination;
    - 6. Period during which applications can be filed with the City Human Resources Department.
  - B. Entry level job vacancies are advertised through electronic, print or the mass media. Notice of the City's need for applicants will be posted in the City Human Resources Department and the City Website. Notice of the City's need may also be published in a newspaper of general circulation.

- C. All City of Kirkland employment applications and recruitment announcements will contain the phrase "Equal Opportunity Employer".
- D. The Kirkland Police Department's job announcements and recruitment notices will advertise official application filing deadlines. Notice of the City's need for applicants will be publicized at least two weeks prior to the official application filing deadline.

### **31.3.2 Job Announcements - Postings**

- I. The Police Department, working with the Human Resources Department, shall make job announcements available for positions in the Police Department to community service organizations.
  - A. Community service organizations are in contact with individuals who are likely subjects for recruitment. Additionally, the Department will achieve broader dissemination and greater exposure of recruitment information.
  - B. A list of organizations receiving job announcements will be developed and updated by the Human Resources Department.
- II. The Police Department will seek recruitment assistance, referrals, and advice from community organizations and key leaders. The Department also recognizes the positive value of such information, and solicits this input on a continuing basis.
  - A. The flow of information may be facilitated by both formal and informal contact with community organizations in which department employees are actively involved. The Services Division will maintain a list of all organizations that departmental personnel are actively involved with, as well as all other organizations which may be able to provide recruitment assistance.

### **31.3.3 Employment Applications - Acknowledgement**

- I. Coordination of all applicant contacts will be shared with the City of Kirkland Human Resources Department. Contact with applicants from initial application to final employment disposition includes the following:
  - A. Acknowledged receipt of all employment applications;
  - B. Periodically informing applicants of the status of their applications;

- C. Documentation and logging of all applicant contacts.

#### **31.3.4 Employment Applications - Rejection**

- I. Applications for positions within the Police Department will not be rejected because of omissions or errors that can be corrected or rectified to the Department's satisfaction prior to the testing or interview process.



## **General Order No. 32.1**

### **SUBJECT: SELECTION PROFESSIONAL AND LEGAL REQUIREMENTS**

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This order consists of the following numbered sections:

- 32.1.1 Selection – Process**
- 32.1.2 Selection – Job Relatedness**
- 32.1.3 Selection – Validation**
- 32.1.4 Selection – Candidate Notification**
- 32.1.5 Selection – Ineligible Candidates**
- 32.1.6 Selection – Records**
- 32.1.7 Selection – Security / Disposal**
- 32.1.8 Selection – Conditional Job Offer**

#### **32.1.1 Selection - Process**

- I. The Kirkland Police Department, in cooperation with the Human Resources Department, will maintain current manuals that describe the selection process. Included are manuals of:
  - A. Civil Service Rules;
  - B. City of Kirkland Administrative Policy Manual;
  - C. Revised Code of Washington;
  - D. Any other manual particularly describing the selection process.

These manuals are designed to describe the selection process in detail and include timetables, the order of events, administration, scoring, interpretation of test results, and other pertinent information. These manuals are maintained by the Services Division.

#### **32.1.2 Selection - Job Relatedness**

- I. The selection process shared by the Police Department, the Human Resources Department, and Civil Service uses only those rating criteria or minimum qualifications that are job related and have been documented as having validity and utility. The elements of the selection process measure skills, knowledge, abilities, and traits needed to perform that particular job.
- II. The validity of the selection process is determined in one or more of the following ways:
  - A. Criterion related validation
  - B. Construction validation

C. Content validation

Criterion related validation is the process utilized by the Human Resources Department and Civil Service Commission. The Human Resources Department does not conduct validation studies but utilizes results from the test companies.

### **32.1.3 Selection - Validation**

- I. The selection process for police and corrections officers is comprised of many elements. These include; a written test, physical agility examination, oral interview, background investigation, polygraph and/or CVSA (Computerized Voice Stress Analyzer) examination, psychological examination, and physical examination. All elements of the selection process will be administered, scored, evaluated and interpreted in a uniform manner.

The selection process for all other non-sworn full-time positions is comprised of many elements. These include; an oral interview, background investigation, polygraph and/or CVSA (Computerized Voice Stress Analyzer) examination, medical examination and psychological examination. All elements of the selection process will be administered, scored, evaluated and interpreted in a uniform manner.

II. Police Officers and Corrections Officers

- A. Written Test - Applicants who meet the minimum requirements will be invited to take the written test. Written test results above the passing point will be used to form a baseline register from which candidates will be chosen to advance in the testing process. A candidate's written test score will be considered valid for one year following the test date. When this year expires, a candidate's name will be removed from the written test register.
- B. Physical Agility Examination – All applicants that pass the written test progress on to take the physical agility test. Candidates must pass all of the physical agility requirements. Failure on any one section of the test constitutes failure of the entire test. Minimum requirements are set forth by the Washington State Criminal Justice Training Commission and are published on their website.
- C. Oral Interview - Candidates who successfully pass the physical agility test will be scheduled for an oral board interview. Immediately prior to the interview, candidates will complete a criminal background questionnaire and a personal history statement. The oral board

interview will consist of a set of standardized questions and scenarios. Applicants' scores above the passing point of the oral board interview will be used to establish their ranking on an eligibility list. A candidate will remain on the eligibility list until their name expires from the written test register. The Chief of Police selects candidates from the top twenty-five percent of the list with the minimum rule of three.

#### **32.1.4 Selection - Candidate Notification**

- I. At the time of formal application, candidates will be informed through the job announcement and literature provided, as described in General Order 31.3.1 of:
  - A. All the elements of the selection process;
  - B. The expected duration of the selection process;
  - C. The policy on reapplication, retesting, and reevaluation of candidates not approved.
- II. It shall be the policy of the Police and Human Resources Departments to allow reapplication, retesting and reevaluation for those candidates not appointed to probationary status during the next recruitment effort, unless the condition(s) which previously eliminated them from appointment are of a nature that another rejection is assured (i.e., criminal background).

#### **32.1.5 Selection - Ineligible Candidates**

- I. Candidates determined to be ineligible for appointment on the basis of a single test, examination, interview, or investigation are informed in writing of such a decision within 30 calendar days by the Human Resources Department.

#### **32.1.6 Selection - Records**

- I. City of Kirkland Civil Service Records Retention Procedures establishes guidelines for the retention and destruction of records and material relating to civil service recruitment, selection, testing and other files.
- II. The City of Kirkland will comply with all federal, state and local requirements for the privacy, security and access to information of all candidates' records and data.

#### **32.1.7 Selection - Security / Disposal**

- I. Selection materials used by the Police Department, the Civil Service Commission, or the Human Resources Department will be stored in a secure area when not being used. Access to the materials will be permitted only to those City and departmental employees who are involved in administering the selection process.
- II. Selection materials will be disposed of by shredding, to prevent disclosure of the information they contain. Materials to be destroyed by the Human Resources Department will be monitored as directed by the Human Resources Director or his/her designee. Materials to be destroyed by the Police Department will be monitored as directed by the Services Division Captain or his/her designee.

### **32.1.8 Selection – Conditional Job Offer**

- I. Police Officers and Corrections Officers
  - A. Based upon the eligibility list, candidates may be given a conditional job offer to fill current or projected departmental openings. The conditional job offer is contingent on the candidate passing a polygraph/CVSA test, a background investigation, a medical exam, and a psychological evaluation. Candidates who meet Kirkland Police Department criteria on these evaluations will pass to the entry level probationary police officer status with the Kirkland Police Department.
- II. Non-commissioned personnel
  - A. Based upon the eligibility list, non-commissioned candidates may be given a conditional job offer to fill current or projected departmental openings. The conditional job offer is contingent on the candidate passing a polygraph/CVSA test, a background investigation, and a psychological evaluation. Candidates who meet Kirkland Police Department criteria on these evaluations will pass to the entry level probationary police officer status with the Kirkland Police Department.



## **General Order No. 32.2**

### **SUBJECT: SELECTION ADMINISTRATIVE PRACTICES AND PROCEDURES**

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This order consists of the following numbered sections:

- 32.2.1 Background Investigations**
- 32.2.2 Backgrounds - Investigator Training**
- 32.2.3 Backgrounds - Records**
- 32.2.4 Polygraph - Pre-employment**
- 32.2.5 Polygraph - Examiner Qualifications**
- 32.2.6 Polygraph - Use of Results**
- 32.2.7 Medical Examination - Pre-employment**
- 32.2.8 Psychological Fitness - Pre-employment**
- 32.2.9 Pre-employment Examinations - Records**
- 32.2.10 Probation - Entry Level, Lateral & Non-sworn**

#### **32.2.1 Background Investigations**

- I. A background investigation of each candidate will be conducted prior to appointment to probationary status. Whenever practical, the investigation should be done in person, and should include a home visit of the candidate's family, as well as interviews with neighbors, employers and fellow employees.
- II. The background investigation will include the:
  - A. Verification of the candidate's qualifying credentials, including:
    - 1. Review of criminal history, if any;
    - 2. Verification of at least three personal references;
    - 3. Interviews with current and previous employers;
    - 4. Educational achievement;
    - 5. Age;
    - 6. Citizenship;
    - 7. Interviews with current and previous landlords;
    - 8. Credit history;

9. Polygraph/CVSA;
10. Psychological;
11. Medical examination;
12. AFIS Check of fingerprints.

### **32.2.2 Backgrounds - Investigator Training**

- I. All background investigators will be given any necessary training to accomplish the objective. This training will be provided under the direction of the Services Captain.

### **32.2.3 Backgrounds - Records**

- I. The record of each non-selected candidate's background investigation will be maintained on file for an indefinite period of time by the City of Kirkland Human Resources Department.
- II. Candidates who are granted probationary status and/or subsequent permanent status will have their background investigation maintained on file by the City of Kirkland Human Resources Department for at least six years after termination of employment as stated in RCW 40.14.070 and WAC 414.24.050.

### **32.2.4 Polygraph/CVSA - Pre-employment**

- I. Candidates who are scheduled for polygraph/CVSA examinations will be provided with a list of areas from which polygraph/CVSA questions will be drawn, just prior to and at the location of the test.
- II. For candidates to give their informed consent, it is reasonable for them to know the full nature and extent of the inquiry. Relevant questions that will have a bearing on the selection decisions will allow for a better understanding of what is going to be asked of them.
- III. The Human Resources Department will publish a notice of Polygraph/CVSA Testing as part of pre-employment.

### **32.2.5 Polygraph/CVSA - Examiner Qualifications**

- I. The polygraph/CVSA operator administering the examination and evaluating the results in the selection process will have professional training and credentials in the use and interpretation of this investigative tool.

### **32.2.6 Polygraph/CVSA - Use of Results**

- I. Polygraph/CVSA examination results will not be the single determinant of employment status. The polygraph/CVSA is only an investigative aid. Polygraph/CVSA results together with other information from background investigation are analyzed to make pre-employment decisions.

### **32.2.7 Medical Examinations - Pre-Employment**

- I. A medical examination of each candidate will be conducted prior to appointment to probationary status, using valid, useful, and nondiscriminatory procedures. The purpose of the examination is to reveal any medical problems which may affect work performance or contribute to work related disabilities.
- II. The following examinations are generally performed for all sworn officers:
  - A. Medical history;
  - B. Anatomic examination;
  - C. Hearing test;
  - D. Vision test;
  - E. Blood pressure;
  - F. Urinalysis for drug screening only;
  - G. Blood test for HIV testing only;
  - H. EKG, administered only if above tests indicates a need;
  - I. X-ray, administered only if above tests indicates a need;
  - J. And any other necessary examinations needed to determine if the candidate is qualified.

- III. All civilian employees will be given a thorough general medical examination which will include urinalysis and x-rays (if the general medical examination indicates a need).
- IV. Only licensed physicians will be used to certify the general health of candidates. The comprehensive medical examination given to candidates recommended for hiring will include a summary of defects and diagnosis, (if any) will be supplied to the candidate by the licensed physician indicating whether candidate is qualified or not.

### **32.2.8 Psychological Fitness - Pre-employment**

- I. A psychological examination designed to assess the emotional stability and psychological fitness of each candidate will be conducted prior to appointment to probationary status, using valid, useful, and nondiscriminatory procedures.
- II. The assessments are conducted by licensed psychologists who have been certified by The American Psychological Association, receive their degrees from universities recognized by the United States Council of Higher Education, and have a pre- or post-doctoral specialty in Law Enforcement Psychology.
- III. The assessments will conform to the following:
  - A. Federal law – Americans with Disabilities Act,
  - B. Washington State Law – RCW 18.83 and RCW 43.101.095 (2) (i), and
- IV. The psychologist's final report will indicate strengths and weaknesses of each candidate. The overall recommendation will indicate a psychological pass or psychological fail, and candidates with a psychological pass will also be placed into rankings (A, B, C, etc.)

### **32.2.9 Pre-Employment Examinations - Records**

- I. A record of the results of the medical examination, emotional stability, and psychological fitness examination will be retained in the confidential, secure City of Kirkland Human Resources files for the following time periods:
  - A. The record of each non-selected candidate's background investigation will be maintained on file for an indefinite period of time by the City of Kirkland Human Resources Department.

- B. Candidates who are granted probationary status and/or subsequent permanent status will have their background investigation maintained on file by the City of Kirkland Human Resources Department for at least six years after termination of employment as stated in RCW 40.14.070.

### **32.2.10 Probation - Entry Level, Lateral & Non-sworn**

- I. The periods of probation shall be in accordance with Civil Service Regulations and Police Guild Contracts.
  - A. The probationary period for newly hired entry level police officers will be a total of fifteen (15) months from the date of hire.
  - B. The probationary period for newly hired lateral entry police officers, who do not attend the 720 hour Academy, will serve a probationary period of twelve (12 ) months from date of hire.
  - C. The probationary period for non-sworn positions shall not exceed 12 months, unless extended due to performance issues. See below.
- II. The Kirkland Police Civil Service Rules and Regulations may grant a 6 month extension of the probationary period upon recommendation of the Chief of Police.



## **General Order No. 33.1**

### **SUBJECT: TRAINING ORGANIZATION AND ADMINISTRATION**

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This order consists of the following numbered sections:

- 33.1.1 Training - Committee**
- 33.1.2 Training - Function**
- 33.1.3 Training - Reimbursement**
- 33.1.4 Training - Lesson Plans**
- 33.1.5 Training - Remedial**
- 33.1.6 Training - Employee Records**
- 33.1.7 Training - Class Records**
- 33.1.8 Training - Attire**

#### **33.1.1 Training - Committee**

- I. A committee of three personnel will be established for the purpose of assisting in developing and evaluating training needs of the Department. Their input will be representative of their respective departmental component. These representatives will be command officers from the Operations and Services Divisions.
- II. Committee members will be appointed by the Chief of Police
- III. The Training Committee will meet with the Training Officer as needed, but not less than once a year. The meeting will focus on problems and ideas that relate to the goals of the training function.

The Committee's suggestions, coupled with the experience of the Training Officer should identify precise training needs.

- IV. The Training Committee members should solicit suggestions from those they represent. Ideas and suggestions should be discussed and recommendations made based on the merits of the suggestions, and the training need. Barring budgetary limitations, the recommendations of the Committee will have significant impact on training programs.
- V. The Training Committee will submit a report of their recommendations to the Services Captain after completion of each meeting.

**33.1.2 Training - Attendance**

- I. The Training Officer will publish a yearly mandatory in-service training calendar. Officers attending optional training courses will be given advanced written notice and will be scheduled to attend the optional training.
- II. All sworn personnel are required to participate in a minimum of 40 hours each calendar year of training. Non-sworn personnel are also encouraged to participate in a minimum of 40 hours annually. Attendance rosters will be completed on all department sponsored training. Attendance will be tracked and maintained by the Training Officer. At least quarterly, employee training hours will be reported to Command Staff for monitoring.
- III. In-service training is mandatory. Sign-up and attendance at training is the responsibility of the affected employee. Exceptions will be allowed on a case-by-case basis, with supervisor approval, and with arrangements for makeup training. Exceptions may be allowed for:
  - A. Personnel with prior vacation approval.
  - B. Reasonable excuses, such as illness, personal emergency, police business emergency, court appearances, etc.
  - C. Unreasonable excuses or failure to sign up or appear for scheduled training will be forwarded to Command Staff.

**33.1.3 Training - Reimbursement**

- I. The Department training budget provides for travel and training costs for authorized training registration fees, and other authorized training costs, which include mileage, meals, housing, books, or materials in compliance with the City of Kirkland Administrative Policy, Chapter 3, Policy 3-2.
  - A. If a meal is included as part of a conference or seminar registration, the per diem amount for that meal is deducted from the daily rate. (For example, per diem less lunch: \$37.00 - \$11.00 = 26.00).
  - B. Employees will be authorized a per diem allowance according to current rates. The per diem is intended to cover the cost of meals and gratuities. Meal expense receipts are not required when the per diem allowance is used.

- C. If unusual circumstances result in meal costs exceeding per diem allowance, the Chief of Police may authorize the expenses with proper receipts for the full amount of all meals.

#### **33.1.4 Training - Lesson Plans**

- I. Lesson plans will be developed for all training courses conducted by the Department, and required of all departmental and non-departmental instructors. The Training Officer is responsible for reviewing lesson plans developed by the instructors. Lesson plans will ensure that the subject is covered completely and accurately, and will include the following:
  - A. A statement of performance and job-related objectives;
  - B. Content of training and specification of the appropriate instructional technique, such as lecture, group discussion, panels, or seminar.
- II. Lesson plans will be submitted to the Training Officer for review prior to the training. These lesson plans will also be reviewed by the Training Committee. Upon review, the lesson plan will be forwarded to the Chief of Police, via chain of command, for approval. A copy of all current approved lesson plans shall be maintained by the Training Officer.
- III. Most training will incorporate tests to measure participant knowledge of performance objectives covered during the training. Test development should be a cooperative effort between the instructor and the Training Officer. The test questions and format will be included in the lesson plan, subject to the approval of the Services Captain.

#### **33.1.5 Training - Remedial**

- I. Remedial training is individualized instruction used for specific deficiencies in personnel. Generally, the need for remedial training is recognized during routine supervisory evaluation during training, evaluation during routine job performance, or during inspection.
- II. Training and proficiencies that are mandated by state law or Department directives will require remedial training if failed. Proficiencies such as weapon firing, baton techniques, and driving skills that are unsatisfactorily performed will require remedial training. Essentially, any aspect of law enforcement that incurs liability because of a lack of proper training will require remedial training, if failed by the employee.

- III. Remedial training will be made available by the Training Officer, or his/her designee, as the need arises. Completion of the training will be accomplished as soon as possible after the deficiency is observed.
- IV. Personnel designated to receive remedial training are required to attend the appropriate classes.
  - A. Failure of these personnel to participate will be reported to the Chief of Police, via chain of command. Disciplinary action may result.
  - B. Failure of these personnel to meet the minimum passing requirements will be reported to the Chief of Police, via chain of command. The Chief of Police will determine if further actions are required. This may include additional training.
    - 1. Failure of training that is mandated by state law or Department directives may result in dismissal.

#### **33.1.6 Training - Employee Records**

- I. Any training **received** by personnel will be maintained in training records by the Training Officer.
- II. Training records include:
  - A. Name
  - B. Course title, where/when attended
  - C. Hours of instruction
  - D. Scores of pass / fail / grade, if tested
  - E. Copies certificates issued
  - F. Instructor
- III. Training records will be updated following participation in training programs by the Training Officer.

#### **33.1.7 Training - Class Records**

- I. The Training Officer will maintain records of training **conducted** by the Department.

- II. Training records of the classes include:
  - A. Course content/title and lesson plans
  - B. Names of attendees
  - C. Individual results of any tests administered

### **33.1.8 Training - Attire**

- I. Employees who are attending training, either internally or outside of the Department, are expected to represent the Department in a professional manner and present the best image possible.
  - A. No jeans of any type will be worn to any training class, either internal or external.
  - B. Employees are to dress in casual business attire or upwards from that standard.
  - C. The only exception to this will be on a case by case basis where the training course would require a different type of attire. Any exceptions are to be pre-approved by the employee's supervisor.



## **General Order No. 33.2**

### **SUBJECT: ACADEMY ADMINISTRATION**

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This order consists of the following numbered sections:

- 33.2.1 N/A**
- 33.2.2 N/A**
- 33.2.3 Academy - Administration**
- 33.2.4 (Reserved)**
- 33.2.5 Academy - Agency Specific Training**

#### **33.2.3 Academy - Administration**

- I. The Washington State Criminal Justice Training Commission is responsible, by state statute, RCW 43.101.200, for the development and implementation of training programs designed to upgrade the level of competency of criminal justice personnel. The Commission is committed to providing high quality training programs which reflect the needs of criminal justice agencies throughout the state. The Commission and the staff exist as a resource to agencies in the development of criminal justice personnel.
- II. The Kirkland Police Department, through the Services Division, maintains liaison with the State Criminal Justice Training Center, and provides feedback as appropriate.
- III. The Kirkland Police Department, upon the request of the Commission, will provide instructors and other resources to the Academy. Such requests are dependent upon financial and staff considerations.
- IV. The Kirkland Police Department assumes all normal liabilities for its employees being trained at outside academies.

#### **33.2.4 (Reserved)**

#### **33.2.5 Academy - Agency Specific Training**

- I. The state-sponsored academy training does not address policies or issues which are specific to the Kirkland Police Department.
  1. Police Officers – All relevant departmental standards, policies, rules, regulations, etc., are covered in the Police Training Officer's (PTO) Manual.

2. Corrections Officers – All relevant departmental standards, policies, rules, regulations, etc., are covered in the Field Training Officer's Manual.
- 
- II. All newly hired police officers are required to successfully complete the PTO Program and newly hired corrections officers are required to successfully complete the FTO Program. This exists in addition to the State Academy and/or the equivalency process.



## **General Order No. 33.3**

### **SUBJECT: TRAINING INSTRUCTION**

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This order consists of the following numbered sections:

#### **33.3.1 Training - Training Officer / Instructor Training**

##### **33.3.1 Training Officer Training / Instructor Training**

- I. All Department personnel, who are selected or designated as instructors, will receive the following training:
  - A. Lesson plan development;
  - B. Performance objective development;
  - C. Instructional techniques;
  - D. Testing and evaluation techniques;
  - E. Resource availability and use.
- II. The Training Officer is responsible for ensuring that Training Instructors receive the above training. This training will be conducted in conjunction with the Washington State Criminal Justice Training Commission and/or private enterprise.
- III. The Training Instructors should periodically receive updated training in connection with section (I) (A-E).
- IV. The Kirkland Police Department will review the needs of the department and give consideration to the recertification requirements of the Training Instructors who have obtained their initial certification by the Washington State Criminal Justice Training Commission.



## **General Order No. 33.4**

### **SUBJECT: RECRUIT TRAINING**

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This order consists of the following numbered sections:

- 33.4.1 Training - Entry Level Required**
- 33.4.2 Academy - Curriculum, Evaluation**
- 33.4.3 Training - Field Training Programs**
- 33.4.4 Training - Lateral Entry**

#### **33.4.1 Training - Entry Level Required**

- I. All newly sworn personnel will successfully complete basic recruit training in accordance with the rules and regulations of the Washington State Training Commission.
- II. This will be accomplished prior to any assignment in any capacity in which the officer is allowed to carry a firearm, or is in a position to make an arrest except as part of a formal field training program.

#### **33.4.2 Academy - Curriculum, Evaluation**

- I. Recruit training will include a curriculum based on job-task analysis of the most frequent assignments of officers who complete recruit training such as report writing, field interrogation, and traffic enforcement.
- II. Recruit training will include the use of evaluation techniques designed to measure competency in the required knowledge, skills, and abilities, such as practical exercises, written tests, and field observation.
- III. The minimum length and intensity of training will be based on job-task analysis as measured by competency-based testing determined by the training academy being attended.

#### **33.4.3 Training - Field Training Programs**

- I. The Kirkland Police Department provides two field training programs as follows:

##### **PTO (Police Training Officer) Program**

- A. Upon completion of the Criminal Justice Training Commission Basic Law Enforcement Academy, sworn recruits must successfully complete the fifteen (15) week PTO (Police Training Officer) Program.
- B. Openings for PTO will be posted listing the position and requirements needed to fill the vacancy. This posting will be made at least two weeks prior to the oral board.
  - 1. An oral board convened by the Services Lieutenant will interview prospective candidates for selection to PTO.
    - a. The panel will consist of the Services Lieutenant, PTO Coordinator, and a supervisor appointed by the Services Lieutenant.
  - 2. The panel will submit the results with their recommendations via the chain-of-command and is subject to approval of the Chief of Police.
- C. The PTO Coordinator is responsible for the first level supervision of PTOs, in connection with Police Training Program concerns.
- D. The PTO Coordinator will maintain liaison with the Criminal Justice Training Commission academy staff.
- E. PTOs receive state-approved instruction. In-service training for the PTOs is the responsibility of the PTO Coordinator.
- F. A recruit's field assignments are rotated through different Police Training Officers.
- G. PTOs will follow the Learning Matrix Core Competencies for the evaluation of recruits when completing Coaching and Training Reports (CTR), Mid-Term, and Final evaluations.
- H. The PTO Coordinator will meet regularly with PTOs, and is responsible for the supervision of all PTOs. The PTO Coordinator also establishes and maintains PTO reporting responsibilities.
  - 1. PTOs report to the PTO Coordinator for PTO Program concerns.
  - 2. The PTO Coordinator reports to the Services Lieutenant.

3. The Services Lieutenant reports to the Services Captain on all issues regarding Police Training Officer Program.
5. Biweekly observation reports will be submitted by the trainee's Shift supervisor.
  - a. This report will be a narrative of observations.
  - b. The supervisor will review this report with the trainee and assigned PTO. The original signed copy will be forwarded to the Police Training Coordinator.

### **FTO (Field Training Officer) Program**

- A. Non-sworn employees must successfully complete the fourteen (14) week FTO (Field Training Officer) Program for positions in Corrections.
- B. Openings for FTO will be posted listing the position and requirements needed to fill the vacancy. This posting will be made at least two weeks prior to the oral board.
  1. An oral board convened by the Services Lieutenant will interview prospective candidates for selection to FTO.
    - a. The panel will consist of the Services Lieutenant, FTO Coordinator, and a supervisor appointed by the Services Lieutenant.
  2. The panel will submit the results with their recommendations via the chain-of-command and is subject to approval of the Chief of Police.
- C. The FTO Coordinator is responsible for the first level supervision of FTOs, in connection with Field Training Program concerns.
- D. The FTO Coordinator will maintain liaison with the Criminal Justice Training Commission academy staff.
- E. FTOs receive state-approved instruction. In-service training for the FTOs is the responsibility of the FTO Coordinator.
- F. A recruit's field assignments are rotated through different FTOs, in accordance with the state-approved instruction.

- G. FTOs will follow the Standardized Evaluations Guidelines for the evaluation of recruits when completing daily observation reports (DOR).
- H. The FTO Coordinator will meet regularly with FTOs, and is responsible for the supervision of all FTOs. The FTO Coordinator also establishes and maintains FTO reporting responsibilities.
  - 1. FTOs report to the FTO Coordinator for FTO Program concerns.
  - 2. The FTO Coordinator reports to the Services Lieutenant.
  - 3. The Services Lieutenant reports to the Services Captain on all issues regarding the Field Training Program.
  - 4. Daily Observation Reports will be completed at the end of all shifts and forwarded in the following manner:
    - a. Trainee
    - b. FTO
    - c. Trainee's Supervisor
    - d. FTO Coordinator
    - e. Services Lieutenant
    - f. Training Officer – original to be filed in training files.
  - 5. Biweekly observation reports will be submitted by the trainee's Shift supervisor.
    - a. This report will be a narrative of observations.
    - b. The supervisor will review this report with the trainee and FTO.

#### **33.4.4 Training - Lateral Entry**

- I. All newly hired Lateral Entry officers must:
  - A. Have completed a Basic Law Enforcement Academy at the Washington State Criminal Justice Training Commission Academy, or
  - B. Have completed a state certified Basic Law Enforcement Academy, and

- C. Complete a Basic Law Enforcement Equivalency Academy at the Washington State Criminal Justice Training Commission Academy.
- II. All newly hired Lateral Entry officers must successfully complete the eight week PTO Program.



## **General Order No. 33.5**

### **SUBJECT: IN-SERVICE, SHIFT BRIEFING, AND ADVANCED TRAINING**

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This order consists of the following numbered sections:

- 33.5.1 Training - Annual In-Service Training**
- 33.5.2 Training - Shift Briefing**
- 33.5.3 Training - Accreditation**
- 33.5.4 Accreditation Manager Training**

#### **33.5.1 Training - Annual In-Service Training**

- I. All sworn personnel will complete an annual in-service training program to ensure department personnel are kept up-to-date with new laws, technological improvements, and revisions in department policy, procedures, rules and regulations. Annual in-service training is in addition to Recruit, Shift briefing, Specialized, and Advanced training. The intent of the in-service training program is to:
  - A. Motivate experienced officers.
  - B. Further the professionalization of the department.
- II. Every regular officer having responsibility for the enforcement of criminal laws in general will annually complete at least forty hours of in-service training beyond that routinely provided in shift briefing.
- III. The Department's annual in-service training program is assigned to the Training unit of the Services Division. Development and oversight of the annual in-service training program is the responsibility of the Services Captain.
- IV. It is the responsibility of each supervisor to ensure that all assigned personnel receive the necessary annual training.
- V. Annual in-service training may include a review of the following topics:
  - A. Review of agency policy, procedures, and rules and regulations;
  - B. Review of statutory or case law affecting law enforcement operations, with emphasis on changes.
  - C. Review of the functions of agencies in the local criminal justice system.

- D. Exercise of discretion in the decision to invoke the criminal justice process.
  - E. Review of interrogation and interviewing techniques.
  - F. Use of force policy, including the use of deadly force.
  - G. Emergency medical services.
  - H. Review of performance evaluation system.
  - I. New or innovative investigative techniques or methods.
  - J. Hazardous materials incidents.
  - K. Contingency plans relating to unusual occurrences.
  - L. Crime prevention policies, procedures and activities.
  - M. Collection and preservation of evidence.
  - N. Report writing and records systems procedures.
  - O. Victim/witness rights, policies, and procedures.
- VI. In addition, in-service training may be used to supplement or provide:
- A. Promotional training:
    - 1. Information included with in-service training should be included on promotional examinations.
  - B. Training prior to assignment to a specialty assignment.
  - C. Supervisory, management, or executive development.

### **33.5.2 Training - Shift briefing**

- I. Shift briefing training is used to supplement in-service training and keep officers up-to-date between formal in-service training sessions. Patrol supervisors are responsible to see that shift briefing training is utilized on a monthly basis, in addition to the usual responsibilities of shift briefing as specified in G.O. 41.1.3.

The Training Officer will provide the Operations Division a list of topics that should be covered during shift briefing training. Supervisors are encouraged to assign members of their watch to research and conduct this shift briefing training where appropriate. Supervisors are responsible for planning, scheduling, and evaluating the shift briefing training. The shift briefing topic and dates training was given will be included in the supervisor's monthly report.

### **33.5.3 Training - Accreditation**

- I. Familiarization with accreditation is provided to department personnel as follows:
  - A. To all newly hired personnel, during their orientation, to provide a historic perspective and emphasize the importance of accreditation to the department;
  - B. To all personnel during the self-assessment phase associated with each re-accreditation;
  - C. To all personnel just prior to an on-site assessment associated with each re-accreditation.
  
- II. Familiarization will include:
  - A. Issuance of the new employee's General Orders manual. The employee's supervisor is responsible to instruct, train, and forward proof of compliance to the Training Officer.
  - B. Scheduling the new employee to meet with the Accreditation Manager. The employee's supervisor is responsible to ensure this is scheduled.
  - C. May include periodic manual updates, memos, in-service training, and periodic staff attendance at Northwest Police Accreditation Coalition meetings.

### **33.5.4 Accreditation Manager Training**

- I. Employees assigned to the position of accreditation manager shall receive specialized accreditation manager training within one year of being appointed.



## **General Order No. 33.6**

### **SUBJECT: SPECIALIZED TRAINING**

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This order consists of the following numbered sections:

- 33.6.1 Training - Specialized**
- 33.6.2 Training - SRT (Special Response Team)**
- 33.6.3 Training - CNT (Crisis Negotiations Team)**
- 33.6.4 Training - Ongoing Training**

#### **33.6.1 Training - Specialized**

- I. Kirkland Police Department provides positions for assignments requiring additional specialized skills and training particular to the needs of the position. Such positions requiring specialized training within the Department include:
  - A. Detective
  - B. K-9 Officer
  - C. Field Training Officer & Police Training Officer
  - D. Traffic Officer
- II. Training for specialty positions will include:
  - A. On-the-job training provided by the agency, training mandated for certification, and training deemed necessary by the Kirkland Police Department for the development and enhancement of the skills, knowledge, and abilities particular to the specialization.
  - B. Training for recertification as required and refresher training as necessary for the specialization.
- III. Personnel assigned to specialty assignments should regularly be provided refresher training. This is provided for in General Order 33.5.1.
- IV. Pre-service and ongoing training for civilian personnel is provided for in General Order 33.7.2.

#### **33.6.2 Training - SRT (Special Response Team)**

- I. The Kirkland Police Department has a part-time tactical team. All personnel assigned to the team receive training on a monthly basis to practice their

skills and develop their abilities to function effectively as a team. Operational simulations are regularly included in the training. Training requests will be forwarded to the assigned Lieutenant for approval.

- A. It is the responsibility of the SRT Team Leader to ensure all tactical training is attended, documented and records forwarded to the Training Officer.

II. Required Training:

- A. Each new team member assigned to the unit will attend a Washington State Criminal Justice Training Commission Certified Basic SWAT course as soon as possible after assignment. Newly assigned team members shall only be utilized in a limited capacity until completion of Basic SWAT.
- B. The SRT leader for the department shall ensure that assigned team members have received documented user training for their assigned long guns, assigned handgun, chemical agents, and diversion devices.
- C. The SRT Team Leader will document all training attended by team members. Completed documents shall be submitted to the department Training Officer for retention. Training records shall list the date of training, hours of instruction, team members attending, and instruction topics/outlines.

**33.6.3 Training - CNT (Crisis Negotiations Team)**

- I. The Kirkland Police Department has a part-time crisis negotiations team. The crisis negotiations team will conduct routine training sessions as defined by the assigned Lieutenant. Training requests will be forwarded to the assigned Lieutenant for approval.

- A. It is the responsibility of the CNT Team Leader to ensure all training is attended, documented and records forwarded to the Training Officer.

II. Crisis Negotiations Team

- A. Each new team member assigned to the unit will attend a Washington State Criminal Justice Training Commission's Certified Basic Hostage Negotiation course as soon as possible after assignment. New team members will only be utilized in a limited capacity until completion of the Basic Negotiation course.

- B. The team leader will document all training attended by team members. Completed documents shall be submitted to the department Training Officer for retention. Training records shall list the date of training, hours of instruction, team members attending, and instruction topics/outlines.

#### **33.6.4 Training - Ongoing Training**

- I. Kirkland Police Department provides positions for assignments requiring additional skills and training particular to the needs of the position. Such positions requiring training within the Department include:
  - A. Detective Corporal
  - B. Narcotic Detective
  - C. Administrative Corporal
  - D. Traffic Officer
  - E. Bicycle Patrol Officer
  - F. Training Officer
  - G. Neighborhood Resource Officer
  - H. School Resource Officer
  - I. Crime Prevention Officer
  - J. Family Violence Detective
  - K. Special Response Team (SRT) Officer
  - L. Crisis Negotiations Team (CNT) Officer
  - M. Firearms Instructor
  - N. Less-Lethal Instructor
  - O. Defensive Tactics Instructor
  - P. Protective Measures Instructor
  - Q. ProAct Officer
  - R. Emergency Vehicle Operator Course (EVOC) Instructor
  - S. Police Training Officer
- II. Ongoing training for the above listed positions (A through P) will include:
  - A. Development and/or enhancement of the skills, knowledge, and abilities particular to the position;
  - B. Management, administration, supervision, personnel policies, and support services of the position responsibilities;
  - C. Supervised on-the-job training.



## **General Order No. 33.7**

### **SUBJECT: CIVILIAN TRAINING**

---

This order consists of the following numbered sections:

#### **33.7.1 Training - Non-commissioned Orientation**

#### **33.7.2 Training - Non-commissioned In-service**

#### **33.7.1 Training - Non-commissioned Orientation**

- I. All newly appointed civilian personnel will be presented with an orientation program introducing them to the Department. This will be accomplished by the City of Kirkland Human Resources Department and the Services Captain.
- II. This orientation program will include:
  - A. Working conditions, rules and regulations.
  - B. Rights and responsibilities of employees.
  - C. The Department's role, purpose, goals, policies, and procedures.

#### **33.7.2 Training - Non-Commissioned In-service**

- I. Certain civilian positions within the department require training on specific job responsibilities prior to assuming the responsibility. This training may include Field Training or formalized classroom instruction. The civilian positions requiring training are:
  - A. Police Services Administrative Coordinator
  - B. Administrative Assistant
  - C. Administrative Support Associate
  - D. Police Support Supervisor
  - E. Police Support Associate
  - F. Corrections Corporal
  - G. Corrections Officer

- H. PSO Property / Evidence Technician
  - I. Crime Analyst
  - J. Parking Enforcement Officer
  - K. Family-Youth Advocate
- II. Civilian personnel are encouraged to participate in a minimum of 40 hours of annual in-service training. The courses should be designed to review and update current duties and skills as well as to train and inform of new responsibilities. Training requests are reviewed by the Training Officer to assure that employee development for job description is being followed. Training requests must be approved by the employee's supervisor and Lieutenant.



## **General Order No. 33.8**

### **SUBJECT: TRAINING AND CAREER DEVELOPMENT**

---

This order consists of the following numbered sections:

**33.8.1 N/A**

**33.8.2 Training - Upon Promotion**

**33.8.2 Training - Upon Promotion**

- A. The Kirkland Police Department provides necessary skill development to all personnel upon promotion. Every employee, both sworn and non-sworn, appointed or promoted will be provided with the appropriate training.
  - 1. Every employee appointed or promoted to a first-level supervisory position (Corporal, Sergeant, Lead, & Supervisor) must successfully complete 40 hours of supervisory training approved by the Training Commission, prior to or within six months of such appointment or promotion.
  - 2. Every employee appointed or promoted to a mid-management position (Sergeant and Lieutenant) must successfully complete the 40-hour, mid-management training, approved by the Training Commission, prior to or within six months of such appointment or promotion.
  - 3. In addition to records maintained by the Washington State Training Commission, departmental training files will reflect completion of the above requirements. These records are maintained in department training files.



## **General Order No. 34.1**

### **SUBJECT: PROMOTION PROFESSIONAL AND LEGAL REQUIREMENTS**

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This order consists of the following numbered sections:

- 34.1.1 Promotion - Department Role**
- 34.1.2 Promotion - Responsibility Assigned**
- 34.1.3 Promotion - Process**
- 34.1.4 Promotion - Job Relatedness**
- 34.1.5 Promotion - Announcement**
- 34.1.6 Promotion - Eligibility Lists**
- 34.1.7 Promotion - Probation**

#### **34.1.1 Promotion - Department Role**

- I. The City of Kirkland Human Resources Department is responsible for coordinating and administering the testing of candidates in the promotion process. The Chief of Police will provide input on the various stages of the promotional process in accordance with Washington State civil service law. This input will include providing resource material if a written test is given. The Chief of Police retains the rule of three for all candidates for promotion.

#### **34.1.2 Promotion - Responsibility Assigned**

- I. The Chief of Police is vested with the authority and responsibility for administering the Department's role in the promotion process. This role, outlined in General Order 34.1.1, includes performing appropriate liaison activities to carry out the process.

#### **34.1.3 Promotion - Process**

- I. Promotion within the Kirkland Police Department is governed by the Kirkland Civil Service Commission, and the Kirkland Police Officers' Guild Contracts. Current copies of these documents are kept in the Services Division.
  - A. Administration of written tests and evaluating the promotional potential of candidates is governed by the Kirkland Civil Service Commission.
  - B. The Assessment Center is a comprehensive, standardized program in which participants are systematically observed over one or two days and evaluated for promotional purposes. The Services Captain will

identify an assessment center which is subject to review by the Chief of Police.

For a company to be selected as an assessment center provider it must meet the following criteria:

1. Measures dimensions, attributes, characteristics, qualities, skills, abilities, or knowledge specified in a written job analysis;
2. Uses multiple assessors who are thoroughly trained prior to participating in a center;
3. Uses techniques designed to provide information which is used in evaluating the dimensions, attributes or qualities previously determined;
4. Uses multiple assessment techniques, one of which is a simulation;
5. Provides candidates a generic overview of the assessment center process, the dimensions to be measured, the general schedule of activities and a generic overview of the types of exercises utilized in assessment centers for this type of position prior to the center.
6. Uses simulation exercises that have been pre-tested prior to use to ensure that the techniques provide reliable, objective, and relevant information and that the exercises are job related.
7. Bases judgments resulting in an outcome on pooled information from assessors and techniques;
8. Bases overall evaluation of behavior made by assessors at a separate time from observation of behavior during the exercise;
9. Announces the dimensions to be evaluated in a written directive;
10. Uses a form or forms to record and document the observations of assessors at each stage of the process;
11. Provides candidates written feedback concerning their individual performance in the assessment center highlighting

the positive and negative behaviors observed by the assessors,  
and

12. Provides participants, upon request, with written rationale and information concerning the dimensions, ratings, and recommendations of the center.
- C. The conducting of oral interviews prior to appointment to probationary status is governed by the Kirkland Civil Service Commission.
  - D. Employees are permitted to review and appeal adverse decisions concerning their eligibility for appointment to promotional vacancies. Procedures for the review and appeal of adverse decisions are as follows:
    1. All candidates are permitted to review the questions and answer-key to their written examination;
    2. All candidates are permitted to review the written results of their scored elements of the selection process;
    3. Appeals are governed by City of Kirkland Civil Service Rules.
  - E. Employees failing to meet eligibility, or failing to be promoted, are permitted to reapply, retest and be reevaluated the next time a promotional examination is conducted.
  - F. The City of Kirkland does not make provision for lateral entry in the promotional process for positions covered by the collective bargaining agreements.
  - G. The company selected as an assessment center provider and the City of Kirkland Human Resources Department will provide security for all promotional material prior to the test. Upon completion of the assessment center, the completed promotional materials will be turned over to the City of Kirkland Human Resources Department.

#### **34.1.4 Promotion - Job Relatedness**

- I. All elements used to evaluate candidates in the promotional process will be job related and nondiscriminatory, to ensure that candidates are evaluated by a promotion process that measures traits and characteristics that are a significant part of the job. All procedures will follow the guidelines established in General Orders 32.1.1 through 32.1.7.

**34.1.5 Promotion - Announcement**

- I. When vacancies exist in supervisory or command positions and a decision to fill the position(s) is made, a written announcement will be posted prominently and distributed to all affected employees. This announcement will include:
  - A. A description of the positions or job classifications for which vacancies exist.
  - B. A schedule of dates, times, and locations of all elements of the process.
  - C. A description of eligibility requirements.
  - D. A description of the process to be used in selecting personnel for the vacancies.
- II. The description of the promotion process will be as detailed as necessary to indicate clearly what is to be expected.
- III. Requests for promotion (i.e., city application) shall be submitted in writing and within the time periods set by the Chief of Police.

**34.1.6 Promotion - Eligibility Lists**

- I. As established by Civil Service Rules & Regulations – Section 7, Examination, criteria and procedures for the development and use of eligibility tests include the following information:
  - A. The numerical weight, if any, assigned to each eligibility requirement is outlined in the particular Examination Procedure, including:
    1. Entry level Police Officer;
    2. Lateral entry Police Officer;
    3. Promotional.
  - B. Candidates who successfully pass all phases of the selection process shall be placed on the eligibility list in rank order, as outlined in the Civil Service Rules & Regulations – Section 7, Examination.

C. Time-in-grade for Promotions – Commissioned

1. Time-in-grade for promotion to Corporal is four years total experience, and three years with the Kirkland Police Department.
2. Time-in-grade for promotion to Sergeant is seven years total experience, and four years with the Kirkland Police Department.
3. Time-in-grade for promotion to Lieutenant will be two years as a Sergeant with the Kirkland Police Department.
4. Time-in-grade for promotion to Captain will be two years as a Lieutenant with the Kirkland Police Department.

D. Time-in-grade for Promotion – Non-commissioned

1. Time-in-grade for promotion to Police Support Associate Supervisor is two years experience.
2. Time-in-grade for Corrections Corporal is three years total experience, and one year with Kirkland Police Department.
3. Time-in-grade for Jail Manager, rank of Lieutenant, is five years of progressively responsible corrections center experience or 7 years of on the job experience.
4. Time-in-grade for promotion to Police Services Administrative Coordinator is five years total without a Bachelor's degree; with at least three years in a lead, supervisory or management capacity, or three years public finance experience in budgeting or accounting, preferably in a local government setting. There is no time-in-grade requirement for persons with a Bachelor's degree in Public or Business Administration.

E. Duration of lists:

1. Entrance eligibility lists shall be in effect for one year from date of certification.
2. Any extension of the list must be pursuant to Civil Service Rules & Regulations – Section 9, Eligible Lists.

- F. The Civil Service Secretary/Chief Examiner shall, if there are eligibles on a list which the Civil Service Secretary/Chief Examiner deems appropriate, certify to the appointing authority (Chief of Police) the names of the top three (3) persons.
1. "Provisional appointments may be made only in the absence of lists appropriate for the position to be filled. In such cases, the appointing authority (Chief of Police) may select a person meeting the minimum prerequisites for the class to which the position is allocated for nomination to the Secretary and Chief Examiner. The Secretary and Chief Examiner shall interview, or may use any other methods to determine whether or not the nominee possesses the necessary experience, training, and other prerequisites for the position. If satisfactory, his/her name shall be certified for the position, to the appointing authority (Chief of Police) for appointment, and his/her application accepted for an examination to establish an eligibility list for the position. As soon as possible, the Secretary and Chief Examiner shall announce and conduct the examination and shall certify a name for regular appointment in the specified manner. No provisional appointment shall be continued longer than four months and no person appointed provisionally shall be again appointed in the same year unless he/she qualified by competitive examination and is appointed in the specified manner. No time spent as a provisional appointee shall be credited to the probationary period, or be utilized for computing any privilege accruing under the Civil Service Ordinance or these rules." This is in accordance with Kirkland Civil Service Commission Rules and Regulations – Article 10 (Appointment), Section 5 (Provisional Appointment).
  2. "Temporary Appointment is appointment from an employment or promotional list in the usual manner, to fill a position for a duration not to exceed four months. In making such an appointment, the appointing authority (Chief of Police) shall submit a requisition to the Secretary and Chief Examiner in the manner provided for regular appointment but shall indicate the time it is estimated the position will terminate. The Secretary and Chief Examiner shall notify the person or persons appearing on the appropriate eligibility list, indicating the nature of the position and its duration, to learn who may be willing to accept temporary appointment. The most qualified person or persons willing to accept shall be certified for appointment. No temporary appointment shall be continued and no person shall

be employed on a temporary basis for more than four months in any one year. Temporary service shall not be credited on any probationary period or be used in computing any privilege accruing under the Civil Service Ordinance or these rules." This is in accordance with Kirkland Civil Service Commission Rules and Regulations – Article 10 (Appointment), Section 6 (Temporary Appointment).

#### **34.1.7 Promotion - Probation**

- I. All newly promoted personnel shall have a probationary period of one year. As listed in Kirkland Civil Service Rules, no person shall be finally appointed to a position until he or she has satisfactorily served a probationary period of one year.
  - A. The Chief of Police is an appointed position by the City Manager and is not subject to Civil Service rules as it relates to probation
  
- II. The probationary test period is regarded as an integral part of the promotional process, to ensure newly promoted employees can assume the duties and responsibilities of the new position. Employees on probation will be closely observed and evaluated monthly.
  - A. Personnel promoted to Command Staff level positions are exempt. Command Staff level positions include; Chief, Captain and Lieutenant.



## **General Order No. 35.1**

### **SUBJECT: ORGANIZATION OF PERFORMANCE EVALUATION SYSTEM**

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This order consists of the following numbered sections:

- 35.1.1 Evaluations - System**
- 35.1.2 Evaluations - Annual**
- 35.1.3 Evaluations - Probationary Employees**
- 35.1.4 Evaluations - Criteria**
- 35.1.5 Evaluations - Time Frame / Period**
- 35.1.6 Evaluations - Unsatisfactory Performance**
- 35.1.7 Evaluations - Explanatory comments**
- 35.1.8 Evaluations - Rater Supervisor Review**
- 35.1.9 Evaluations - Counseling**
- 35.1.10 Evaluations - Employee Signature & Comment**
- 35.1.11 Evaluations - Copy Provided**
- 35.1.12 Evaluations - Appeal Process**
- 35.1.13 Evaluations - Records Retention**
- 35.1.14 Evaluations - Rater Evaluation**
- 35.1.15 Evaluations - Personnel Early Warning System**
- 35.1.16 Evaluations - Evaluations Completed by Immediate Supervisor**

#### **35.1.1 Evaluations - System**

- I. The Kirkland Police Department utilizes the City of Kirkland Performance Evaluation Program to rate employees. The program is designed to measure individual performance and provide incentives to improve performance and encourage career development.
  - A. It shall be the policy of the Kirkland Police Department to utilize employee evaluations which accurately provides information to:
    1. Maintain and improve individual and organizational performance.
    2. Provide a medium for personnel counseling.
    3. Identify training needs.
    4. Provide an objective and fair process for the recognition and measurement of individual and organizational performance.

5. Provide a fair and impartial database to assist in personnel decisions.
  6. Facilitate proper decisions regarding probationary employees.
- B. The Chief of Police shall direct the utilization of the result of evaluations and may utilize them in making decisions concerning assignment or training needs.
- II. The Kirkland Police Department performance evaluation system includes:
- A. Measurement Definitions - Department members will be rated on a 5-point scale (except for the topic of attendance), which outlines five specific performance behaviors:
1. Unsatisfactory: This employee's performance is unacceptable. Documentation must be attached indicating prior counseling and/or disciplinary action and corrective action.
  2. Below Job Standards: This employee requires improvement to meet the expectations of the Department. Considerable guidance and supervision are required.
  3. Meets Job Standards: This employee consistently meets the requirements of the position; normal guidance and supervision are required.
  4. Exceeds Job Standards and Expectations: This employee's performance exceeds expectations throughout the majority of the period, with minimum guidance, and consistently performs well above average.
  5. Outstanding Performance: This employee far exceeds the job expectations and is one of the top performers, the level of performance that is distinctly and recognizably superior to that which would be reasonably expected of a well trained, competent employee.
- B. Procedures for use of forms.
1. Performance evaluation forms are available to the rater electronically. The Police Services Administrative Coordinator notifies the rater, via memo, thirty days prior to the end of the employee's evaluation period.

2. Raters will assign a single numerical rating for each component. Rater comments should illustrate and explain the rating.
3. The overall rating will be completed by the rater. The rater will complete a required narrative at the end of the evaluation form. This will summarize the overall performance of the employee during the rating period.

C. Rater Responsibilities

1. It will be the responsibility of each rater to examine and document available sources of information relative to a member's rating in each job element.
2. Raters will complete the performance evaluation form, and communicate the results with the member by way of personal interview.
3. Procedures for the interview process are listed in the Kirkland Police Department Performance Evaluation Manual.

D. Rater Training

1. Rater training will be provided by the Kirkland Police Department. Each rater is required to become familiar with the Kirkland Police Department Performance Evaluation Manual and to receive training in rating procedures and rater responsibilities prior to conducting a performance evaluation.

### **35.1.2 Evaluations - Annual**

- I. Performance evaluations will be completed for each Department member on an annual basis. The member's anniversary date with the Department will serve as the evaluation date of record.
- II. Upon an employee's promotion, their annual evaluation date will change from the original anniversary date to a new anniversary date starting from the date of promotion.
  - A. An evaluation will be completed to cover the period of time from the employee's last evaluation to the date of the employee's promotion.

### **35.1.3 Evaluations - Probationary Employees**

- I. Written performance evaluations will be completed on all probationary employees at the end of their probationary period.
- II. Probationary employees shall be evaluated, in writing, by their immediate supervisor on a monthly basis, until the end of their probationary period.
  - A. Police Officers – monthly evaluations will be coordinated through the Police Training Coordinator.
  - B. Corrections Officers – monthly evaluations will be coordinated through the Field Training Coordinator.
  - C. Non-Commissioned Personnel – monthly evaluations will be coordinated through their assigned Division Lieutenant.

#### **35.1.4 Evaluations - Criteria**

- I. Job performance criteria, which form the basis for evaluation, will be specific to the assignment of the employee during the rating period, reflecting actual tasks of the position.

#### **35.1.5 Evaluation - Time Frame / Period**

- I. Annual performance evaluations will document job performance ratings during a specific period of time. The actual dates covered by the evaluation, shown on the face of the form, will be required to provide continuity of the record of performance. Refer to General Order 35.1.2 for the specific period of time.
- II. Performance evaluations will be based only on performance during the rating period. Job performance prior to, or following the evaluation period, will not be used.

#### **35.1.6 Evaluations - Unsatisfactory Performance**

- I. Non-probationary members will be notified, in writing, whenever job performance is deemed unsatisfactory. Such notification will be given at least 90 days prior to the end of the rating period. In addition to advising the member of the unsatisfactory performance, an action plan designed to improve upon the performance deficiency will be outlined.

#### **35.1.7 Evaluations - Explanatory Comments**

- I. Raters will justify each separate performance rating, overall rating, and any recommendations in writing.

### **35.1.8 Evaluations - Rater Supervisor Review**

- I. Performance evaluations will be reviewed, and signed by the rater's Division Lieutenant before they are forwarded to the Chief of Police, via the chain of command.

### **35.1.9 Evaluations - Counseling**

- I. At the conclusion of each rating period, raters will counsel each member concerning:
  - A. Results of the performance evaluation just completed;
  - B. Level of performance expected, rating criteria and goals for the new reporting period;
  - C. Career counseling relative to such topics as advancement, specialization, and training appropriate for the employee's position or assignment.

### **35.1.10 Evaluations - Employee Signature and Comment**

- I. Each evaluation of the member's performance should be read, and understood by the member. The signature should indicate only that the member has read the evaluation and should not imply agreement or disagreement with the content. If the member refuses to sign, the rater should note and record the reason(s) given by the member.
- II. Each member may make written comments to supplement the completed performance evaluation report. This written supplement will be attached to the evaluation for filing.

### **35.1.11 Evaluations - Copy Provided**

- I. Each member will be provided a copy of the completed performance evaluation. This copy will be routed to the employee by the Police Services Administrative Coordinator after final approval by the Chief of Police or his/her designee.

**35.1.12 Evaluations - Appeal Process**

- I. An employee may contest his/her evaluation by noting such on the Employee Evaluation Form.
- II. Contested evaluations shall be reviewed by the employee's Division Captain or the Chief of Police. The appellant authority may amend any or all aspects of the evaluation. The reviewing authority's decision is final and there is no appeal process.
- III. The Chief of Police or his designee shall annually inspect the performance evaluation system. The results of this inspection shall be documented and appropriately filed and reviewed by executive staff. Staff shall recommend improvement of the system as warranted and need not await the Chief's annual inspection.

**35.1.13 Evaluations - Records Retention**

- I. Performance evaluations will be maintained for all current employees. All performance evaluations will be maintained by the City of Kirkland Human Resources Department and retained for a minimum period of six years following the termination of employee status with the Kirkland Police Department.

**35.1.14 Evaluations - Rater Evaluation**

- I. Lieutenants should evaluate raters (supervisors) regarding the fairness and impartiality of ratings given, their participation in counseling and guidance for rated members, and their ability to carry out the rater's role in the performance appraisal system. The Lieutenant should ensure that the rater applies ratings uniformly.

**35.1.15 Evaluations – Personnel Early Warning System**

- I. The Personnel Early Warning System assists in the early identification of employees who may require agency intervention efforts. The system includes:
  - A. Provisions to initiate a review based on current patterns of collected material
    1. Early Warning Indicators - Listed are a few of the early warning indicators which may assist in identifying employees possibly

needing assistance with performance and/or stress related problems:

- a. Number of complaints and/or disciplinary actions
  - b. Change in standard of living or work habits
  - c. Sick days taken and/or claims of duty related injuries
  - d. Substandard performance evaluations
  - e. Number of Use of Force, Resisting and/or Assault on Officer
  - f. Number of pursuits or vehicle accidents
  - g. Number of cases dismissed by prosecutors and/or evidence suppressed by judge.
2. Involvement in multiple citizen complaints/administrative investigations, multiple on-duty traffic collisions, multiple vehicular pursuits, and multiple use of force incidents may be indicative of an employee who is in need of intervention and activation of the Personnel Early Warning system.
  3. The employee's supervisor will then notify the employee of the review. The supervisor shall then conduct a review of the employee's performance consisting of, but not limited to:
    - a. Training file
    - b. Personnel file (evaluations, discipline, and commendations/awards)
    - c. Drop file
    - d. Attendance records
- B. Agency reporting requirements of conduct and behavior
1. The employee's immediate supervisor shall notify their Division Lieutenant in writing when the Personnel Early Warning System has been activated.
  2. All pertinent documentation must be forwarded as soon as possible to the Division Lieutenant. In situations deemed appropriate, a supervisor shall contact the Division Lieutenant immediately.
  3. The documentation should include the following:
    - a. A synopsis of the incident(s) that caused the activation, including the disposition(s) (e.g., sustained or not

sustained citizen complaints/administrative investigations, on-duty traffic collisions, vehicular pursuits, and/or use of force incidents).

- C. Annual evaluations of the system
  - 1. The Services Captain or his/her designee will complete a documented annual evaluation of the Personnel Early Warning System annually to evaluate the system's effectiveness.
  
- D. The role of first and second level supervision
  - 1. It is the responsibility of all levels of supervision in the Kirkland Police Department to identify, evaluate and assist employees who exhibit signs of performance and/or stress related problems.
  - 2. Supervisors shall remain alert for indications of behavioral changes or problems that may affect an employee's normal job performance.
  - 3. If supervisors perceive or determine that an employee is having and/or causing problems they should assess the situation and take the appropriate action in accordance with departmental policies. This may include the activation of this Personnel Early Warning System.
  - 4. The supervisor shall submit a written report to the Division Lieutenant with his/her findings, and a Personal Improvement Plan, if applicable.
  - 5. The supervisor and Division Lieutenant may determine that based on their review, no corrective action is necessary.
  - 6. The Division Lieutenant will forward a report with the findings of the review and recommendations to the Division Captain.
  
- E. Remedial action
  - 1. The Division Commander shall review the written report from the Division Lieutenant, and with the exception of a Fitness for

Duty evaluation (see General Order 22.3.5), approve any of the following actions:

- a. Counseling by peers, supervisors or commanders and/or;
- b. Disciplinary action in accordance with departmental disciplinary procedures and/or;
- c. Employee assistance through the City of Kirkland's Employee Assistance Program (EAP) and/or;
- d. Require that the employee participate in agency authorized training to address identifiable problems and/or;
- e. Initiate reassignment or transfer, and/or;
- f. Fitness for Duty evaluation, if authorized by the Chief of Police.

F. Employee Assistance Program.

1. The Kirkland Police Department makes available to employees an Employee Assistance Program (EAP) designed to assist in the identification and resolution of concerns or problems (personal or job related), which may adversely affect an employee's personal or professional well-being or job performance. These personal concerns may include, but are not limited to, health, marital status, family, financial, substance abuse, emotional/stress, and other personal matters. See General Order 22.2.10.

II. Material that may be used for evaluation may include, but not limited to, the following:

- A. Performance evaluations
- B. Citizen complaints
- C. Disciplinary actions
- D. Use of Force incidents
- E. Administrative Investigations reports

- F. Supervisory reports
  - G. Employee reports such as worker's compensation claims and traffic collision reports.
- III. The Personnel Early Warning System will include the following:
- A. Use of Force reporting, General Order 1.3
  - B. Disciplinary system, General Order 26.1
  - C. Employee Assistance Program, General Order 22.2
  - D. Administrative Investigations, General Order 52.1

**35.1.16 Evaluations - Evaluations Completed by Immediate Supervisor**

- I. Employees will be evaluated by their immediate supervisor. Members may be supervised by more than one supervisor during a rating period. In this case, the rating supervisor should confer with the other supervisor(s).



## **General Order No. 41.1**

### **SUBJECT: PATROL ORGANIZATION AND ADMINISTRATION**

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This order consists of the following numbered sections:

- 41.1.1 Patrol - Continuous Coverage**
- 41.1.2 Shift / Beat / Rotation Assignment**
- 41.1.3 Shift Briefing**
- 41.1.4 Special Purpose Vehicles**
- 41.1.5 Scene Supervision**

#### **41.1.1 Patrol - Continuous coverage**

- I. To provide for continuous 24-hour coverage, commissioned members of the Patrol Operations Division shall work: 4 consecutive days on, followed by 4 consecutive days off, in accordance with the commissioned officer collective bargaining agreement. Officers shall be available for immediate assignment at shift change. During briefing, supervisors will be available to receive requests that may need immediate assignment. The supervisor will analyze the information and make assignments as needed. Supervisors shall schedule and ensure there is appropriate coverage for each patrol shift.

#### **41.1.2 Shift / Beat / Rotation Assignment**

- I. Policy
  - A. It is the general policy of the Kirkland Police Department that officers assigned to the Patrol Division will work on an assigned patrol squad. This does not preclude the Lieutenant from temporarily reassigning officers from one squad to another for the purpose of responding to special or emergency situations, or meeting minimum staffing requirements. Generally, there will be no routine rotation of officers from one squad to another on a daily, weekly, monthly or quarterly basis;
    1. Probationary officers assigned to Police Training Officers may be required to rotate watches for the purpose of orientation and training, in accordance with the commissioned collective bargaining agreement.
    2. As a general rule, officers receive permanent assignments to a squad until otherwise assigned. First-line supervisors and

- officers are assigned to a patrol shift that will best meet the needs of the department.
3. In assigning officers to squads, the following factors will be taken into consideration, in no particular order:
    - a. The preference of the officer;
    - b. The need for appropriate levels of experience on each squad;
    - c. The individual supervisory needs of the individual;
    - d. Compatibility among officers on the squad;
    - e. The need for technical skills and training on the squad;
    - f. Minimum staffing needs;
    - g. Other specific squad needs.
- B. Squad supervisors are accountable for the assignment of personnel to the respective patrol districts. Squad supervisors have flexibility in order to achieve the best utilization of personnel resources in providing coverage. District assignments are made utilizing information which includes:
1. Average calls for service generated in specific areas during specific times;
  2. Barriers, natural or man-made, affecting unit mobility;
  3. Anticipated district activities requiring additional services or attention.
- C. District rotation will be accomplished at the discretion of the squad supervisor. Generally, an officer will remain permanently assigned to one particular district until a change is made by the squad supervisor.
- D. Procedures for determining days off for patrol officers and first-line supervisors shall be in accordance with current labor contracts.

### **41.1.3 Shift briefing**

- I. The purpose is to establish guidelines for shift briefing within the Patrol Division.
  - A. It is the primary responsibility of the squad supervisor to see that his/her personnel are properly assigned, inspected and briefed on all pertinent information available. Shift briefing should accomplish, at a minimum, the following five basic tasks:
    1. Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, major investigations, officer safety information, and information regarding relevant community based initiatives.
    2. Notifying officers of changes in schedules and assignments.
    3. Notifying officers of new directives or changes in directives.
    4. Evaluating officer readiness & appearance to assume patrol.
    5. Shift briefing training, (G.O.33.5.2)
  - B. Shift briefing will be conducted at the beginning of each shift each day at the following times:
    1. Day Shift 0700 hrs.
    2. Night Shift 1900 hrs.
  - C. Each officer will have in his/her possession all equipment needed for the work day, prior to the beginning of shift briefing;
  - D. Procedure to be followed during shift briefing:
    1. Each officer will be in full uniform during shift briefing, unless working a non-uniform assignment. The uniform must be clean & neat, leather shoes must be clean & well polished, and duty belt must be clean.
    2. Patrol Supervisors will inspect the personnel of their squads. This inspection will include:
      - a. Personal care and grooming;

- b. Uniform;
  - c. Equipment.
3. The shift briefing will be conducted by the squad supervisor, who will see that all personnel are properly briefed and updated on all directives, training and information;
  4. Prior to the dismissal of the shift briefing, the watch supervisor should check with the officers present to see if they have any pertinent information to disseminate to the others present.

#### **41.1.4 Special Purpose Vehicles**

- I. The Kirkland Police Department utilizes the following special-purpose vehicles:
  - A. Major Crime Response Vehicle
  - B. Special Operations Vehicle (SOV)/Mobile Command Vehicle
  - C. Surveillance Van
  - D. Jail Transport Vehicles
  - E. Motorcycles
  - F. Parking Enforcement Scooters
  - G. Bicycles
  - H. K-9 Vehicle

- II. Established guidelines governing operation of special purpose vehicles include:
  - A. Authorization for use of the Major Crime Response Vehicle, Special Operations Vehicle (SOV)/Mobile Command Vehicle (MCV), Surveillance Van and Jail Transport Vehicles is limited to those assigned their use, or by supervisory/command authorization as the situation may require.

Conditions – personnel assigned the use of the Major Crime Response Vehicle, Special Operations Vehicle (SOV)/Mobile Command Vehicle (MCV), Surveillance Van and Jail Transport Vehicles will receive training prior to use and this training will cover conditions in which the vehicle may be driven.

Limitations on usage - the Major Crime Response Vehicle, Special Operations Vehicle (SOV)/Mobile Command Vehicle (MCV), Surveillance Van and Jail Transport Vehicles are limited to its intended

use by trained and assigned personnel, unless otherwise authorized by supervisory/command authorization.

- B. Orientation and training of the Major Crime Response Vehicle, Special Operations Vehicle (SOV)/Mobile Command Vehicle (MCV), Surveillance Van and Jail Transport Vehicles will occur upon transfer or promotion to functions necessitating the usage of these special purpose vehicles. No special licensing is required.
- C. Responsibility for special purpose vehicles:
  - 1. Major Crime Response Vehicle is the responsibility of the assigned Operations Lieutenant. The Traffic Sergeant is responsible for monitoring the condition and maintenance of the vehicle. The Kirkland City Shops or authorized service personnel will conduct maintenance or repairs on the Major Crime Response Vehicle.
  - 2. The Special Operations Vehicle (SOV)/Mobile Command Vehicle (MCV) falls under the responsibility of the assigned Lieutenant as part of the operational readiness of equipment (General Order 46.1.6) inspection required monthly. The SRT Team Leader is responsible for the condition and maintenance of the vehicle. The SRT Team Leader will assign an SRT Team member to the routine tasks of monitoring the condition and maintenance of the vehicle. The Kirkland City Shops or authorized service personnel will conduct maintenance or repairs on the SOV/MCV Vehicle.
  - 3. Surveillance Van is the responsibility of the assigned Operations Lieutenant. The Proact Sergeant is responsible for the condition and maintenance of the vehicle. The Proact Sergeant will assign a Proact Officer the routine tasks of monitoring the condition and maintenance of the vehicle. The Kirkland City Shops or authorized service personnel will conduct maintenance or repairs on the Surveillance Van.
  - 4. The Jail Transport Vehicles are the responsibility of the Corrections Lieutenant. The Corrections Corporal or designee is responsible for monitoring the condition and maintenance of the vehicle. The Kirkland City Shops or authorized service personnel will conduct maintenance or repairs on the Jail Transport Vehicle.

- D. Required equipment for special purpose vehicles:
1. Major Crime Response Vehicle shall contain crime scene processing equipment, including photography and evidence collection equipment. The Traffic Sergeant is responsible to ensure the readiness of equipment and complete a monthly inventory log. A complete itemized list of equipment is listed on the Major Crime Response vehicle checklist form (KPD 2007-062).
  2. The Special Operations Vehicle (SOV)/Mobile Command Vehicle.
    - a. Shall contain, but not limited to, the following equipment:
      - i. SRT equipment deemed necessary by the assigned Lieutenant. This may include ladders, rams, entry tools, and support equipment.
      - ii. Equipment deemed necessary by the assigned Lieutenant for establishing a mobile command post.
      - iii. Equipment deemed necessary by the assigned Lieutenant for the function of the Crisis Negotiation Team (CNT) during a critical incident.
    - b. The SRT Team Leader is responsible to ensure the readiness of equipment stored in or on the SOV/MCV. The SRT Team leader will assign an SRT team member to the routine tasks of monitoring the equipment stored in or on the vehicle and complete a monthly inventory log. A complete itemized list of equipment is listed on the SOV/MCV vehicle checklist form (KPD 2007-067).
  3. Surveillance van shall contain specialized electronic and surveillance equipment. The Proact Sergeant is responsible for the equipment contained in the Surveillance van. The Proact Sergeant will assign a Proact Officer the routine task of monitoring the equipment stored in the vehicle. A complete itemized list of equipment is listed on the Surveillance van checklist form (KPD 2004-063).

4. Jail Transport Vehicles shall contain equipment necessary to safely transport prisoners. The Corrections Corporal is responsible for monitoring the equipment stored in the vehicle. A complete itemized list of equipment is listed on the Prisoner Van checklist form (KPD 2004-291).

### III. Motorcycles

- A. Authorization – Only properly trained motorcycle officers, assigned to the traffic unit, may operate the department-owned police motorcycles and related equipment. Motorcycle officers are authorized to operate their motorcycles during regularly assigned duty shifts. Any other use of the motorcycle such as parades, escorts or other special events is done only with the approval of the Traffic Sergeant or Command Personnel.

Conditions – The Traffic Unit uses motorcycles to more effectively perform the functions of enforcement and collision response. Motorcycles assist in enforcement because of being less visible they observe vehicle operation without being seen. The size and maneuverability of the motorcycle allow it to proceed more readily through heavy traffic when responding to a collision scene.

Limitations – The operation of the motorcycle is limited only by adverse weather conditions. Motorcycle officers or the Traffic Sergeant determine when weather conditions become too dangerous for motorcycle use. The motorcycle officers can use marked patrol vehicles during inclement weather. Any special instructions or conditions of usage are determined by the Traffic Sergeant and communicated to the unit.

- B. One necessary requirement for selection as motorcycle officer is a motorcycle endorsement license. Prior to operating the motorcycle in any enforcement capacity, motorcycle officers complete the basic police motorcycle operator's training course approved by the Washington State Criminal Justice Training Commission. Newly assigned motorcycle officers may ride a motorcycle as part of an orientation or pre-training program but only under the supervision of a certified police motorcycle operator.
- C. Each officer is responsible for monitoring the proper care and maintenance of their assigned motorcycle. Maintenance and repairs are done by the Kirkland City Shops or authorized service personnel.

- D. The Traffic Sergeant recommends what equipment is to be kept in or on the traffic motorcycle. The final decision is made by the Chief or his/her designee.

#### IV. Parking Enforcement Scooters

- A. Authorization – Only properly trained Parking Enforcement Officers, assigned to the traffic unit, may operate the department-owned Parking Enforcement Scooters and related equipment. Parking Enforcement Officers are authorized to operate their Parking Enforcement Scooters during regularly assigned duty shifts. Any other use of the Parking Enforcement Scooters such as parades, escorts or other special events is done only with the approval of the Traffic Sergeant or Command Personnel.

Conditions – The Kirkland Police Department Parking Enforcement Scooters are to be used primarily for the enforcement of City parking regulations.

Limitations – The Parking Enforcement Scooters were not designed or equipped, nor shall be used for the following:

- 1. Patrol vehicle
  - 2. Traffic enforcement
  - 3. Prisoner transport
- B. Operators of the Parking Enforcement Scooters are required to possess a valid Washington State Drivers License. Training will be provided at the direction of the Traffic Sergeant.
  - C. The parking enforcement officers will be responsible for monitoring the condition and maintenance of the parking enforcement vehicle. Maintenance and repairs are done by the Kirkland City Shops or authorized service persons.
  - D. The Parking Enforcement Scooters will contain equipment necessary to enforce City parking regulations. A complete itemized list of equipment is listed on the Parking Enforcement Scooter checklist form.

#### V. Bicycles

- A. Authorization – The police bicycles are to be utilized only by trained and approved bicycle officers. These trained and approved bicycle

officers are to obtain the permission of their shift supervisor before going on bicycle patrol.

Conditions – Bicycle Patrol may be used as follows:

1. Surveillance operations; in areas where patrol vehicles have proven ineffective either due to visibility or lack of access.
2. Emphasis patrol in problem crime areas.
3. City parks or trails.
4. As directed by the on-duty supervisor.

Limitations on Bicycle Patrol operations include:

1. Seasonal
    - a. The bicycle patrol is primarily utilized during the summer months in the downtown district.
  2. Inclement weather.
    - a. Certain weather conditions (excessive wind, rain, etc.) may limit the use of the bicycle patrol. The on-duty supervisor may authorize Bicycle Patrol officers to perform their duties in a patrol vehicle during these certain weather conditions.
  3. Traffic
    - a. For obvious safety reasons, the Bicycle Patrol will not typically be used in areas of high-speed traffic, or in areas where traffic control devices are limited.
- B. Officers assigned to the Bicycle Patrol shall complete a police bicycle course as soon as practical. Bicycle Patrol officers shall also attend additional in-service training pertinent to this assignment when possible to ensure the most current training tactics, equipment and procedures utilized by Bicycle Patrol.
- C. The Bicycle Coordinator is a Bicycle Patrol officer that is designated by the assigned Operations Lieutenant. The Bicycle Coordinator is primarily responsible for the maintenance and condition of department

bicycles. Repairs or maintenance may also be done by authorized service personnel.

- D. Equipment required to be on the bicycle includes:
1. 10 Watt headlamp (hours of darkness only)
  2. Black nylon rack mount Bag (for citation book, etc.)
  3. Mountain bike style pedal retention devices (toe straps)
  4. Kickstand
  5. Bicycle Officer's Required Equipment
    - a. ANSI approved Helmet
    - b. Eye Protection
    - c. Full or fingerless Gloves

## VI. K-9 Vehicle

- A. Authorization – the use of the K-9 vehicle is limited to the K-9 handler, or by authorization of the K-9 Officer, supervisor, or Command Staff, as the situation may require.

Conditions – The K-9 vehicle is utilized by the K-9 Team to provide an effective means of locating suspects, persons in distress and finding evidence of contraband.

Limitations on Usage – The K-9 vehicle is not utilized for the transportation of prisoners. The K-9 Officer will receive instruction on the operation of the K-9 vehicle, upon assignment to the K-9 position. Only sworn personnel or authorized riders will be transported in K-9 vehicles.

- B. Instruction on the K-9 vehicle will occur upon assignment of a new K-9 Officer. No special licensing consideration is required.
- C. The assigned Operations Lieutenant is responsible for the K-9 vehicle. The K-9 Officer is responsible for monitoring the condition, equipment and maintenance of the K-9 vehicle. The Kirkland City Shops and

authorized maintenance shops are responsible for repair and maintenance of the K-9 vehicle.

D. The K-9 Officer will be issued specialized equipment. Equipment that is kept in the K9 vehicle includes, but is not limited to, the following:

1. Tracking harness
2. K9 ballistic vest
3. Muzzle
4. Brushes (2)
5. Long lead
6. Training sleeve
7. Patrol rifle
8. Map book
9. Water bowl
10. First aid kit
11. Camera

Deficiencies will be reported to the assigned Operations Lieutenant for repair or replacement. Handlers will have multi-frequency radios to permit continuous communications with other officers during any dog application. If assisting another agency, handlers should obtain one of their radios if needed.

#### **41.1.5 Agency Animals**

- I. The Kirkland Police Department owns and utilizes a Police Canine.
- II. Established guidelines governing the care and utilization of the Kirkland Police Canine include the following:
  - A. Authorization – The K-9 Officer is the only person authorized to control the Police Canine, except for emergency or training situations.

Conditions - The Police Canine provides an effective means of locating suspects, persons in distress and finding evidence of contraband. These actions are facilitated by utilizing the combination of the superior sight, smell, and hearing of the Police Dog and the reasoning, judgment, and common sense of the Dog Handler.

Limitations on Usage of the Police Canine – The K-9 Officer will not permit any other person to handle their assigned dog except in emergencies where they are injured or unable to command the dog. In these cases, another qualified K-9 handler will be summoned to take control of the dog. If another K-9 handler is not available, any officer who is familiar with the dog and has participated in training

exercises with the dog should be used. Recognized K-9 Team Trainers may handle all department dogs during training.

- B. The K-9 Officer will receive specialized training in the control of the canine. This specialized training will conform to Washington Administrative Code 139.05.915 prior to any police application. K-9 Officer qualifications are also listed under Standard Operating Procedure PAT-001.
- C. The assigned Operations Lieutenant is responsible for the canine. The K-9 Officer is responsible for the caring of the canine, in compliance with Standard Operating Procedure PAT-002.
- D. K-9 handlers are responsible for the care and maintenance of all assigned equipment for the canine which includes, but is not limited to, leashes, collars, harnesses, and protective sleeves.

#### **41.1.6 Scene Supervision**

- I. A supervisor will respond and take command of all situations relating to or involving any civil unrest, injury to or by a police department employee, department vehicle collisions, critical incidents, and other non-routine occurrences. Officers will ensure that a supervisor is notified when any of the events listed in General Order 12.1.5 occurs.
- II. Any officer in charge of a situation may request the presence of a Sergeant/Shift Supervisor. The supervisor will assess the situation and assume command, as they deem necessary. The supervisor may further request the assistance and/or response of command personnel.
- III. Supervisors are to notify Command Staff on incidents listed under General Order 12.1.5, and in accordance with General Order 12.1.6.



## General Order No. 41.2

### SUBJECT: PATROL OPERATIONS

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This order consists of the following numbered sections:

- 41.2.1 Response to Calls for Service
- 41.2.2 Pursuit - Motor Vehicle
- 41.2.3 Pursuit Reports - Annual Analysis
- 41.2.4 Field Interviews
- 41.2.5 Notifications
- 41.2.6 Missing Adults
- 41.2.7 Missing Children
- 41.2.8 Mentally Ill

#### 41.2.1 Response to Calls for Service

- I. Officers have the responsibility to operate their vehicles in a safe and professional manner. When responding to emergency situations or when in pursuit of violators, officers must comply with all applicable General Orders and Standard Operating Procedures. In these situations, the officer's first concern must be the safety of the public and minimizing risks to department personnel.
- II. Officers will regulate their response to any call so as not to unreasonably endanger the public safety or welfare and should drive no faster than necessary to safely arrive at their destination.
- III. When responding to a serious emergency, emergency lights shall be operated continuously and sirens activated in areas of congestion and at intersections.
- IV. During non-emergency driving and response officers will observe and obey all driving regulations and rules of the road as required by law, and department rules and regulations.
- V. The speed and equipment used in an **emergency** response shall be determined by the officer(s) involved, within the guidelines of this order, unless otherwise directed by a supervisor. Speeds should be limited unless a life-threatening situation exists, and traffic conditions permit a higher speed.
  - A. RCW 46.61.035 addresses **emergency** driving and states:

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

(2) The driver of an authorized emergency vehicle may:

(a) Park or stand, irrespective of the provisions of this chapter;

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

(c) Exceed the maximum speed limits so long as he does not endanger life or property;

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of visual signals meeting the requirements of RCW 46.37.190, except that: (a) An authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle; (b) authorized emergency vehicles shall use audible signals when necessary to warn others of the emergency nature of the situation but in no case shall they be required to use audible signals while parked or standing.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others."

B. RCW 46.61.210 addresses vehicles yielding to emergency vehicles

"(1) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of RCW 46.37.190, or of a police vehicle properly and lawfully making use of an audible signal only the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of

any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

- (2) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway."

There is **no** statutory requirement to yield to a vehicle using only visual signals.

- C. RCW 46.37.380 (2) addresses the use of a siren on an emergency vehicle.
- D. RCW 46.61.264 (2) addresses emergency vehicles driving with due care, concerning pedestrians.
- E. Where no emergency exists, the officer shall proceed without the use of emergency equipment and in compliance with all traffic regulations.
- F. Officers should consider the following factors when responding to any emergency:
  - 1. Seriousness of the crime and its relationship to community safety.
  - 2. Safety of the public in the area of the emergency response.
  - 3. Safety of the responding officer.
  - 4. Time of day.
  - 5. Volume of vehicular traffic.
  - 6. Volume of pedestrian traffic.
  - 7. Weather and road conditions.
  - 8. Speeds involved.
  - 9. The capability of the operators and the police vehicles involved.
- G. For a crime or situation in progress, which is not life threatening or injury threatening, or a collision without known injuries but blocking

the roadway, the officer may proceed using emergency equipment when necessary and/or prudent; however the officer should not exceed a reasonable and safe speed nor proceed through intersections against traffic control devices without coming to a complete stop or making certain other traffic has yielded to the emergency equipment.

- H. For a life-threatening or injury situation, or an officer's call for emergency assistance, the officer shall proceed as quickly and safely as possible using emergency equipment when necessary and/or prudent.
  - J. Officers will respond to all other calls for service, including audible property and burglary alarms, without the use of emergency lights and siren and in compliance with all traffic regulations.
  - K. If the assignment involves a response to an incident where it would not be advisable to sound the siren or operate emergency lights in order to enhance the probability of apprehension, officers may discontinue the use of such devices upon nearing the scene, but must then operate the vehicle in accordance with all traffic regulations.
- VI. The provisions included in this order do not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons, nor do they protect the driver from the consequences of reckless or negligent disregard for the safety of others.
- VII. Use of Emergency Equipment - Officers will utilize emergency equipment only when required by the nature of their dispatched assignment, or when situations confront them that indicate the need for the use of emergency equipment.

Emergency Lights are:

- A. Used to signal other users of the roadway that emergency conditions exist and the right-of-way should be relinquished to the patrol vehicle. It cannot be safely assumed by the officer that the lights will be sufficient to assure the right-of-way.

Even when both the emergency lights and siren are in simultaneous operation, officers shall remain responsible to ensure that all vehicles see and comply before assuming the right-of-way, particularly at intersections.

Emergency lights will be utilized in the following circumstances:

1. In accordance with provisions in Sections I and II of this General Order 41.2.1;
  2. When stopping traffic violators;
  3. When a patrol vehicle is parked/stopped on the roadway;
  4. When assisting motorists parked/stopped in hazardous locations.
- B. Siren
1. The siren will be used simultaneously with the emergency lights when in pursuit, or a code response.
  2. The siren may be used to signal violators to stop.
- C. Hazardous warning lights
1. At the officers' discretion, hazardous warning lights, commonly known as four-way flashers, may be used simultaneously with emergency lights.
  2. Officers operating motorcycles are not required to leave their emergency/hazard lights on after stopping a violator during daylight hours. At night they will use, at a minimum, their hazard lights unless additional warning lights are needed due to safety concerns.
- D. Spotlight
1. These lights should be used as a protection to the officer, especially when dealing with known or suspected felons. When stopping a traffic violator and after ensuring the violator has come to a complete stop, the spotlight should be used to illuminate the interior of the violator's car so all occupants are kept within view and at a distinct disadvantage when looking back towards the police vehicle and officer. The officer should exercise care to not be silhouetted by the light.
- E. Public Address System

1. The public address system is valuable when stopping a traffic violator. The desired actions of the violator can be directed from a safe distance, minimizing the hazard to the officer.
2. The public address system is also valuable in directing persons when unusual conditions exist, such as when the roadway is temporarily obstructed, alerting pedestrians to hazardous conditions and avoiding the emergency conditions.

#### **41.2.2 Pursuit - Motor Vehicle**

- I. Pursuit driving is an active attempt by a law enforcement officer operating a police vehicle and using emergency lights and siren to apprehend the occupant(s) of another moving vehicle, when the officer reasonably believes that the driver of the fleeing vehicle is aware of the officer's attempt to stop the vehicle, and is resisting apprehension by increasing vehicle speed, ignoring the officer, or otherwise attempting to elude the officer.
- II. A motor vehicle pursuit is justifiable only when the necessity of immediate apprehension outweighs the level of danger to the community created by the pursuit. If officers cannot quickly apprehend a pursuing driver with reasonable safety, they shall try to obtain enough information to apprehend the driver later.
  - A. While in pursuit, emergency lights and siren are to be continuously operating throughout the duration of the pursuit.
- III. The Kirkland Police Department has adopted the WASPC Model Policy for Vehicle Pursuits, which states, "The ultimate decision to initiate a pursuit must be balanced against the greater concern for the safety of the community and the public safety employees".
  - A. When a decision is made to pursue a vehicle, the officer initiating the pursuit must have reasonable suspicion to believe that the driver or the occupants of the vehicle have committed or are about to commit a felony crime, or that the violator poses an immediate or future threat of death or serious bodily injury to officers or the public.
  - B. The conditions during a pursuit should continuously be evaluated to ensure that the risk of non-pursuit clearly outweighs the risk of pursuit.

1. No more than two patrol units should be engaged in a pursuit unless the primary unit or supervisor specifically requests a backup unit.
2. Only officially marked patrol vehicles should engage in pursuits, and emergency equipment (lights and siren) shall be in operation throughout the entire pursuit.
  - a. Officers in unmarked vehicles equipped with a portable emergency light and siren may, with supervisory approval, follow a fleeing vehicle until a marked police vehicle arrives to conduct the pursuit.
  - b. Police vehicles containing victims, witnesses, suspects, prisoners, or any other non-police personnel may not engage in pursuit driving situations.
  - c. Police officers driving motorcycle units will participate in pursuits only until relieved by a marked, emergency-equipped police vehicle, unless the on-duty supervisor determines the motorcycle unit is a more effective pursuit vehicle.
  - d. Officers operating motorcycles are prohibited from ramming a pursued vehicle, or attempting to dislodge the rider of another motorcycle being pursued.
3. If available, aircraft should be utilized to maintain visual contact with the fleeing vehicle.
4. Any officer involved in a pursuit may discontinue their involvement at any time during the course of the pursuit.
5. An officer should consider the following when deciding to initiate, sustain, or terminate a pursuit:
  - a. Seriousness of the offense.
  - b. Safety to the public.
  - c. Safety to the officer.
  - d. Likelihood of successful apprehension.

- e. Time of day.
  - f. Traffic volume.
  - g. Pedestrian traffic.
  - h. Road and weather conditions.
  - i. Visibility and illumination.
  - j. Capabilities of the officer and their police vehicles.
  - k. Officer's familiarity with surroundings and geographic area.
  - l. Suspect's threat to the life of others.
  - m. Speeds involved.
  - n. Identification of the pursued driver or vehicle registration making later apprehension possible.
  - o. Safety of passengers in the suspect's vehicle.
- C. Wrong Way Pursuits - Officers should not pursue vehicles that proceed the wrong way on a divided highway, freeway, freeway access, or one-way street unless specifically authorized by a supervisor. Officers may attempt to stop the vehicle from legally available lanes of travel.

#### IV. Initiating Officer's Responsibility

- A. It is the responsibility of the primary unit to advise NORCOM and/or responding units of the following information:
- 1. Officer identification.
  - 2. Location, direction of travel, speed, and traffic volume on a continuous basis during the pursuit.
  - 3. Description of the fleeing vehicle and license number if known.
  - 4. Description of the suspect driver and occupants, if available.

5. Reason for the pursuit, including the crime, or circumstances for which the pursuit was initiated.

V. Secondary Unit's Responsibility

- A. The secondary unit, upon joining the pursuit, should advise NORCOM of their involvement. It is recommended that the secondary unit assume responsibility for primary radio communication. The secondary unit shall replace the primary unit should it become necessary.

VI. Backup Units' Responsibilities

- A. Other officers in the area of the pursuit shall monitor the progress of the pursuit. They should not engage in the pursuit unless requested to do so by the primary or secondary unit or the supervisor. They should be available in case they are needed to help provide resources that may be needed to terminate the pursuit and assist in the apprehension of the suspects after the pursuit has been terminated.

VII. Supervisory Responsibilities in Pursuits

- A. Upon notification of a pursuit, the supervisor shall assume supervisory command of the pursuit and will direct or change the tactics of the pursuit as needed. The supervisor in command of the pursuit shall be responsible to coordinate the resources necessary to end the pursuit as quickly as possible and by the most safe and effective means available.
- B. A supervisor may order the termination of a pursuit at any time.

VIII. Forcible Stopping / Roadblocks

- A. The Kirkland Police Department recognizes three (3) methods of forcible stop: intentional intervention, hollow spike strip, and pursuit immobilization technique (PIT).
  1. **Intentional Intervention:** Intentional intervention (ramming) of a vehicle is the deliberate act of hitting another vehicle with the patrol vehicle for the purpose of functionally damaging or forcing the other vehicle off of the road. Intentional intervention should be considered lethal force (see General Order 1.3.2 and 61.3.4).

2. **Hollow Spike Strip:** Law enforcement officers must have received training in the use of the spike strip before utilization. The deployment of hollow spike strips shall be in compliance with Standard Operating Procedure PAT-027.
  3. **Pursuit Immobilization Technique (PIT):** The PIT is a method to reduce the risks in bringing pursuits to a conclusion. PIT is a forced rotational vehicle stop of a noncompliant suspect in an effort to end the suspect's flight. Officers must have received training in the utilization of the PIT maneuver before using the technique. The use of the PIT shall be in compliance with Standard Operating Procedure PAT-026. The use of PIT is not considered ramming when PIT is utilized in accordance with Standard Operating Procedure PAT-026.
- B. General Orders 1.3.2, 41.2.2, & 61.3.4; and Standard Operating Procedures PAT-026 & PAT-027 govern the use of these three (3) methods of forcible stopping to include the following:
1. Describing circumstances warranting their use;
  2. Specifying procedures for implementation;
  3. Requiring training in the use of forcible stopping techniques;
  4. Defining supervisory responsibilities; and
  5. A written report & an administrative review of the forcible stopping incident.
- C. The Kirkland Police Department prohibits the use of roadblocks.
- IX. Termination of Pursuit
- A. The decision to terminate a pursuit can be made by the primary officer or ordered by the supervisor at any time during the pursuit. Those making the decisions should consider the nature of the offense, the time of day, the evaluation of the weather, traffic conditions, geographies, familiarity with the area, the types of patrol vehicles involved, and the actions of the fleeing driver. A pursuit should be terminated when:

1. The officer or the supervisor believes the danger to the public or the officers outweighs the need for immediate apprehension of the suspect.
  2. The violator's identity is established to the point where later apprehension may be accomplished.
  3. A supervisor orders the pursuit to be terminated.
  4. The suspect is known to law enforcement.
  5. If the pursued vehicle's location is no longer known, or the distance between the pursuing vehicles and the violator's vehicle becomes so great that further pursuit is futile; or
  6. There is a person injured during the pursuit and no other law enforcement or medical personnel are able to render assistance.
  7. Radio communications become unreadable.
- X. Inter-jurisdictional Pursuits
- A. Inter-jurisdictional pursuits by other agencies:
1. When a police pursuit is originated by another jurisdiction and enters the City, the duty supervisor will attempt to determine why the vehicle is being pursued and what assistance is requested by the pursuing agency.
  2. If back-up assistance only is requested, one patrol unit will be assigned to trail the pursuit but will not actively pursue.
  3. Officers will not take over pursuits by other agencies unless specifically requested and the request is authorized by a supervisor.
  4. If the other jurisdiction requests our department to assume active pursuit, the duty supervisor will evaluate the circumstances, as provided by the other agency, and determine our response.
  5. Officers will not fall in line and continue pursuits outside of the City when the pursuit was initiated by another jurisdiction, unless directed by the supervisor.

6. Direction/Cessation of Pursuit: If, after evaluating all known facts as they relate to this policy, the duty supervisor determines that a pursuit into the city, except pursuits on the I-405 Interstate freeway, initiated by another agency is a detriment to public safety, the agency and pursuing officer will be so advised and requested to immediately discontinue the pursuit. No pursuit will be conducted by the Kirkland Police Department under such circumstances.
- B. Inter-jurisdictional pursuits by the Kirkland Police Department
    1. The law enforcement agency of the jurisdiction affected by the pursuit will be notified immediately and requested to assume active pursuit;
    2. If the law enforcement agency of the other jurisdiction assumes active pursuit, the duty supervisor will order this department's active involvement in the pursuit discontinued. Should the other agency be unable or refuse to assume active pursuit, the duty supervisor will evaluate the pursuit for continuance in accordance with the significant factors of this department's policy.
    3. The pursuing officer(s) will discontinue the pursuit at the point that two-way radio communication becomes unreadable, or when General Order 41.2.2, Section VIII applies (see above).
  - C. All General Orders and Standard Operating Procedures pertaining to pursuits are applicable to officers assisting another jurisdiction in a pursuit, or participating in a pursuit in another jurisdiction.
- XI. Critique of Pursuits
- A. After every pursuit, the duty supervisor shall complete a Pursuit Critique Report and conduct a review to determine compliance with policy and identified training issues.
  - B. All pursuits will be examined by a pursuit review committee. The Chief of Police will appoint the Patrol Lieutenant to head the pursuit review committee. The Patrol Lieutenant shall then select one Sergeant and one Patrol Officer to serve on the committee. The committee will forward the results of their examination to the Chief of Police.

- C. The assigned Operations Lieutenant is responsible for storing the pursuit reports and compiling statistical reports for review.

### 41.2.3 Pursuit Reports – Annual Analysis

- I. In January of each year, the Chief will direct that an annual analysis of pursuits occurring the prior calendar year be conducted. The analysis will include the number and types of pursuit reports as required by General Order 41.2.2, Section (XII) (A).

The Chief will review the annual analysis to determine if there are patterns or trends that could indicate training needs and/or policy modifications.

### 41.2.4 Field Interviews

- I. Patrol officers often encounter persons in suspicious or unusual circumstances. Recording these people's identities, descriptions, vehicles, times and places found, and circumstances of the situations may be beneficial to other patrol officers for various reasons, including follow up investigations and other patrol activities. This information may also be useful to investigators assigned current or future investigations. This information is recorded on a field interview card.
- II. An officer may not stop a person for the sole purpose of completing a field interview card. The officer must have reasonable suspicion that the person in question has committed, is committing, or is about to commit a criminal offense. The standard of reasonable suspicion is substantially lower than that of probable cause, and it is more than a hunch or mere speculation on the part of the officer.
  - A. Since the requirement of reasonable suspicion to stop must be based upon objective grounds, officers should specifically record these objective grounds on the field interview card. Phrases such as "he was acting suspicious" are not sufficient. Only the specific conduct of the person which contributed to the officer's reasonable suspicion should be noted.
- III. Nothing in this order shall prohibit the officer from making a social contact. A social contact is a face-to-face communication between an officer and a private person under circumstances where the person is free to leave as desired. Contacts are different from detentions or arrests in that they do not involve the "seizure" of persons within the meaning of the Fourth Amendment; the officer does not need reasonable suspicion, probable cause, or any other specific indication of criminal activity in order to initiate a social

contact. An officer may initiate a social contact with a person in any place that the officer has a right to be, and like any other citizen, the officer may approach an individual and engage in conversation.

- A. If there is no legal basis for detention, the person(s) may not be halted, detained, or frisked without legal justification. If the person refuses to cooperate, the person must be permitted to go on their way unless the officer has developed probable cause to stop or arrest.
- IV. When persons contacted meet certain criteria identified as associated with gang activity, officers are encouraged to fill out yellow, gang specific field interview cards (See General Order 51.2.2).
  - V. Field interview cards will be turned into the officer's immediate supervisor. The supervisor will then turn the field interview cards into Crime Analysis.

#### **41.2.5 Notifications**

- I. Medical Examiner
  - A. Anytime officers are called to investigate any criminally caused, suspicious or unattended death the King County Medical Examiner's office will be notified.
    - 1. The investigator will coordinate custody and care of the body (bodies) with the Medical Examiner's office and the deceased family if present.
    - 2. Notification of next of kin will generally be the responsibility of the Medical Examiner's office.
    - 3. Identification of deceased persons to the media will be left as the responsibility of the Medical Examiner's office, and all media inquiries will be directed to their Seattle office.
- II. Street/Public Works Departments
  - A. Officers who discover potential or actual hazards on the roadway should immediately request that the appropriate Department be contacted in order to correct the hazard.
    - 1. Officers should provide information such as location, type of problem, and urgency of response.

### III. Public Utilities

- A. Officers should immediately notify NORCOM when a situation is brought to their attention that presents a potential or actual safety hazard to person(s) or property and is the responsibility of a public utility company. NORCOM will then notify the appropriate public utility.

### IV. News Media

- A. Media advisories concerning accidents, road blockages, or other situations which might significantly affect traffic flows on state highways should be directed to the Bellevue office of the Washington State Patrol.
- B. Situations which are going to only affect local traffic flows, but are going to present a long term problem (more than a few hours) will be the responsibility of this Department.
  - 1. The duty supervisor may request that NORCOM contact any or all of the local radio stations, and relay information concerning major local traffic problems.
- C. See also General Order 54.1 on Public Information, regarding release of information.

#### **41.2.6 Missing Adults**

- I. It is the policy of the Kirkland Police Department to thoroughly investigate reports of all missing adults. Officers will respond in a timely manner to all reports of missing adults.
  - A. Initial description and information to be gathered
    - 1. A Missing Person report and form KPD 2004-105 will be completed for reports of missing adults.
    - 2. Missing Person form KPD 2004-105 includes sections for;
      - a. Involved dates, reporting person, missing person name & date of birth, medical condition of the missing person, physical description, personal identifiers (social security & driver's license), clothing description, jewelry,

glasses/contacts, place of work/school, associates & hangouts, scars/marks/tattoos, dentist information, and vehicle description.

3. Initial information will be gathered to determine if the missing person is an "endangered person". This is also located on the Missing Person form KPD 2004-105,
  4. A photograph will be obtained, if available, and
  5. A bulletin will be completed.
- B. Dissemination of collected information
1. Incident reports will be forwarded to the Detective Division for review to determine appropriate dissemination and follow up.
  2. Bulletins will be posted in the Patrol Briefing Room.
- C. Entry and removal in WACIC / NCIC
1. Missing persons will be entered into the Washington Crime Information Center (WACIC) as soon as possible.
    - a. Based on the entry into WACIC, the computer may automatically enter the person into NCIC.
  2. An entry will be made by NORCOM to remove a missing person from the above systems when proper notification has been received.
- D. Follow up contact with the reporting person
1. The reporting person will be notified upon receiving information on the location of the missing person.
- E. Follow-up investigation and search
1. Persons at the scene of the missing person report will be identified.
  2. Area searches will be conducted if warranted.

3. Follow up contacts with friends, family and other associated persons will be made as necessary.
  4. Contacting local agencies such as hospitals as needed.
  5. Upon locating the missing adult, the officer will complete the following:
    - a. Verify that the located adult is in fact the reported missing adult.
    - b. Arrange services, if needed. This may include, but is not limited to; physical / mental health services, and counseling.
    - c. Complete the appropriate supplemental reports.
    - d. Provide NORCOM with the information on the location of the missing adult for purposes of removal from WACIC.
  6. Detective Follow Up
    - a. Procedures for additional follow up investigation by Detectives are outlined under Standard Operating Procedure INV-031.
- F. At-risk missing persons
1. At-risk information will be included into the WACIC computer entry. This may include, but is not limited to, the following:
    - a. Medical condition;
    - b. Drug dependency (legal and/or illegal);
    - c. Mental capacity;
    - d. Weapons;
    - e. Other safety concerns.
  2. Local agencies should be contacted by the investigating officer and may include, but not limited to, the following:

- a. Hospitals;
  - b. Law enforcement;
  - c. Transportation;
    1. Bus Stations
    2. Train Stations
    3. Airports
- II. The Kirkland Police Department assumes primary responsibility for reunification of missing adults with their families. General responsibilities may include:
- A. Providing for the immediate physical needs of the missing person.
  - B. Conducting an interview with the person as soon as practical to obtain information about the circumstances of the incident, other individuals involved, and any possible criminal acts.
  - C. Notifying and briefing the missing person's family.

#### **41.2.7 Missing Children**

- I. It shall be the policy of this agency to thoroughly investigate all reports of missing children. Additionally this agency holds that every child reported as missing will be considered "at-risk" until significant information to the contrary is confirmed.
  - A. If a missing child either resides in, or was last seen in this jurisdiction, this agency will immediately initiate the required reporting process. If a child resides in this jurisdiction and was last seen in another jurisdiction, but the law-enforcement agency covering that jurisdiction chooses not to take a missing-child report, this agency will assume reporting and investigative responsibility.
  - B. It shall be the policy of this agency to accept the report of a missing child even if custody has not been formally established. Reporting parties shall be encouraged to obtain legal custody as soon as possible; however, since the safety of the missing child(ren) is paramount, members of this agency will open a case when it can be

shown that the child has been removed, without explanation, from his or her usual place of residence.

- C. The following are different types of missing children cases which shall be thoroughly investigated:
1. **Non-family abduction** in which a child is taken by an unknown individual, through force or persuasion, usually in furtherance of additional victimization.
  2. **Family abduction** in which a non-custodial family member flees with a child, usually in direct violation of a court-ordered custody arrangement.
  3. **Runaway child**, most often a teenager, who leaves home voluntarily for a variety of reasons.
  4. **Lost or otherwise missing child**, who becomes separated from parents or caretakers under circumstances not indicating the likelihood of an abduction or voluntary absence.
  5. **Thrown-away child** whose caretaker makes no effort to recover the child who has run away or who has been abandoned or deserted.

## II. Missing and At-Risk Child Criteria

- A. The term **missing child** refers to a person who is:
1. Younger than 18 years of age and
  2. Whose whereabouts are unknown to his or her parent, guardian, or responsible party.
- B. A missing child will be considered **"at-risk"** when one or more of the unusual circumstances are present.
- C. The term **unusual circumstances** refers to a missing child:
1. Who is 13 years of age or younger; or
  2. Who is believed to be out of the zone of safety for his or her age, developmental stage, and/or physical condition; or

3. Mentally diminished; or
4. Drug dependent, including both prescription and illicit substances; or
5. A potential victim of foul play or sexual exploitation; or
6. In a life-threatening situation; or
7. Absent from home for more than 24 hours before being reported to law enforcement as missing; or
8. Believed to be with others who could endanger his or her welfare; or
9. Is absent under circumstances inconsistent with established patterns of behavior; or
10. Whose disappearance involves circumstances that would cause a reasonable person to conclude that the child should be considered at risk.

D. Actions upon determination of unusual circumstances.

1. If it is determined that unusual circumstances are involved in the report of a missing child, the child will be considered at risk, and:
  - a. An expanded investigation, including the use of all appropriate resources, will immediately commence.
  - b. An immediate review of the AMBER Alert Plan will be conducted to determine if the criteria for activation has been met. (See Standard Operating Procedure PAT-003, INV-004)

III. Criteria for supervisory notification

- A. Responding officers will make assessments on the above Missing Children and At-Risk Child criteria, and shall notify their immediate supervisor when:
  1. The incident has met the criteria for activation of the Amber Alert Plan.

2. The incident involves an At-Risk missing child and additional resources are needed.
  - B. The supervisor will notify the Operations Lieutenant and Investigations Lieutenant of all incidents requiring the activation of the AMBER Alert Plan or At-Risk incidents where additional resources are needed.
- IV. Information required for immediate notification of inter- and intra-agency coordination.
- A. Confirmation that the Missing / At-Risk child criteria have been met.
  - B. Circumstances of the incident.
  - C. Completion of the Missing Person form KPD 2004-105.
  - D. Identification of additional resources needed.
  - E. Supervisor notification.
- V. Criteria for activation of Amber Alert Systems or other public notification.
- A. The victim is under 18 years of age; and
  - B. The victim is not a voluntary runaway (previous history of runaway reports is NOT a sole factor for exclusion); and
  - C. A risk of injury or death to the victim is present, in the judgment of the reporting law enforcement agency investigator; and
  - D. It must be reported to and investigated by a law enforcement agency.
  - E. The procedures for the Amber Alert Plan is listed under Standard Operating Procedures; PAT-003, INV-004.
- VI. Responsibilities of call takers, first responders, supervisors and investigators.
- A. Responsibilities are outlined in Standard Operating Procedures; PAT-015, INV-007.
- VII. Follow-Up Responsibilities

- A. Incident reports will be forwarded to the Detective Division for review to determine appropriate dissemination and follow up.
- B. An officer assigned to the **recovery or return** of a missing child shall:
  1. Verify that the located child is in fact the reported missing child.
  2. Arrange intervention services, if needed. This may include, but is not limited to; physical / mental health services, and family counseling.
  3. Arrange for the return of the child to his or her legal guardian, or an appropriate children's shelter as provided for in RCW 13.32A.060.
  4. Complete the appropriate supplemental reports.
  5. Provide NORCOM with information on for purposes of removal from WACIC.
- C. Detective Follow Up
  1. Procedures for additional follow up investigation by Detectives are outlined under Standard Operating Procedure INV-031.

#### **41.2.8 Mentally III**

- I. Given the unpredictable and sometimes violent nature of the mentally ill, officers should never compromise or jeopardize their safety or the safety of others when dealing with individuals displaying symptoms of mental illness.
- II. In the context of enforcement and related activities, officers shall be guided by RCW 71.05.150 regarding the detention of the mentally ill.
- III. Officers shall use the procedures and guidelines set forth under Standard Operating Procedure PAT-028 to assist in defining whether a person's behavior is indicative of mental illness and in order to deal with the mentally ill in a constructive and humane manner, to include:
  - A. Guidelines for the recognition of persons suffering from mental illness;
  - B. Procedures for accessing available community mental health resources;

- C. Specific guidelines for sworn officers to follow in dealing with persons they suspect are mentally ill during contacts on the street, as well as during interviews and interrogations;
- IV. Training on the Kirkland Police Department's guidelines and procedures for the Mentally Ill will be provided to agency personnel as follows:
- A. Documented entry level training of agency personnel; and
  - B. Documented refresher training at least every three years.



## **General Order No. 41.3**

### **SUBJECT: PATROL EQUIPMENT**

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This order consists of the following numbered sections:

- 41.3.1 Patrol Vehicle - Lights / Siren**
- 41.3.2 Patrol Vehicle - Equipment**
- 41.3.3 Seat Belt Use Required**
- 41.3.4 Authorized Personal Equipment**
- 41.3.5 Body Armor**
- 41.3.6 High Risk Vest**
- 41.3.7 Mobile Computer Terminal (MCT)**
- 41.3.8 N/A by Function**

#### **41.3.1 Patrol Vehicle - Lights / Siren**

- I. Vehicles utilized for patrol will be conspicuously marked, and will include the following:
  - A. Vehicles utilized primarily as patrol vehicles will have exterior mounted emergency lights and siren.
  - B. The words "Kirkland Police" on both sides of the patrol vehicle.
  - C. Vehicle numbers.
  - D. Uniform exterior paint.
  - E. The numbers "911" on both sides of vehicle.
- II. Each vehicle used in routine patrol will be equipped with the necessary equipment, in operational order, and suitable on patrol vehicles as listed in the Vehicle Checkout Report form (KPD 2005-061).
- III. Vehicles utilized for traffic functions are marked police vehicles, equipped with a siren and emergency lights. They may or may not have exterior mounted emergency lights, and are conspicuously marked as police vehicles.

#### **41.3.2 Patrol Vehicle - Equipment**

- I. Every marked patrol vehicle trunk will be equipped with the listed items on the Vehicle Checkout Report form (KPD 2005-061).

- II. The Vehicle Checkout Report form is to be completed by the officer assigned to the patrol vehicle. This form should be completed after inspecting the vehicle at the start of a shift and prior to leaving the station.
- III. Supervisor's patrol vehicle will contain all items listed on the Vehicle Checkout Report form (KPD 2005-061).
- IV. Vehicle inventories of patrol vehicles will be conducted at the direction of the assigned Operations Lieutenant.
- V. Missing supplies will be replenished from stock maintained by the department. The officer shall complete a Supplies/Equipment/ Repair/ Request form (KPD 2005-255) for items that need to be replaced. Damaged or inoperable equipment will be reported and repair or replacement requested via chain of command. Requests for vehicle repair should be reported on a PD Queue form on Cop NET. If Cop NET is not functioning, then a Vehicle Repair Request form (KPD 1999-257) shall be submitted for repair requests.
- VI. The Vehicle Checkout Report form (KPD 2005-61) shall be reviewed and updated as needed by the assigned Operations Lieutenant.

#### **41.3.3 Seat Belt Use Required**

- I. Use of seat belts by departmental personnel will be in accordance with RCW 46.61.688.
- II. All passengers or prisoners being transported in a departmental vehicle will use seat belts in accordance with state law. See General Order 71.2.1 for exceptions.
- III. Children requiring child-safety restraints will be transported in compliance of RCW 46.61.687.

#### **41.3.4 Authorized Personal Equipment**

- I. Authorized Equipment and Apparel for Personnel
  - A. Uniforms and apparel are important in reflecting the Department's positive public image and the morale of its personnel. Employees are responsible for wearing the proper and complete department uniform in the prescribed manner. All employees shall maintain a professional appearance at all times in the workplace.

- B. Uniformed personnel shall wear the uniform of the day (Class "B") when reporting for duty, with the exception of Records Support Staff who may wear Business Casual Apparel on Fridays.
- C. Officers who normally work in uniform may appear in court in the uniform of the day, business suit, or coat and tie unless otherwise directed. All other members of the department will appear in suitable business attire.
- D. Dress Uniforms shall consist of:
  - 1. A navy-blue dress jacket; white shirt; uniform navy necktie; Class "A" uniform trousers, belt, dress hat; authorized apparel and accessories.
  - 2. Dress hat will be an eight-point hat of navy blue cloth, with a hard black leather or vinyl bill; and stiffener band .
- E. Class "A" uniform, special ceremonies and funerals, shall consist of:
  - 1. Uniform long sleeve wool blend shirt;
  - 2. Uniform wool blend pants;
  - 3. Uniform navy necktie;
  - 4. Uniform necktie bar;
  - 5. Uniform eight point dress cap;
  - 6. Motorcycle breeches;
  - 7. Motorcycle helmet, three-quarter (3/4) face;
  - 8. Motorcycle boots;
  - 9. Authorized/required accessories; (*See General Order 41.3.4, Section III*)
- F. Class "B" uniform shall consist of:
  - 1. Issued black long and short sleeve shirt;

2. Issued black winter and summer pants;
  3. Baseball hat; KPD wool pull over cap upon request
  4. Motorcycle winter and summer pants;
  5. Motorcycle full face helmet;
  6. Bicycle specific Patrol shorts;
  7. Bicycle Patrol helmet;
  8. Authorized/required accessories; (*See General Order 41.3.4, Section III*)
- G. Miscellaneous apparel shall consist of:
1. Turtleneck shirt, with KPD logo (not issued);
  2. Uniform jacket;
  3. Leather gloves, with Kevlar lining;
  4. Uniform duty belt;
  5. Uniform belt;
  6. Uniform protective vest;
  7. Dress cap cover;
  8. Motorcycle rain pants;
  9. Motorcycle rain jacket;
  10. Jumpsuit (issued to K9).
  11. Authorized/required accessories; (*See General Order 41.3.4, Section III*)
- H. Commissioned personnel - authorized accessories shall consist of:
1. Badge

- a. Department issued badge will be worn centered over the left breast pocket and pinned in the space provided on the uniform shirt.
2. Name Plate
    - a. Department issued metal nameplate will be centered over and one-quarter (1/4) inch above the right breast pocket. To be worn with the Class "A" uniform.
3. Medal of Honor
    - a. Washington State Law Enforcement Medal of Honor Committee issued Medal of Honor ribbon bar will be centered over and one-quarter (1/4) inch above the badge.
4. Medal of Valor
    - a. Department issued medal of valor ribbon bar will be centered over and one-quarter (1/4) inch above the nameplate.
5. Distinguished Service Award
    - a. Department issued medal of valor ribbon bar will be centered over and one-quarter (1/4) inch above the nameplate.
6. Insignia of rank
    - a. For Chief of Police, shall be three gold colored metal or gold thread stars, worn on both sides of the uniform shirt collar and on each shoulder of all other outer garments except rain gear.
    - b. For Captain, shall be two gold colored metal or gold thread bars, worn on both sides of the uniform shirt collar and on each shoulder of all other outer garments except rain gear.
    - c. For Lieutenant, shall be one gold colored metal or gold thread bar, worn on both sides of the uniform shirt collar

- and on each shoulder of all other outer garments except rain gear.
- d. For Sergeant, shall be three blue chevrons with white thread trim, worn centered on each sleeve and below the Kirkland Police patch of the uniform shirt, and on all outer garments except rain gear.
  - e. For Corporal, shall be two blue chevrons with white thread trim, worn centered on each sleeve and below the Kirkland Police patch of the uniform shirt, and on all outer garments except rain gear.
7. Uniform tie clasp shall be a straight bar design with the seal of the State of Washington centered on the bar, and bearing the engraved inscription, "Police Dept." This will be worn centered on the necktie.
8. Buckles, buttons, snaps, tie clasps, and other like metal accessories shall be:
- a. Silver color for personnel in the rank of Corporal and below.
  - b. Gold color for personnel in the rank of Sergeant and above.
9. Kirkland Police Shoulder patch –
- a. Command Staff – the patch will have "Kirkland Police" and the City of Kirkland emblem in gold thread on a blue background and the patch will be bordered with gold thread.
  - b. Non-Command Staff – the patch will have "Kirkland Police" and the City of Kirkland emblem in white thread on a blue background and the patch will be bordered with white thread.
10. Motorcycle patch - a winged motorcycle wheel, centered directly below the Kirkland Police shoulder patch on the sleeves of the uniform shirt, and shall be worn by certified motorcycle officers only.

11. SRT eagle & lightning bolt patch centered on left breast of the SRT B.D.U.
12. Kirkland Police K9 Officer patch - centered on the right and left sleeves in the same position where the Kirkland Police Department shoulder patches are placed for patrol officers.
13. Field Training Officer pin - Department issued metal field training officer pin will be centered over and one-quarter (1/4) inch above the nameplate (see also item 22 below – Wearing of Pins).
14. Crisis Negotiations Team pin – Department issued metal crisis negotiations team pin will be centered over and one-quarter (1/4) inch above the nameplate (see also item 22 below – Wearing of Pins).
15. Special Response Team pin – Department issued metal special response team pin will be centered over and one-quarter (1/4) inch above the nameplate (see also item 22 below – Wearing of Pins).
16. School Resource Officer pin – Department issued metal school resource officer pin will be centered over and one-quarter (1/4) inch above the nameplate (see also item 22 below – Wearing of Pins).
17. Command School pin/insignia – Department authorized pin/insignia will be centered over and one quarter (1/4) inch above the nameplate. Pin/insignia may be worn on “Class A” and “Dress” uniform (see also item 23 below – Wearing of Pins).
18. United States Flag pin – Department issued metal United States Flag pin will be centered over and one-quarter (1/4) inch above the nameplate (see also item 22 below – Wearing of Pins).
19. Correction Officer - an arched emblem centered directly above the Kirkland Police Department shoulder patches, approximately one-half (1/2) inch below the shoulder seam, with the words “Corrections Officer”.
20. Support Services - an arched emblem centered directly above the Kirkland Police Department shoulder patches, approximately

one-half (1/2) inch below the shoulder seam, with the words "Support Services". (Evidence Technician Only)

21. Years of Service mark – each service mark indicates three years of service in law enforcement. The correct number of service marks shall be worn on the left sleeve of the long-sleeve uniform shirt, along the sleeve cuff, and one-half (1/2) inch to the right of the sleeve press line. They shall be sewn on with matching thread. The entire strip shall be replaced when adding a mark.
22. Wearing of Pins
  - a. No more than two pins may be worn at anytime on a uniform.
  - b. Only pins of current assignment(s) may be worn.
  - c. Pins will be worn centered over and one-quarter (1/4) inch above the nameplate. If two pins are worn, then the second pin will be worn centered and one-quarter (1/4) inch above the first pin.
  - d. The Medal of Valor and Distinguished service Ribbons will be worn above all these pins, except for the Flag pin which may be worn centered over and one-quarter (1/4) inch above these service ribbons.

I. Dress Uniform Jacket and Dress Uniform Shirt

1. For Chief of Police, shall be three gold colored metallic thread braids worn on both sleeves of the dress jacket; all three braids shall be one-half (1/2) inch wide, with the first braid being 3½ inches from edge of cuff, and three gold colored metal stars on each shoulder.
  - a. Dress uniform shirt shall have three gold colored metal stars on each side of the collar.
2. For Captain, shall be two gold colored metallic thread braids worn on both sleeves of the dress jacket; both braids shall be one-half (1/2) inch wide, with the first braid being 3½ inches

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- from edge of cuff, and two gold colored metal bars on each shoulder.
- a. Dress uniform shirt shall have two gold colored metal bars on each side of the collar.
3. For Lieutenant, shall be one gold colored metallic thread braid worn on both sleeves of the dress jacket; the braid shall be (1/2) inch wide, with the braid being 3½ inches from edge of cuff, and one gold colored metal bar on each shoulder.
    - a. Dress uniform shirt shall have a gold colored metal bar on each side of the collar.
  4. Non-Command Staff issued a Dress Uniform Jacket for assignment at Washington State Criminal Justice Commission as a TAC Officer will have the following:
    - a. For Sergeant, shall be three blue chevrons with white thread trim, worn centered on each sleeve and below the Kirkland Police patch of the dress jacket.
    - b. For Corporal, shall be two blue chevrons with white thread trim, worn centered on each sleeve and below the Kirkland Police patch of the dress jacket.
  5. Service Stars for Command staff – gold colored metallic thread service stars will be worn on both sleeves of the Dress Uniform. Each gold star will represent 5 years of service in law enforcement. These stars will be sewn 1/2 inch above the highest gold colored metallic thread braid on each sleeve.
- J. All other commissioned personnel
1. Non-uniformed personnel will report for work in professional business attire as approved by the Chief of Police. The attire will be properly fitted, clean, and in a good state of repair.
  2. Those persons working in a non-uniformed assignment shall have a complete and proper uniform available in their department lockers in case circumstances dictate that they wear the uniform on short notice.

- K. Business Casual Apparel - the following guidelines relating to Business Casual Apparel shall apply to employees of the Police Department on Fridays.
1. Uniformed personnel shall wear the uniform of the day when reporting for duty, with the exception of Records, and office personnel who may wear Business Casual Apparel on Fridays.
  2. Business Casual Apparel is described as professional apparel that is at least equivalent to, or better than, the existing Department issued Docker slacks and polo shirts worn by Records.
  3. Denim pants, tennis shoes, and recreational sandals are not considered Business Casual Apparel and are not allowed.
  4. For scheduling purposes, Business Casual Friday shall be defined as when the majority of your shift falls on the calendar Friday.
  5. Employees who are issued a uniform shall have a complete and proper uniform available in their Department locker in case circumstances dictate that they wear their uniform on short notice.
  6. All other divisions will wear a professional uniform or professional clothing as designated in this General Order.
  7. Supervisors shall be responsible for insuring the above policies are adhered to.

II. Authorized Equipment and Apparel for Non-Commissioned Personnel.

- A. Corrections Officer Class "A" uniform (required wear; issued) shall consist of:
1. Uniform long sleeve wool blend shirt;
  2. Uniform wool blend pants;
  3. Uniform navy necktie;
  4. Uniform necktie bar;

5. Uniform eight point dress cap;
  6. Uniform belt;
  7. Authorized/required accessories; *(See General Order 41.3.4, Section III.)*
- B. Corrections Officer Class "B" uniform (issued) shall consist of:
1. Issued black long and short sleeve shirt;
  2. Issued black water proof and summer pants;
  3. Baseball hat; KPD wool pullover upon request
  4. Authorized/required accessories; *(See General Order 41.3.4, Section III.)*
- C. Miscellaneous apparel for Corrections Officer shall consist of:
1. Turtleneck shirt, black with KPD logo on collar;
  2. Uniform jacket;
  3. Leather gloves, with Kevlar lining;
  4. Uniform duty belt;
  5. Uniform belt;
  6. Uniform vest cover;
  7. Uniform protective vest;
  8. Dress cap cover;
  9. Authorized/required accessories; *(See General Order 41.3.4, Section III.)*
- D. Police Support Associate Class "B" uniform (issued) shall consist of:
1. Polo shirt with "Kirkland Police" & "City of Kirkland" emblem embroidered on left front breast;

2. Dockers style pants with "KPD" emblem along seam of right rear pants pocket, black or tan;
  3. Authorized/required accessories; *(See General Order 41.3.4, Section III.)*
- E. Miscellaneous apparel for Police Support Associate shall consist of:
1. Fleece jacket or sweater, black with "Kirkland Police" & "City of Kirkland" emblems embroidered on left front breast;
  2. Fleece vest, black with "Kirkland Police" & "City of Kirkland" emblem embroidered on left front breast (Police Support Associate)
  3. Authorized/required accessories; *(See General Order 41.3.4, Section III.)*
- F. Parking Enforcement Officers and Evidence Technician Class "B" uniform (issued) shall consist of:
1. Polo shirt or long sleeve rugby style shirt with "Kirkland Police" & "City of Kirkland" emblem embroidered on left front breast;
  2. Issued black utility pants with "KPD" emblem along seam of right rear pants pocket.
  3. Authorized/required accessories; *(See General Order 41.3.4, Section III.)*
- G. Miscellaneous apparel for Parking Enforcement Officers and Evidence Technician shall consist of:
1. Uniform Jacket
  2. Fleece jacket or sweater, black with "Kirkland Police" & "City of Kirkland" emblems embroidered on left front breast;
  3. Baseball Hat; KPD wool pullover upon request
  4. Authorized/required accessories; *(See General Order 41.3.4, Section III.)*

H. All other non-commissioned personnel

1. Non-uniformed personnel will report for work in professional business attire as approved by the Chief of Police. The attire will be properly fitted, clean, and in a good state of repair.
2. Unless otherwise specifically advised by the Chief of Police or his/her designee, all uniformed employees will report for duty in their Class "B" uniform for all shifts or professional business attire.
3. Those persons who are issued uniforms and working in a non-uniformed assignment shall have a complete and proper uniform available in their department lockers in case circumstances dictate that they wear the uniform on short notice.

III. All personnel - Authorized/Required accessories

A. Kirkland Police shoulder patch shall be sewn one-half (1/2) inch below the shoulder seam and center on each sleeve of the following articles of apparel:

1. Commissioned Personnel:
  - a. Dress jacket
  - b. Uniform jacket
  - c. Class "A" uniform shirt
  - d. Class "B" uniform shirt
  - e. Jumpsuit
2. Non-commissioned Personnel
  - a. Uniform shirt
  - b. Corrections Officer Uniform jacket

- c. Parking Enforcement Uniform Jacket
  - d. Evidence Technician Uniform Jacket
- B. Badge holder shall be securely attached to each article of apparel on which a metal badge is worn, and positioned so as to allow the badge to be:
- 1. Centered over and one-quarter (1/4) inch above the left breast pocket of all uniform shirts.
- C. Jewelry
- 1. Sworn police personnel are limited to the wearing of one ring on each hand, a medical bracelet and a wristwatch. A wedding set shall be defined as one ring. Rings may not be of a size, design, or style that interferes with the employee's normal operational duties, with specific emphasis on safe handling and operation of firearms and other equipment. Non-sworn police personnel may wear finger rings of a size, design, or style that does not pose a safety risk, nor interfere with the member's normal operational duties.
  - 2. Sworn and non-sworn male police personnel shall not wear earrings. Sworn female police personnel may wear one set of simple stud or post-type earrings. Non-sworn female police personnel may wear up to two pairs of earrings while on duty. The earrings must be consistent with a professional businesslike appearance. Earrings may be worn in the ear lobe only.
  - 3. All Personnel - No other jewelry, to include visible body piercings will be allowed while on duty.
  - 4. Female Personnel - Hairpins, combs, or barrettes may be worn, but must be professional in appearance, neutral in color and not pose a safety risk.
  - 5. All Personnel - All other accessories, such as sun glasses, nail polish, eye glasses, etc., shall be conservative in nature and professional in appearance.

6. All Personnel - Medical and religious necklaces are permitted. Necklaces shall not be visible and shall not pose a safety risk, nor interfere with the employee's normal operational duties.
7. All Personnel – Tattoos must be covered by the standard issued uniform while on duty, this includes the long sleeve uniform shirt and uniform pants. For training and plain clothes assignments, tattoos must be covered by clothing authorized for those assignments under General Orders while on duty. The only exception for this will be for personnel assigned to an undercover investigation where the display of tattoos is permitted during the course of that undercover investigation. Outside the course of an undercover investigation (i.e., court testimony, ceremonies, other duties, etc.) the assigned personnel is subject to the provisions of this General Order.
  - a. Employees hired prior to November 1, 2007 will not be required to cover visible tattoo(s) received prior to November 1, 2007, provided the tattoo(s) is/are not offensive. Visible tattoos on the ears, head, face, neck, hands, or feet area are prohibited.
- D. No insignia, pin, patch or decoration, including in printed form, except as herein specified, or as may temporarily be authorized by a command officer, shall be worn on an official uniform, or while on duty.
- E. All cloth accessories shall be neatly and securely sewn with matching color thread.
- F. All cloth badges and Department patches shall be obliterated or removed from all apparel prior to discarding the clothing.
- G. Commission/Kirkland Police Identification cards:
  1. Shall be carried on the person of all on-duty personnel. Personnel assigned to a covert operation, however, are excused from adherence while in the actual performance of covert duties.
  2. Shall be carried by off-duty commissioned personnel unless their activities make it impractical or imprudent to do so.

3. No person shall possess a commission or identification card not specifically issued to them.
  4. Commission or identification cards shall be surrendered to the Chief of Police or his designee upon promotion, suspension, retirement or separation from service.
- H. Unless otherwise specified herein, Corrections personnel shall wear a name plate centered one-quarter (1/4) inch above the right breast pocket of the Class "A" uniform shirt.
- I. Socks will be black or navy blue in color.
1. Bicycle officers may wear black or white socks, except when wearing the Class "A" uniform.
- J. No member of the Department shall possess a Department-owned badge, unless the same was specifically issued to that member, or as otherwise authorized by the Chief of Police.
- K. Members of the Department shall not carry any form of identification, not issued by the Department, which identifies the bearer as a member of the Department, without the approval of the Chief of Police.
- L. All items of issued apparel must have the approval of the Chief of Police as to color, material, style and manufacturer or stock number if applicable. Said approval is subject to amendment from time to time.
- M. Metal badge for all personnel:
1. Shall be worn on the commissioned officer Class "A" and Class "B" uniform shirt, centered one-quarter (1/4) inch above the left breast pocket.
  2. Shall be worn on the dress jacket.
  3. Shall be worn on the Corrections officer Class "A" and Class "B" uniform shirt, centered one-quarter (1/4) inch above the left breast pocket.
  4. Shall be carried by on-duty plainclothes personnel unless otherwise authorized by Division Lieutenant.

5. Shall be silver colored metal for all personnel below the rank of Corporal.
  6. Shall be two tone silver and gold with a silver eagle for Corporals and Detectives. Corrections Corporals shall be a two tone silver and gold badge without the eagle.
  7. Shall be two tone silver and gold with a gold eagle for Sergeant's.
  8. Shall be solid gold colored for Command Staff.
- N. Metal hat badge for commissioned personnel and Corrections officers shall be worn on the Class "A" uniform hat.
1. Silver color metal hat badge for ranks of Corporal and below.
  2. Gold color metal hat badge for the ranks of Sergeant and above.
- O. Cloth badges shall be worn on all garments for commissioned personnel and corrections officers where they have been affixed in place of a badge holder.
1. The positioning of the cloth badge on an article of apparel shall be as indicated for the badge holder in *General Order 41.3.4, Section III, Sub-section B*.
  2. The metal badge will be worn properly positioned on the leather motorcycle jackets for motorcycle officers.
- P. Uniform name plate for all personnel:
1. Shall be worn one-quarter (1/4) inch above the top edge of the right breast pocket of the dress jacket.
  2. Shall be worn one-quarter (1/4) inch above the top edge of the right breast pocket of the Class "A" uniform shirt.
  3. Shall be silver colored metal for rank of Corporal and below; gold colored metal for rank of Sergeant and above.

- Q. Uniform cloth name tag, as designated:
1. Shall be worn on all outer garments, except the Class "A" uniform shirt and dress jacket, for commissioned officers and corrections officers.
  2. May be worn on jumpsuits in lieu of, but in the same location as, the uniform name plate.
  3. Approximately 1" x 5" in size of appropriate colored background cloth, as designated, with white block lettering for the rank of Sergeant and below and gold block lettering for the rank of Lieutenant and above, consisting of the first initial and last name only.
- R. Reliable timepiece shall be carried by all on-duty personnel.

IV. All Personnel - Authorized Hair Grooming

- A. Standards for male employees.
1. Male personnel of the Department will limit the length of their hair to no longer than the top of their shirt collar, measured when standing at attention with a level, horizontal gaze. The hair may not touch the collar. The hair shall be no longer than one-half (1/2) inch above the eyebrows and will be neatly trimmed above the ear.
  2. All Personnel - If tints, dyes, or bleach applications are used on hair, the resulting coloration must be natural in appearance. Exaggerated or bizarre hair styles are not permitted.
  3. All Personnel - If a wig or hairpiece is worn, it must conform to the above standards.
  4. All Male Personnel - Male personnel shall be clean shaven except that neatly trimmed mustaches and sideburns are permitted. Sideburns shall not exceed 1" in width and shall not extend past the ear. Mustaches shall not exceed below a horizontal point extending from the corners of the mouth, nor extend more than one-quarter inch beyond a vertical line drawn at the corner of the mouth.
- B. Standards for female employees.

1. Sworn female police personnel shall wear their hair in a manner that will not interfere with the normal wearing of issued headgear or gas mask. The hair shall be no longer than one-half (1/2) inch above the eyebrows. The bulk or length of the hair must be secured in a manner to maintain a professional appearance and not to interfere with the safe performance of duties.
  2. Non-sworn female employees may wear their hair down, but in a professional, businesslike manner.
- V. All personnel - replacement of damaged items
- A. Should any item be lost, stolen, or damaged in the line of duty and require repair/replacement, the employee shall immediately report the loss, theft or damage of any department issue uniform or equipment item in writing to their immediate supervisor.
    1. The employee will replace accountable items of clothing or equipment lost or mutilated as a result of employee negligence.
  - B. Should any item need repair/replacement through routine wear, the employee shall request repair/replacement in writing to their supervisor, by using the Supplies / Equipment / Repair / Request form (KPD2002-255). See also Standard Operating Procedure ADM-012.
- VI. Definitions - Authorized Equipment and Apparel
- A. Baseball caps - black in color, shall have Kirkland Police centered on the front.
    1. May be worn with "Class B" uniforms for commissioned officers, corrections officers, parking enforcement, and evidence technician.
    2. May be worn with; the jumpsuit, uniform jackets, rain gear, or when deemed appropriate by one's Division Lieutenant.
  - B. Jackets - Made with removable sleeves, light blue over black.
  - C. Motorcycle jackets - made of black leather and may be used only by motorcycle officers.

- D. Uniform vests - black Polar vests and may be worn by Police Support Associates.
- E. Holsters - Safariland Model 6280, level II or III.
- F. Uniform footwear for commissioned and non-commissioned personnel is defined as:
  - 1. The authorized footwear to be worn with the department issued uniform shall be a black polishable, plain toe, lace shoe or boot.
  - 2. Motorcycle officer's uniform footwear is defined as being authentic motorcycle boots of plain black leather and shall be worn by motorcycle officers only.
  - 3. Bicycle Patrol officers' footwear will be black shoes that conform to the pedal retention system.
  - 4. For Police Support Associate, the footwear shall be black or brown in color; no tennis shoes or open toe shoes.
- G. Uniform rain gear
  - 1. Jacket - orange in color and reversible to black.
  - 2. Hat cover – for Class "A" uniform dress hat, black nylon.
- H. Uniform gloves
  - 1. Wrist-length black gloves may be worn with any uniform.
  - 2. Bicycle officers may wear black or dark gray bicycle gloves.
- I. Uniform pants shall be in the appropriate color, as designed, for position held:
  - 1. Commissioned officer - navy blue Class "A" pants; issued pants.
  - 2. Corrections Officer - navy blue Class "A" pants; black pants.
  - 3. Police Support Associate - black or tan Dockers style pants
  - 4. Parking Enforcement and Evidence Technician – black issued pants.

- J. Uniform trouser belt - shall be of black leather or nylon.
  - 1. Police Support Associates may wear brown or black belts.
- K. Uniform jumpsuit may have long or short sleeve which may be worn in appropriate colors;
  - 1. SRT Team member – green and/or black
  - 2. K9 Officer – black
- L. Uniform T-shirt - crew-neck, white or black in color shall be worn by:
  - 1. Commissioned officers
    - a. Class "A" uniform, if the tie is not worn.
    - b. Class "B" uniform.
  - 2. Corrections Officer
    - a. Class "A" uniform, if the tie is not worn.
    - b. Class "B" uniform.
- M. Uniform shirt - with epaulets, pocket flaps, either long or short sleeved, a regular collar, shall be worn by commissioned and non-commissioned personnel in appropriate color, as designated, for position held:
  - 1. Commissioned personnel – Black issued shirts and navy blue Class "A" wool blend shirts.
  - 2. Non-commissioned personnel
    - a. Corrections officers - Black issued shirts and navy blue Class "A" wool blend shirts.
    - b. Police Support Associate polo shirt with Department logo.
    - c. Parking Enforcement and Evidence Technician – Polo shirt with department logo.

- N. Uniform navy necktie - worn by commissioned and non-commissioned personnel with the Class "A" uniform for special ceremonies and funerals.
- O. Uniform duty belt - Black nylon shall be worn with authorized/required equipment, as designated:
  - 1. Commissioned personnel - Class "A" and "B" uniforms.
  - 2. Only authorized/required equipment listed shall be worn on the duty belt; nylon items shall be made of black nylon of like color and design:
    - a. Black nylon belt with plastic buckle
    - b. Handcuff case
    - c. Key holder
    - d. Magazine pouch (double)
    - e. Accepted/approved holster
    - f. Portable radio holder
    - g. Baton holder
    - h. Belt keepers (4)
    - i. Capstun holder
    - j. Glove case
    - k. Optional items as approved/authorized by the command staff.
- P. Uniform turtleneck shirt - black in color, may be worn by commissioned and non-commissioned personnel, with Class "B" uniform or uniform of the day.
- Q. Motorcycle breeches – cotton or wool, navy blue in color (motorcycle officers only).

- R. Uniform protective vest - issued by the department, and will be worn in accordance with General Order 41.3.5.
  - S. Uniform Headgear
    - 1. Uniform dress hat
      - a. Commissioned officers and corrections officers are issued an eight-point dress hat of navy blue cloth with a hard black leather or vinyl bill, and cap strap of appropriate color.
      - b. Commissioned officers and corrections officers are issued a black baseball cap and made of gortex material, with the Kirkland Police Department patch centered on the front.
    - 2. Motorcycle helmet
      - a. Issued to motorcycle officers only; one three-quarter face, white and black helmet; one full face white and black helmet.
  - T. Bicycle Patrol Shorts - black shorts which are above the knee.
  - U. Knives (optional, non-issue item) may be carried on-duty as long as it is a folding blade, and is worn where it is secure and concealed unless worn on the belt in a knife sheath.
- VII. Required uniforms and equipment shall be provided through the Department to each uniformed commissioned employee, and to each non-commissioned Corrections, Police Support Associate, Parking Enforcement Officer and Evidence Technician.
- A. Authorized optional uniforms and equipment may be purchased by employees at their own expense.
  - B. Required uniforms and equipment shall be replaced without cost to the employee when they become unserviceable.
    - 1. The Department will replace serviceable items which are deemed necessary to replace due to promotion or demotion.

2. Any serviceable item meeting current Department specifications, which is returned to stock for any reason, may be reissued.
- C. The Services Lieutenant is responsible for obtaining bids for all issued items, managing uniform/equipment stock, determining serviceability, and issuing or returning items in accordance with General Order 41.3.4.

#### VIII. Uniforms and Equipment maintenance

- A. Employees must maintain required uniforms and equipment in good condition.
- B. Employees may request replacement or repair of any part of the uniform and equipment, which becomes worn or damaged. It is their responsibility to submit these items for replacement or repair. Requests will be submitted to the employee's immediate supervisor on a Supplies / Equipment / Repair / Request form (KPD 2002-255).
- C. Supervisor will inspect the submitted items and review the request. Upon approval, the request will be sent to the Services Lieutenant.
- D. Employees will utilize department equipment only for its intended purpose in accordance with established departmental procedures and will not abuse, damage, or lose that equipment. They will maintain all department equipment assigned to them in good condition. Employees will not convert department equipment to their own use.
  1. Losing, damaging or wasting department property or equipment through negligence, carelessness, or improper use will be grounds for disciplinary action. The employee responsible for such a loss, damage, or waste may be charged for the property in question.
- E. Employees will turn in all department equipment assigned to them as directed.
  1. Upon termination of employment, all department-owned property in an employee's possession must be promptly returned.

#### IX. Personal Equipment Issued

- A. It is mandatory that all uniformed, commissioned personnel carry the following listed personal equipment while working as described below. Uniformed officers that are not on a field assignment, such as Command Staff, Training Unit, and temporary duty assignments, are not required to carry the listed personal equipment while working inside the Kirkland Police Department and not involved in enforcement activities.
1. Portable Radio - Motorola MTS2000 and XTS2500 Handie Talkies
    - a. Uniformed commissioned officers and corrections officers will carry their assigned portable radio in its case, attached to their duty belt. Do not use the antenna to pull the radio from its carrier. This may cause damage to the antennae.
  2. Handgun
    - a. Every commissioned officer in uniform shall carry a department issued sidearm in service-ready condition.
    - b. Every Corrections officer in uniform shall carry a department issued sidearm in service-ready condition.
    - c. Only ammunition meeting department authorized specifications may be used by department personnel.
  3. Handcuffs - Department issued handcuffs.
  4. Oleoresin Capsicum (OC)
    - a. OC fogger for commissioned police personnel
    - b. OC foam for corrections personnel
  5. Asp style expandable baton.
  6. X-26 Taser – If issued, Patrol and Corrections Officers will carry the Taser on the duty belt in the issued Taser holster.
    - a. For officers working a plain clothes detail, the Taser may be contained within a holster while on their person. For concealment purposes, the holstered Taser may be

carried in a secured location other than a duty belt.

X. Metal Detectors

- A. The department metal detector can be used for many purposes. Its main use is for searching prisoners prior to incarceration. The detector will be stored in its carrying case and kept in the booking room when not in use.

**41.3.5 Body Armor**

I. Protective vests will be issued by the Department to all commissioned officers and corrections officers.

- A. It is mandatory that all uniformed, commissioned personnel and corrections officers working outside the station wear protective vests.

1. Uniformed personnel working inside the station are not required to wear their vests when temporarily leaving the building and not engaged in enforcement activities, but it is strongly urged that they do.

- B. It is mandatory that all other commissioned personnel wear protective vests when engaged in potentially hazardous events or when ordered to do so by their supervisor.

1. A potentially hazardous event includes a pre-planned operation where an individual involved may use a weapon.

- C. If medical or other difficulties prevent a member from wearing his/her vest, that member may apply to their Division Lieutenant for a temporary exemption. This request will be forwarded to the Chief of Police for determination, in accordance with General Order 22.2.4 (I) (E) – Temporary Assignments.

II. Standards

- A. Protective vests used by members on routine field duty are to be of the type worn underneath the uniform shirt.

- B. Ballistic panels are to be constructed of layered Kevlar or equivalent material and should be certified to at least threat level II and contain a shock plate.

#### **41.3.6 High Risk Vest**

- I. All commissioned personnel are required to wear their department issued protective vests whenever involved in the execution of high-risk activities, regardless of any exemption listed under General Order 41.3.5.
  - A. Examples of high-risk activities include, but not limited to planned search warrants, narcotic raids, or situations involving the SRT Team.

#### **41.3.7 Mobile Computer Terminal (MCT)**

- I. The Kirkland Police Department utilizes an electronic messaging system in the patrol vehicle fleet. These Mobile Computer Terminals (MCTs) are used in conjunction with the Communications Center, to provide an increased assistance to the patrol officers.
- II. Members of the Kirkland Police Department who utilize these MCTs must maintain a Level 1 certification with the Washington State ACCESS System. This certification is done every two years. Certification and maintenance of certification files is the responsibility of Services Division.
- III. The procedures for the use of these MCTs and the responsibilities of the user are outlined in Standard Operating Procedure PAT-004. This Standard Operating Procedure prohibits the following:
  - A. The unauthorized introduction of software programs or other files; or,
  - B. The manipulation or alteration of current software running on agency-owned MCTs.



## **General Order No. 42.1**

### **SUBJECT: INVESTIGATIONS ORGANIZATION AND ADMINISTRATION**

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This order consists of the following numbered sections:

- 42.1.1 Investigation On-Call Schedule**
- 42.1.2 Investigations - Case Assignment Management**
- 42.1.3 Investigations - Case File Management**
- 42.1.4 Investigations - Case Assignment Responsibility**
- 42.1.5 Habitual / Serious Offenders**

#### **42.1.1 Investigations - On-Call Schedule**

- I. Call-Out List / On-Call Schedule
  - A. The Investigation's Division does not operate on a 24-hour basis, and therefore utilizes an on-call schedule. The Detective Sergeant maintains the on-call schedule. When circumstances arise that may warrant a Detective be called out, the on duty patrol supervisor contacts the Detective Sergeant or his/her designee. The Detective Sergeant or designee will determine if a Detective is to be called out. The procedures for on-call status are outlined under Standard Operating Procedure INV-030.
  - B. The purpose of keeping the on-call schedule is to establish a list of Detectives that may be called out. Detectives listed are not required to be on standby, but are in on-call status.
- II. Call-Out Guidelines for Detectives
  - A. In order to assist Patrol and add continuity to follow-up investigations, it is required that the Detective Sergeant, or in his/her absence the next available officer in the chain of command, be notified when any of the following complaints are received and verified as being founded:
    - 1. Homicide/Suicide
    - 2. Kidnapping
    - 3. Assault with a Deadly Weapon:
      - a. When a weapon is discharged.

- b. A grievous injury occurs where the possibility of death exists.
    - c. The injury will likely result in a serious permanent disability.
  - 4. Rape
  - 5. Robbery
  - 6. When a Detective needs to process the crime scene.
  - 7. When Patrol cannot interview all those involved in a timely manner.
- B. It is the duty of the Detective Sergeant, or his/her designee, to evaluate the information provided and make a decision as to whether a Detective should respond. If a response is warranted, the Detective Sergeant will designate the Detective(s) currently listed on the on-call schedule to respond. The Detective Sergeant, or his/her designee, will also determine if a Detective Supervisor needs to respond.

#### **42.1.2 Investigations - Case Assignment Management**

- I. The Detective Sergeant will review incident reports that are forwarded to the Investigations Division for review, using case screening and solvability factors. Felony incident reports will be assigned for investigation when one or more of the following solvability criteria are present:
  - A. The suspect can be, or is named.
  - B. The suspect can be identified.
  - C. The address of the suspect is known.
  - D. The suspect can be located.
  - E. The suspect vehicle can be identified.
  - F. There was traceable property taken.
  - G. There were identifiable latent fingerprints.

- H. A significant Modus Operandi (M.O.) can be developed.
  - I. There was limited opportunity to commit the crime.
  - J. There is reason to believe the crime would arouse such public interest that the public assistance would lead to crime solution.
  - K. There is reason to believe further investigation effort would lead to solving the crime.
- II. In addition to the use of solvability factors for assignment of cases, other factors may be of importance in considering case assignment. These factors may include:
- A. Documented departmental experience
  - B. Research and intelligence conducted within the department
- III. Detectives are assigned cases within specific areas that are determined by that individual Detective's knowledge, expertise, skills, experience, and qualifications. Cases for investigation will usually be assigned to a specific detective on an individual basis.
- IV. Upon completion of an investigation, the case will be forwarded to the Detective Sergeant for review and approval. Detectives suspending investigations on cases shall consider the following criteria:
- A. Exhaustion of leads
  - B. Lack or absence of further leads or solvability factors
  - C. Unavailability of investigative resources
  - D. Degree of seriousness of the offense(s)

Upon review, the Detective Sergeant will determine if additional follow-up investigation is to be assigned. Additional available resources, including manpower, equipment, and money as needed, will be considered on their availability.

### **42.1.3 Investigations - Case File Management**

- I. The Kirkland Police Department utilizes a system of case file management for the criminal investigation function, to include:

A. Case Status Control System

1. When a case file is forwarded to the Investigation Division, it is reviewed by the Detective Sergeant. If the case is assigned to a Detective, assignment will be entered under the assignment tab on the detail page in the Records Management System (RMS), which contains the case number, type of crime, victim's name, date assigned and the assigned detective's name.
2. Due dates will be given to each assigned case. This due date will be reflected in the RMS. Detectives' current caseload will be checked at least monthly to ensure the cases are handled in a timely manner.

B. Case Administrative Designators

1. Assigned cases will be concluded only with one of the following designations:
  - a. Open - Any case that is actively being investigated.
  - b. Closed - Filed – the offense is cleared by arrest when at least one person is:
    1. Arrested
    2. Charged with the crime
    3. Turned over to the court for prosecution
    4. Any case when the filing of charges is completed by the Kirkland Police Department regardless of the lead agency.
  - c. Unfounded
    1. The investigation determines the complaint was false.
    2. No offense occurred or was attempted.
  - d. Exceptional

1. The identity of the offender has been established, and
2. There is enough information to support an arrest, charge, or filing of charges with prosecution, and
3. The exact location of the offender is known so that the subject could be taken into custody, and
4. There is some outside law enforcement control that precludes arresting, charging, and prosecuting the offender.
5. Examples include the following:
  - a. The offender is no longer alive.
  - b. The subject is arrested in another jurisdiction for a different offense (or the same offense) and that jurisdiction will not allow release.
  - c. The subject is arrested by another agency but due to circumstances the Kirkland Police Department do not file formal charges.
  - d. Extradition is denied.
  - e. The victim refuses to cooperate.
  - f. The juvenile offense is handled by oral or written notice rather than being referred for prosecution.
- e. Inactive
  1. Case is inactive pending investigative leads or results.
  2. If all leads have been exhausted, then the case should be "Closed - Other".
- f. Closed - Civil

1. Determined to be a civil case.
  2. No criminal offense occurred.
- g. Closed - Other
1. Used for closing cases that don't fit into other closed categories.
  2. Information cases are those cases not assigned due to a lack of solvability criteria, and usually require no immediate follow-up investigation. These cases are forwarded to Detectives for informational purposes.
- C. Records Maintained
1. If a case is assigned to a Detective, then all available documents pertaining to these incident reports will constitute the case file.
  2. Individual case files will be maintained by the assigned investigating Detective. Only active cases will be kept by the Detective and once the investigation is completed / concluded, the entire case file will be turned over to the Detective Sergeant for review.
  3. Upon approval, the Sergeant will log the disposition of the case file into RMS, initial the case file indicating approval, and turn it over to the Records Unit for maintenance.
  4. Additional files will be maintained by the Detective Sergeant for each detective, listing the current cases assigned by case number.
- D. Access to detective case files will be on a need-to-know basis.
- E. Upon completion/conclusion of the investigation, the entire case file will be returned to the Records Unit for permanent filing or purged pursuant to General Order 82.1.2.

#### **42.1.4 Investigations - Case Assignment Responsibility**

- I. Uniformed patrol and traffic officers shall conduct preliminary investigations of all dispatched calls.
  - A. Uniformed patrol officers will follow up on all preliminary cases that they initiate, which are less than a felony investigation.
  - B. Uniformed traffic officers will follow up on all traffic related investigations that they initiate. They will also follow up on all other preliminary cases that they initiate, which are less than a felony investigation.
  - C. At the discretion of the Detective Sergeant, a Detective may be assigned to follow up on a preliminary investigation which is less than a felony investigation.
- II. Detectives will be called in the event a major crime has occurred. Once a preliminary investigation is conducted the case may be assigned for follow-up investigation.

#### **42.1.5 Habitual/Serious Offenders**

- I. Habitual Offender Criteria
  - A. Persons who have a record of one or more felony arrests and convictions.
  - B. Persons who have been convicted twice of petit larceny or of any misdemeanor or gross misdemeanor of which fraud or intent to defraud is an element (Refer to RCW 9.92.090)
- II. Any officer becoming aware of prior criminal record information will include this information in their incident report.
- III. Any officer assigned to a case that meets these criteria shall take appropriate steps to notify the prosecutor assigned to the case.



## **General Order No. 42.2**

### **SUBJECT: INVESTIGATIONS OPERATIONS**

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This order consists of the following numbered sections:

- 42.2.1 (Reserved)**
- 42.2.2 Investigations - Preliminary Investigation**
- 42.2.3 Investigations - Follow-up Investigation**
- 42.2.4 Investigative Check Lists**
- 42.2.5 (Reserved)**
- 42.2.6 Investigations - Attend Patrol Shift Briefing**
- 42.2.7 Investigations - Investigative Task Force**
- 42.2.8 Investigative Use of CVSA**
- 42.2.9 Informants**
- 42.2.10 Confidential Source**
- 42.2.11 Source of Information**
- 42.2.12 Domestic Violence**
- 42.2.13 Officer Involved Domestic Violence**
- 42.2.14 Identity Crimes**
- 42.2.15 Interview Rooms**

#### **42.2.1 (Reserved)**

#### **42.2.2 Investigations - Preliminary Investigation**

- I. Criminal complaints received by the Police Department will be recorded on an Incident Report Form when the incident took place within the City.
- II. Officers conducting preliminary investigations will, when appropriate and depending on the nature of the complaint:
  - A. Observe all conditions, events and remarks;
  - B. Attempt to identify and locate witnesses;
  - C. Protect the crime scene and evidence;
  - D. Interview the complainant and witnesses;
  - E. Identify, locate, interview and arrest suspects if appropriate;
  - F. Complete a full and accurate incident report; and

- G. Notify, via the chain of command, the Detective Sergeant and Operations Lieutenant, when appropriate.

### **42.2.3 Investigations - Follow-up Investigation**

- I. The following steps will be used in conducting follow-up investigations; at a minimum:
  - A. Reviewing and analyzing all reports prepared in the preliminary investigation. Review of departmental records;
  - B. Conduct additional interviews and interrogations that are necessary;
  - C. Gather additional information from available sources;
  - D. Plan, organize, conduct searches, and collect physical evidence;
  - E. Submit evidence to the laboratory and review the laboratory results;
  - F. Identify and apprehend suspects;
  - G. Determine if suspects are involved in other crimes;
  - H. Disseminate information to appropriate agencies and persons;
  - I. Check suspects' criminal histories;
  - J. Prepare the case for presentation to the court and/or prosecutor;
  - K. Assist in prosecution of those persons charged with criminal offenses.
- II. The above steps will be used to the extent that they are necessary based on the circumstances and nature of the investigation.
- III. **Maintaining contact with the persons involved in any investigation is valuable. This builds confidence with the victim and others associated with the case. It also displays that our department's officers are genuinely concerned about the welfare of the victim and other citizens associated with the case. All contact with persons involved in an investigation shall be professional. Any personal relationships stemming from an investigation shall be considered unprofessional and may be subject to discipline.**

**42.2.4 Investigative Checklists**

- I. The incident report will serve as an investigation check list in most cases.
- II. In more complicated investigations additional resources will be available and utilized as needed. These resources will consist of the following:
  - A. Crime Scene Incident Procedure form (Investigations Division);
  - B. Investigations Operation Plan form (Investigations Division);
  - C. Suspect information report (Super form);
  - D. Release of medical information form;
  - E. Consent to search form;
  - F. Statement forms;
  - G. Montage report;
  - H. Signature forms (stolen vehicle / missing person);
  - I. Detective notes sheet.

**42.2.5 (Reserved)****42.2.6 Investigations - Attend Patrol Shift Briefing**

- I. It is the intent of the Kirkland Police Department to promote the interaction and exchange of information between Patrol and Investigations Divisions.
  - A. The Investigations Lieutenant will encourage the Detectives to attend Patrol Briefing as much as possible.
  - B. The Investigations Lieutenant will encourage the rotation of Patrol Officers through the Investigations Division for training and experience purposes for the officers.

**42.2.7 Investigations - Investigative Task Force**

- I. Criminals and their associates rarely recognize jurisdictional boundaries. Law enforcement officers, on the other hand, must constantly be aware of

jurisdiction, authority, and venue. Because crimes can be committed by one group in many jurisdictions, the investigation may be better handled through joint agency investigation organized into a task force. These Investigative task forces reduce duplication of effort and serve to pool resources as well as increase productivity.

- A. Investigative task forces will be used when it is determined the solution of crimes and apprehension of criminals would better be accomplished with their assistance.
  - 1. Kirkland Police Department involvement in task forces will only occur with the authorization of the Chief of Police.
- B. The ultimate responsibility for conducting task force operations lies with the initiating agency, with other participating agencies acting in a supporting role. Participating agencies will enter into written agreement when appropriate to do so.
- C. A time schedule will be established where appropriate. An evaluation at the end of a specified period will be conducted to determine if objectives have been met. The results will be evaluated in order to determine if the operation should be continued.

#### **42.2.8 Investigative Use of CVSA**

- I. Use of the CVSA (Computerized Voice Stress Analyzer) as a technical aid for the detection of deception in criminal investigations shall be governed by procedures prescribed in Investigations Division Standard Operating Procedure INV-001.
- II. CVSA operators and/or examiners must be graduates of institution(s) providing training for this purpose.

#### **42.2.9 Informants**

- I. Kirkland Police Department personnel will follow these policies and procedures when using/handling informants:
  - A. The Investigations Division and ProAct Unit will maintain a master file of informants for their respective units. This file will be kept locked when not in use.
  - B. Informant files will contain:

1. Kirkland Police Department informant sheet;
    - a. Physicals, identification, and background information
    - b. Informant number
  2. Photograph;
  3. Criminal History;
  4. Receipt of moneys signed for by the informants;
  5. Correspondence relative to the informant;
  6. The nature of the informant's operational involvement within the agency;
  7. The file security classification.
- C. The Detective and ProAct Sergeants are responsible for the maintenance of the informant files for their respective units.
- D. Security of informant files
1. Informant files will be kept in a locked cabinet in the Detective Sergeant and ProAct Sergeant offices respectively.
  2. Informant files are subject to inspection only by the Lieutenant supervising that division, Operations Captain, and Chief of Police.
  3. Sworn personnel may, during the course of an investigation assignment, obtain an informant file for review only on approval of the Detective Sergeant, ProAct Sergeant or the Lieutenant supervising that division. Any person reviewing an informant file will fill out the audit log, listing the reasons for review, and/or other pertinent information. The informant file will consist of a letter-sized folder with only the confidential informant number (C.I.#) visible on the front. The confidential informant number will be assigned by the Detective Sergeant or ProAct Sergeant respectively.
- E. Requirements and duties in establishing an informant, and protecting identities.

1. A CI number is assigned to all contributors who agree to work for the Kirkland Police Department as an agent to provide information on criminal activities collected under the direct supervision of a Detective or ProAct officer. The Detective or ProAct officer will obtain the next open sequential number available from the Detective Sergeant or ProAct Sergeant respectively. All reports related to that specific informant will be referred to by that number in order to protect the informant's identity.
2. The CI must complete and sign a Confidential Informant agreement and waiver prior to working for the department.
3. A sensitive file will be created and maintained by the Detective Sergeant and ProAct Sergeant, respectively, on all Confidential Informants.
  - a. Sensitive Classification (highest level) is given to the following documents or information:
    1. Information pertaining to significant law enforcement cases currently under investigation.
    2. Informant identification information.
    3. Criminal intelligence reports that require strict dissemination and release criteria.
    4. Documents that have been designated sensitive by another law enforcement agency.
    5. Documents or information bearing this classification cannot be disseminated without the approval of the Chief of Police or his/her designee.
4. Security of CI file - The level of security used to protect a CI's identity shall equal the security classification given to CI reports. The identity of the source will be handled in a like manner to the information. If the report is classified as "sensitive", then the source's identity or existence will be denied and not referred to. If the information is classified as "confidential", then the existence of the source will only be revealed on a need to know basis. Need-to-know is defined as

requested information that is pertinent and necessary to the requesting agency.

- a. Confidential Classification is given to the following documents or information:
  1. Criminal intelligence reports that are not designated sensitive.
  2. Information obtained through intelligence unit channels that are not classified sensitive and is for law enforcement intelligence use only.
  3. Documents that describe ongoing investigative projects and open investigations.
  4. Documents that describe law enforcement strategies and techniques.
  5. Documents that have been designated confidential by another law enforcement agency.
  6. A document bearing this classification may be released with the approval of the Operations Captain, Lieutenant supervising that division, Detective Sergeant, ProAct Sergeant or their respective designee.
5. Release of any CI information shall be in accordance with the "Third Agency" rule, which is defined as;
  - a. Reports and other investigative material and information received from other law enforcement agencies by the department shall remain the property of the originating agency. The department may retain this information, subject to consideration of official need. Such reports and other investigative material or information shall be maintained in confidence. Access to this information by other agencies will not be given without the consent of the originating agency. This policy also applies to individuals, groups or organizations requesting information under the Freedom of Information Act or RCW 10.97. The originating agency shall determine whether to release the information requested and this

decision will be passed on to the requester, or the requester will be referred to contact the originating agency. The Kirkland Police Department will not contest any decision on release of information by the originating agency.

6. This file will include:
  - a. The signed CI agreement and waiver
  - b. A photograph of the CI
  - c. CI criminal history record to include any WSIN (Western States Information Network) records.
  - d. Information on the CI contribution and reliability history.
  - e. Consideration granted for contributions.

F. Disbursement of informant money

1. When a Detective or ProAct Officer desires to pay an informant for services, he/she must advise the Detective Sergeant or ProAct Sergeant, respectively, of the need and the amount of funds required. Requests for payment must be approved in advance by the Detective Sergeant or ProAct Sergeant, respectively, or the Lieutenant supervising that division. Under no circumstances will an informant be paid for services until an informant file has been established. The Detective or ProAct Officer will investigate the reliability of the informant's information before payments are made.
2. If payment has been approved by the supervisor;
  - a. A receipt form must be completed, indicating the amount, and purpose of the payments, Detective or ProAct Officer's name, C.I. number, information or material purchased, date, case number, and shall be signed by; the informant, Detective/ProAct Officer and witness Detective/ProAct Officer.
3. Payment for services by an informant will not be made to all informants. This procedure applies after the informant has proven reliable.

- G. Precautions and Censuring
1. Informants are the responsibility of the Kirkland Police Department. All informants will have a case officer and a back-up officer. The role of the back-up officer is to be able to make contact with the informant in the absence of the case officer.
  2. Informant contacts will be made by at least two officers, or one officer with a covering officer, when possible and practical.
  3. When a lone Detective or ProAct Officer must make contact, the Detective Sergeant or ProAct Sergeant, respectively, will be notified for assistance.
  4. An informant of the opposite sex should not be contacted by a lone Detective or ProAct Officer unless an additional officer is within listening distance.
  5. When debriefing an informant, any information relating to violations of law which would be of interest to other agencies or sections of the Kirkland Police Department, will be explored and appropriate notification or correspondence forwarded. Debriefing statements or interviews will be made part of investigative report folders.
- H. When using a juvenile as an informant, an authorized release form is to be completed and signed by the parent or guardian giving permission. The parent or guardian shall be kept fully informed.
1. Use of a juvenile as an informant must be approved in advance by the Lieutenant supervising that division.
  2. Use of a juvenile as an informant is discouraged.

#### **42.2.10 Confidential Source**

- I. Confidential Source (CS) – A CS number is assigned to all known contributors that provide the department with information and wish to have their identities remain confidential. A sensitive file will be created and maintained

by the Detective Sergeant on all Confidential Sources. This file will include the name, date of birth, and phone number of the CS.

- II. The level of security used to protect a CS identity shall equal the security classification given to CS reports. The identity of the source will be handled in a like manner to the information. If the report is classified as "sensitive", then the source's identity or existence will be denied and not referred to. If the information is classified as "confidential", then the existence of the source will only be revealed on a need to know basis, see General Order 42.2.9.
- III. When a contributor's name or identification is difficult to obtain, it will suffice to describe the contributor in general terms. In addition to identifying the source, the manner in which the source obtained the information is described, if known.

#### **42.2.11 Source of Information**

- I. Sources of Information - Officers may come in contact with individuals who wish to provide information to law enforcement, but do not wish to be documented as a Confidential Informant or require anonymity. This may be on a one time basis or a continuing basis.
- II. Sources of Information may include, but is not limited to, the following:
  - A. Business owners;
  - B. Employees of businesses;
  - C. Representatives of organizations;
  - C. Individuals who are not directly involved in criminal activity;
  - D. Individuals who have been involved in criminal activity in the past or present.
- III. Officers should follow the same precautions listed in General Order 42.2.9 section (I) (G) above.

#### **42.2.12 Domestic Violence**

- I. Domestic Violence is a crime that differs from other crimes because of the intimate relationship between the victim and the accused. However, the Kirkland Police Department should respond to Domestic Violence as they would respond to any crime. In recognition of the difference between Domestic Violence and other crimes, the Kirkland Police Department shall

provide victims with special assistance, including efforts to ensure that victims are informed of services available to victims of Domestic Violence.

- A. This policy follows the Washington Association of Sheriffs and Police Chiefs "Model Operating Procedures for Law Enforcement Response to Domestic Violence."

## II. Washington State Law

- A. In 1979, the Washington State Legislature passed the Domestic Violence Act (DVA), RCW 10.99. This Act emphasized the criminal nature of Domestic Violence and established Domestic Violence as a priority for law enforcement response. The Domestic Violence Act recognized the historical bias against enforcing Domestic Violence as a crime, and expressed the legislative intent that enforcement of the law should be the official response to cases of Domestic Violence.

- B. In 1984, two additional pieces of state legislation expanded upon the protection afforded under the Domestic Violence Act. The Domestic Violence Prevention Act (DVPA), RCW 26.50, created the civil Order for Protection and RCW 10.31.100 was amended to establish the mandatory arrest with probable cause provision. RCW 10.31.100 requires arrest of the batterer if probable cause exists that an assault occurred within the preceding four hours. In 1985, amendments were made to the DVPA. The most crucial of these changes clarified the mandatory arrest with probable cause provision by directing law enforcement to arrest only the primary aggressor (RCW 10.31 (2)(b)).

## III. Definition and Description of Domestic Violence

- A. Domestic violence as defined in RCW 10.99 includes two elements: first, a relationship between the perpetrator and the victim defined in RCW 10.99.020{3}, and second, that a criminal act has occurred as defined in RCW 10.99.020{5}.
- B. Domestic dispute is an incident involving a relationship defined in RCW 10.99.020(3) where there was no criminal action.
- C. A broader definition of Domestic Violence is: a pattern of controlling behavior that consists of physical, sexual, and/or psychological assaults. For the victim, these "tactics of terror and assaults" used by the abuser involve systematic patterns of intimidation intended to control the victim's daily thoughts and actions.

- D. National studies agree that Domestic Violence is a learned and culturally reinforced pattern of behavior, which, without intervention, becomes more destructive over time.
- E. Domestic Violence, particularly that which is life threatening, is primarily perpetrated by men against women. According to FBI data, approximately ninety-five percent of victims are women. That would suggest that men are not more than five percent of the victims among heterosexuals. Because Domestic Violence is, overwhelmingly, a problem of violence by men against women, gender specific language may be used in this document. Male victimization and Domestic Violence within gay and lesbian relationships does exist and is acknowledged.

#### IV. Law Enforcement Intervention

- A. It is essential that criminal and civil remedies for Domestic Violence be administered in a consistent and appropriate manner. Frequently, law enforcement is the first contact victims and perpetrators in Domestic Violence cases have with the criminal justice system.
- B. The law enforcement response towards victims of Domestic Violence should reflect an understanding of the hardships and fear a victim confronts when attempting to survive in, or leave, an abusive relationship. And, more importantly, law enforcement's response should focus on holding abusers accountable for their acts of intimidation and violence. Law enforcement should not find fault with the victim by asking her to be solely responsible for her safety.
- C. Law enforcement may be the first to intervene in a Domestic Violence situation, preventing more serious injuries or fatalities. Because of the generally escalating nature of Domestic Violence, effective law enforcement intervention may serve to prevent further violence, which could ultimately lead to homicide.
- D. Arrest alone will not stop Domestic Violence. For some batterers, arrest may be an effective deterrent. For others, it is the arrest combined with prosecution, sentencing, incarceration, treatment, and monitoring by probation that brings about change. Mandatory arrest with probable cause is not the solution; it is, however, a crucial element in an overall, community-wide response to stop Domestic Violence.

V. Scope of Coverage

- A. This Domestic Violence policy applies to any call for law enforcement assistance involving a disturbance, physical or verbal, between persons who are family or household members. In determining whether or not an officer is at a Domestic Violence incident, the officer must determine if he/she is dealing with family or household members as defined under Washington law.
- B. RCW 10.99.020 (1) "Family or household members" means spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

VI. Investigation

- A. Kirkland Police Officers shall investigate incidents involving Domestic Violence in accordance with Standard Operating Procedure INV-O26.

VII. Court Orders

- A. There are three different types of court orders that can be issued by a court in Domestic Violence situations. They are intended as legal measures to prevent further acts of violence, contact, threats, or harassment.
  - 1. See Standard Operating Procedure PAT -024 & PAT -025.

VIII. Offense Report and Data Collection

- A. RCW 10.99.030 mandates that a complete offense report shall be taken at all Domestic Violence calls, whether or not an arrest is made. The broad definition of Domestic Violence shall be used to determine when a case report shall be written. All Domestic Violence reports and

citations shall be sent to Kirkland Municipal Court by the next business day following completion.

- B. The department shall provide an offense report form that includes a departmental code for Domestic Violence and retain a written record of all such reports. Departmental records of incidents of Domestic Violence shall be submitted to the Washington Association of Sheriffs and Police Chiefs (WASPC) for collection of statewide Domestic Violence data.

#### IX. Liability

- A. RCW 10.31.100(12), 10.99.070 and 26.50.140 govern liability in relation to law enforcement response to incidents of Domestic Violence.
- B. RCW 10.31.100 (12). No Police Officer may be held criminally or civilly liable for making an arrest pursuant to RCW 10.31.100(2) or (8) if the police officer acts in good faith and without malice.
- C. RCW 10.99.070 Liability of peace officers. A peace officer shall not be held liable in any civil action for an arrest based on probable cause, enforcement in good faith of a court order, or any other action or omission in good faith under this chapter arising from an alleged incident of Domestic Violence brought by any party to the incident.
- D. RCW 26.50.140 Peace Officers -Immunity. No officer may be held criminally or civilly liable for making an arrest under RCW 26.50.110 if the police officer acts in good faith and without malice.
- E. The Washington State Supreme Court case of Roy vs. City of Everett, 118 Wash. 2d 352, 823 P.2d 1084 (1992), held that this provision does not immunize from liability for damages police officers who fail to enforce the law. The court further reiterated that victims of Domestic Violence must receive equal protection under the law and that individual officers and the governmental agencies employing them will be held accountable when the failure to enforce the laws results in injuries or death of the victim.

#### X. Immigration

- A. Law enforcement does not have the authority to enforce civil immigration law. In order to receive protection without the fear of being reported to the Immigration and Naturalization Service (INS), no immigrant, refugee, or undocumented person who is the victim of an

assault or other Domestic Violence related crime should be required to divulge their immigration status to law enforcement. A victim of Domestic Violence who is undocumented is not violating criminal law by residing in the United States; rather, the person is in potential violation of civil immigration law.

#### **42.2.13 Officer Involved Domestic Violence**

- I. The Kirkland Police Department has adopted the Washington Association of Sheriffs and Police Chiefs Model Policy for Officer Involved Domestic Violence.
- II. The purpose of this policy is to establish clear procedures, protocols and actions for investigating, reporting and responding to domestic violence involving agency employees and law enforcement officers from other agencies and to thereby discourage and reduce acts of domestic violence by sworn law enforcement employees.
- III. Public confidence in law enforcement public safety is important to our ability to maintain. The public must trust that law enforcement employees are held to the standards of the law regarding domestic violence. Therefore, the agency will:
  - A. Promptly respond to allegations of domestic violence by an employee according to this policy and all applicable laws.
  - B. Give primary consideration to protection of the victim of domestic violence and enforcement of the laws.
  - C. Respect the due process rights of all employees, according to applicable legal precedent and collective bargaining agreements.
  - D. Expeditiously report and conduct thorough investigations into any allegation of a law enforcement employee involved in domestic violence.
  - E. Train employees and seek to educate their families about intimate violence and avenues for assistance.
- IV. The response to and investigation of an Officer Involved Domestic Violence incident shall be in accordance with Standard Operating Procedure ADM-017. This Standard Operating Procedure shall be in accordance with the Washington Association of Sheriffs and Police Chiefs Model Policy for Officer Involved Domestic Violence.

#### **42.2.14 Identity Crimes**

- I. Officers responding to reports of Identity Crimes will adhere to the procedures outlined under Standard Operating Procedure INV-032. These procedures will address the following items;
  - A. Taking a report on all identity crime reports;
  - B. Completing an offense report;
  - C. Providing information and assistance to identity crime victims;
  - D. Coordination of investigations with other agencies; and
  - E. Providing public information on prevention of identity crime.

#### **42.2.15 Interview Rooms**

- I. The Kirkland Police Department has two interview rooms. These interview rooms are designated for the interview and/or interrogation of suspects.
  - A. These rooms are also used as a temporary holding area as indicated under see General Order 72.9.
- II. Officers should exercise the utmost caution when interviewing a suspect. Officers should consider a suspect's potential for violence, understanding that apparently cooperative suspects may become combative.
  - A. Officers are to exercise appropriate measures to ensure proper weapons control during an interview/interrogation of a suspect.
  - B. A security check of the interview room will be conducted by the officer who will be using the room, prior to the interview/interrogation of the suspect.
  - C. Officer Safety concerns will be considered by the interviewing/interrogating officer prior to the interview. This will include how many officers should be allowed in the interview room during the interview for officer safety reasons.
  - D. Interview rooms are equipped with Duress Alarms and officers are equipped with portable radios that have emergency alarm buttons.
  - E. Due to the potential for its use as a weapon or causing damage to the facilities, the number of tables, chairs and other equipment will be kept to the minimum number required for each interview. Other items necessary to effect the interview/interrogation may be brought in as

necessary by the officer, but should not be left with an unattended suspect

- F. Suspects will be granted reasonable access to restrooms, water, or comfort breaks
- III. Interview Rooms, when not being used for the interview, interrogation or detention of suspects; may be used for the following:
- A. Interviews of victims and witnesses;
  - B. Interviews of job applicants, and volunteers;
  - C. Brief meetings and counseling sessions of department personnel due to privacy concerns.
  - D. Juvenile status offenders may be placed in the unlocked



## **General Order No. 43.1**

### **SUBJECT: VICE, DRUGS, AND ORGANIZED CRIME; ADMINISTRATION AND OPERATIONS**

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This order consists of the following numbered sections:

- 43.1.1 Narcotics, Vice, and Organized Crime Complaints**
- 43.1.2 Narcotics / Vice / Organized Crime - File Maintenance and Security**
- 43.1.3 Confidential Funds**
- 43.1.4 Investigations - Surveillance / Undercover Equipment**
- 43.1.5 Investigations - Special Operations Procedures**
- 43.1.6 (Reserved)**

#### **43.1.1 Narcotics, Vice, and Organized Crime Complaints**

- I. The Kirkland Police Department participates in the Eastside Narcotics Task Force, which consists of Detectives from the police departments of Kirkland, Bellevue, Mercer Island, and Redmond. This Task Force focuses on identifying, arresting, and prosecuting mid-level drug violators in represented jurisdictions.
  - A. The ENTF Supervisor submits reports as needed to the Kirkland Police Investigations Lieutenant for investigations initiated by the ENTF task force. This information will be forwarded to the Chief of Police, via the chain of command.
- II. The Task Force Detectives work directly for the Task Force Supervisor. The Supervisor is under the guidance of the Task Force Administrator. The Eastside Narcotics Task Force and Detectives assigned receive administrative support (payroll, counseling, etc.) from their respective department's chain of command.
- III. Specific operational duties of Detectives assigned to the Eastside Narcotics Task Force include, but are not limited to:
  - A. Covert narcotics transactions/investigations.
  - B. Development and management of informants.
  - C. Coordination with other agency counterparts.
  - D. Collection and maintenance of criminal intelligence.
  - E. Preparation and service of search warrants.
  - F. Case preparation for referral to prosecution.

- IV. The responsibility for vice control and the investigation of vice complaints is assigned to the Investigations Division and the Eastside Narcotics Task Force, depending on the type of crime and location.
- V. The responsibility for organized crime control and investigation is assigned to the Investigations Division.
- VI. The following specific procedures will be followed regarding receiving, processing and investigating vice, drug and organized crime complaints:
  - A. **Receiving / Processing** - When a Kirkland Police Department employee receives information regarding narcotics, organized crime or vice activities, they will record the information on an Incident Report Form.
    - 1. Upon receipt of the report, the Detective Sergeant will determine if the case is to be assigned for investigation or processed as an information case. Cases will be assigned as indicated in General Order 42.1.2.
  - B. **Investigation / Records Maintenance** - Narcotics, vice, and organized crime complaints received and substantiated by investigation will be maintained by the Investigations Division. The case report will be forwarded to the Record's Unit for filing at the conclusion of the investigation. Intelligence information collected in the course of the investigation will remain in the Investigations Division intelligence files. This file will be purged following the guidelines established for purging files in General Order 51.1.
  - C. **Investigation / Outside Agencies** - When members of the Investigations Division receive a request for information from an outside agency, the guidelines established in Standard Operating Procedure INV-015 (V) & (VI) – Dissemination & Dissemination Warning are to be followed.
    - 1. When Kirkland Police Department Detectives enter into a joint investigation with another agency, the Detective Sergeant may permit a free flow of information between the investigative units without his expressed approval of all requests. In the event an intelligence request is made, the above procedures shall prevail before information is disseminated.
    - 2. The Detective Sergeant will be responsible for maintaining contact with various law enforcement agencies regarding

intelligence on sensitive investigations. This will enhance relations and a flow of information from outside agencies.

- D. **CEO Advisement** – The Investigations Lieutenant will apprise the Chief of Police and Operations Captain on any current operations and significant activities of the Investigations Division.
- VII. Once a narcotics, vice, or organized crime complaint is assigned for investigation the following procedure will be used:
- A. Evaluating complaints - In order to evaluate the accuracy and credibility of the initial information, determine the scope and relative importance of the problem and establish a solid investigation, the following questions should be considered in determining which offenses are investigated:
    - 1. Is the original intelligence information valid?
    - 2. What is the criminal nature of the problem?
    - 3. How important is the problem?
    - 4. What lead information exists?
    - 5. What investigative techniques might be used?
    - 6. Does the agency have sufficient resources?
    - 7. What possible operational problems exist?
- When a Detective receives substantial information on an offender, he/she will review the information with the Detective Sergeant. The Detective Sergeant shall then evaluate the accuracy and credibility of the initial information and the scope and importance of the problem, before a commitment is made to an extended investigation. The Detective Sergeant will review the information with the Investigations Lieutenant, if the investigation will require additional manpower and/or operating funds.
- B. **Preliminary investigations** - Reliable information should be developed by reviewing the original information contained in the complaint and taking the necessary steps to verify it. This may entail making neighborhood contacts, contacting other agencies which might be familiar with the person(s) or situation(s), and interviewing parties who might be privileged to information;
    - 1. Any evidence collected and submitted will be in accordance with General Order 83.

2. When it is deemed appropriate, surveillance techniques may be employed to gather information.
- C. **Follow-up investigations** - Follow-up investigations should be conducted to verify and develop information until the investigation is determined to be successfully completed or returned as an inactive, closed other, or closed exceptional file.
1. Investigators will report the progress and status of the investigation to their supervisor on a regular basis. Depending upon the nature of the investigation, the Detective Sergeant and Investigations Lieutenant may be involved in the investigation.
  2. All information developed during the investigation will be recorded and submitted to a Detective Sergeant for review. Special cases will be reviewed by the Investigations Lieutenant.

#### **43.1.2 Narcotics / Vice / Organized Crime - File Maintenance and Security**

- I. All records and reports of active undercover investigations by the Narcotics Detective shall be securely kept at the Eastside Narcotics Task Force office in a locked file cabinet.
  - A. An inquiry pertaining to any of the suspects listed in these reports shall be handled by the Narcotics Detective. In the event the Narcotics Detective is not present, the request shall be referred to the Eastside Narcotics Task Force supervisor.
- II. All records and reports of active vice, drug, and organized crime investigations by a Detective shall be securely kept in the Kirkland Police Department's Investigation Division in a locked file cabinet.
  - A. When an inquiry pertaining to any of the suspects listed in these reports is received, it shall be handled by the Detective assigned to the investigation. In the event the assigned Detective is not present, the Detective Sergeant shall review the request on a "need to know" basis before disseminating the information.

#### **43.1.3 Confidential Funds**

- I. The Kirkland Police Department will budget for and maintain a special investigative fund for the purpose of payment of investigative expenses

incurred in narcotics, organized crime and vice investigations. The maintenance of the fund will be the responsibility of the Detective Sergeant, who will maintain journal and ledger entries. Procedures for control of this fund are outlined in General Order 17.4.2 and Standard Operating Procedure INV-002.

#### **43.1.4 Investigations - Surveillance / Undercover Equipment**

- I. Listening and recording device use and limitations:
  - A. The Kirkland Police Department owns a body microphone for investigative purposes. A request to use this equipment must be submitted to the Investigations Lieutenant. The request will be carefully reviewed and only used after the approval of the Investigations Lieutenant.
- II. Thermal imaging device use and limitations:
  - A. There are nine (9) approved uses:
    1. Officer Safety: Thermal Imagers may assist an officer in determining if someone is hiding or if suspicious activity is present.
    2. Search and Rescue: Due to the fact that the body gives off heat in the form of infrared energy, Thermal Imagers can be used to locate lost persons. With the Thermal Imager, searches can be conducted in large areas at night and over rough terrain. Thermal Imagers are actually more sensitive at night due to the reduction of solar loading.
    3. Locating Fleeing Fugitives: The Thermal Imaging device, when used to track potentially violent offenders, allows officers to cover a larger area and to formulate a plan of action to affect an arrest. When conducting searches of buildings, the Thermal Imager can be affixed to an expandable monopole and utilized to search attics and crawl spaces under houses. A Hi-8 Mini recorder with a video screen allows the thermographer to search these areas without revealing their location or exposing themselves to danger. By utilizing the Thermal Imager rather than flashlights or mirrors, suspects can be observed without revealing the officer's location. The Thermal Imager can be used to search under vehicles, busses, trains or trucks in the same manner.

4. Vehicle Profiles: Concealed compartments used to smuggle contraband in trucks and vehicles can be detected due to surface anomalies. Surface anomalies will show up even if painted over. Disturbed surface and vehicle profiles should be practiced and the operator trained and certified before this application is utilized. Thermal Imagers can be utilized in traffic accident investigations as well. With the Thermal Imager it is possible to determine where the brakes were applied on an ABS equipped vehicle.
5. Structure Profiles: The detection of indoor cannabis grow operations is greatly facilitated by the use of a Thermal Imager. The use of the Thermal Imager for structure profiles will be in accordance with the Constitution of the State of Washington and pertinent case law which requires a search warrant be obtained prior to using the Thermal Imager to conduct an indoor cannabis cultivation investigation.
6. Disturbed Surface: Thermal Imagers can also be used to conduct non-destructive surveys of walls or of floors of structures that are suspected of containing money, drugs or other contraband. The presence of any material with different thermal absorption or thermal retention characteristics will be detectable as long as there is a temperature difference of a few degrees between the object and the surrounding environment. The Thermal Imager can be used to detect these items that have been buried. The Thermal Imager can even detect bodies that have been recently buried beneath the surface.
7. Marine and Ground Surveillance: Limited use of Thermal Imagers during daytime hours is recommended. This is primarily because a greater amount of details about a target can be detected with visual enhancement devices such as binoculars and camera equipment. Exceptions would be when the target is obscured due to smoke, a light haze or light fog. The detection of operating engines or equipment can be accomplished with the Thermal Imager when distance to the target restricts audible detection. Primary use of the Thermal Imager in surveillance should be during nighttime hours and by a thermographer.
8. Environmental Enforcement: Mounting community concerns about the destruction of the environment and habitat preservation, (i.e. Salmon streams), have created the necessity of increasing involvement by Law Enforcement. It has been found that toxic waste, oil spills and residue from clandestine drug labs and other

pollutants generate heat differences that are detectable by Thermal Imagers.

9. Perimeter Surveillance: By using a Thermal Imager connected to a computer to sound an alarm in the event of unauthorized encroachment by persons or vehicles, security at fixed sites can be greatly enhanced. An RS 232 device is built into the Thermal Imager and can be utilized with a video motion detector device to provide a 24 hour remote sensing capability to the KPD. This application is generally utilized at sensitive industrial and national security complexes.
  - B. Requests and authorization for use shall be in compliance with Standard Operating Procedure INV-003.
- III. Any request for the use of investigative tools such as; alarms, surveillance equipment or other investigative tools will be submitted to the Detective Sergeant or his/her designee for approval on an Investigative Tools Checkout form (KPD-2007-188).
  - A. Form KPD-2007-188 lists investigative tools used by the Investigations Division. The purpose of the form is to control the use of these investigative tools.
- IV. If investigative tools are borrowed from other agencies, the Detective borrowing the equipment must fill out an Investigative Tools Checkout form (form KPD-2007-188) and submit this to the Detective Sergeant.
- V. If Kirkland Investigative equipment is loaned to other agencies, the Detective Sergeant must approve this and complete an Investigative Tools Checkout form (form KPD-2007-188).

#### **43.1.5 Investigations - Special Operations Procedures**

- I. Narcotics, vice, and organized crime operations are a function of the Investigations Division. The Investigations Division Lieutenant is responsible for coordinating and planning the following types of operations:
  - A. Surveillance
  - B. Undercover
  - C. Decoy

- D. Raid
- II. All surveillance, undercover, decoy, and raid operations that is conducted by the Kirkland Police Department or where the department is a participant, will include, at a minimum, the following:
- A. Crimes, victims, and suspects will be analyzed to determine the personnel, equipment, and activities required to safely and effectively conduct the operation:
    - 1. This analysis will include a determination of their criminal history, known associates, weapons proficiency, and any other available background information that would be important for members to be aware of.
  - B. Prior to complex or unusual operations, the Prosecutor's Office should be consulted, to determine potential legal ramifications of the operation.
  - C. Officers involved in the operation will be familiarized with the neighborhood or target area, to determine and identify hazardous and potentially dangerous areas.
  - D. Operational procedures will be determined in advance for observation, arrests, surveillance, documentation and/or video/audio recording, and high risk entries to insure the continuity between the planning and conducting of the operation.
  - E. Required expense funds will be afforded to officers in accordance with General Order 43.1.3.
  - F. Means for both routine and emergency communication will be established prior to conducting the operation on a case-by-case basis.
  - G. Equipment and vehicles appropriate for the operation will be provided as needed.
  - H. Officers involved in such operations will be provided relief, as necessary on long-term operations. Backup security and perimeter protection will be provided as dictates by the nature of the operation.
  - I. Officers involved in the operation may be provided with false identity, disguises and other credentials as necessary.

- J. The confidentiality of officer's false identity is to be maintained, with:
  - 1. Only officers involved in the operation will have the information, in addition to the Chief of Police, Operations Captain, and the Investigations Lieutenant.
- K. Authorization for an operation may be granted by the Investigations Lieutenant, Operations Captain, or the Chief of Police.
  - 1. The use of force to gain entry will be authorized only after reasonable effort to gain entry without force has failed, or there is a "no-knock" search warrant. The use of force in confronting suspects will be in accordance with General Order 1.3.
- L. The Detective Sergeant is responsible for the supervision of any operation. An operation will **not** be executed without the presence of a supervisor or administrator.
- M. Contact with suspects will be made when determined appropriate and necessary, and when all necessary and reasonable precautions are taken.
- N. Search for evidence or contraband which is the target of such an operation will be thorough and systematic. Evidence and contraband will only be seized in accordance with the law, and according to guidelines established in General Order 83.
- O. Should medical assistance be required, officers will utilize the emergency services of the Fire Department within the jurisdiction the assistance is needed in.
- P. The on-duty patrol supervisor will be advised about the operation and location, so appropriate support is available. Assistance, as needed from other agencies will be determined on a case-by-case basis, only at the direction of the supervisor of the operation.

#### **43.1.6 (Reserved)**



## **General Order No. 44.1**

### **SUBJECT: JUVENILE OPERATIONS ORGANIZATION AND ADMINISTRATION**

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This order consists of the following numbered sections:

- 44.1.1 Juvenile - Function**
- 44.1.2 Juvenile - Outside Policy Input**
- 44.1.3 Juvenile - Annual Program Review**

#### **44.1.1 Juvenile - Function**

- I. The Kirkland Police Department is committed to the development, implementation, and perpetuation of programs designed to prevent and control juvenile delinquency. This includes the programs listed under the following:
  - A. School Liaison Program – General Order 44.2.4
  - B. Community Youth Recreation Programs – General Order 44.2.5
- II. It is the responsibility of all Department employees to follow all Kirkland Police Department policies and procedures concerning juvenile matters. All officers should maintain a working knowledge of the Revised Code of Washington as it pertains to juveniles.
- III. Officers are directed to receive and investigate any complaint or alleged criminal law violation involving juveniles in the same manner as any adult criminal case. At the conclusion of the criminal investigation, the juvenile case shall be reviewed by the responsible supervisor and submitted to the proper juvenile justice court authority.
- IV. Non-criminal juvenile matters will be investigated and dealt with in the same dedicated manner as criminal investigations. A report will be completed using current state law and the policies of juvenile authorities to settle the incident, when it is appropriate. These reports will be submitted to and reviewed by shift supervisors.
  - A. Various social service agencies will be used in dealing with juveniles when it is appropriate.
- V. The Community Services Unit is responsible for coordinating the juvenile operations function and programs.

#### **44.1.2 Juvenile - Outside Policy Input**

- I. The Kirkland Police Department encourages review and comment by other elements of the juvenile justice system in the on-going development of Department policy and procedures relating to juveniles.

#### **44.1.3 Juvenile - Annual Program Review**

- I. It is the responsibility of the assigned Operations Lieutenant in charge of the Community Services Unit to review annually all juvenile programs within the Community Services Unit as listed under General Order 44.1.1. These programs will be reviewed to determine if they should be continued, updated or eliminated, and whether they meet the needs of their audience. If any changes are recommended, a report will be submitted to the Chief of Police.



## **General Order No. 44.2**

### **SUBJECT: JUVENILE OPERATIONS**

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This order consists of the following numbered sections:

- 44.2.1 Juveniles - Handling Offenders**
- 44.2.2 Juveniles - Custody**
- 44.2.3 Juveniles - Custodial Interrogation**
- 44.2.4 School Liaison Program**
- 44.2.5 Community Youth Recreation Programs**

#### **44.2.1 Juveniles - Handling Offenders**

- I. Officers dealing with juvenile offenders shall use the least coercive of all reasonable alternatives consistent with protecting themselves and preserving public safety, order, and individual liberty. Any action taken must conform to and not be in violation of Title 13 of the Revised Code of Washington.
- II. In keeping with this philosophy, officers may utilize the following alternatives:
  - A. Outright release with no further action. This alternative includes verbal warnings, field interview reports and leaving corrective action to the parents of the juvenile(s) involved.
  - B. Juvenile intake referrals. When appropriate, written citations, summonses, or court referrals should be used rather than taking juveniles into custody. Procedures for this are outlined in Standard Operating Procedure PAT-017.
  - C. Court Referrals - Officers should attempt to refer juveniles into court rather than place them in the juvenile detention center. In making such a decision, the officers should consider the circumstances of the offense, the offender's past record and the intake criteria of the King County Youth Center. Juvenile court referrals will be made involving juvenile offenses when the complainant wishes to prosecute.
    1. When there is probable cause to believe a juvenile has committed a felony, the investigating officer will submit reports that articulate all facts and elements that support the charge. The Detective Sergeant will assign a Detective who will ensure the case is complete. The Detective will forward the case to the King County Juvenile Prosecutors Office.

2. All legally sufficient, misdemeanor cases, after being reviewed by the responsible supervisor, shall be submitted to the King County Juvenile Prosecutors Office for disposition.
3. Juveniles who are a danger to themselves or others, or who are likely to re-offend should be placed in custody. Those not placed in custody will be released to a parent, guardian, or other responsible adult.

#### **44.2.2 Juveniles - Custody**

- I. Procedures for taking juveniles into custody are listed under Standard Operating Procedure PAT-023 and include:
  - A. Determining whether the juvenile is alleged to have engaged in criminal or non-criminal behavior;
  - B. Determining whether the juvenile is alleged to have been harmed or to be in danger of harm;
  - C. Ensuring that the constitutional rights of juveniles are protected;
  - D. Bringing the juveniles to the intake facility without delay, unless the juvenile is in need of emergency medical treatment;
  - E. Notifying parents or guardians of juveniles that the juvenile has been taken into custody.

#### **44.2.3 Juveniles - Custodial Interrogation**

- I. A juvenile shall be accorded the same privileges against self-incrimination as an adult. Officers may question juveniles in detention only after formally advising the juvenile of his/her constitutional rights, the additional rights warning for juveniles, and receiving a waiver of those rights from the person about to be questioned. Waiver of those rights by a juvenile must be an express waiver intelligently made by the juvenile after the juvenile has been fully informed of the right being waived. This is in accordance with RCW 13.40.140.
  - A. If a juvenile is under twelve years of age, the juvenile's parent, guardian, or custodian shall give any waiver or offer any objection contemplated in regards to waiver of rights, in accordance with RCW 13.40.140.

- B. The duration of the interrogation should be limited to a reasonable amount of time and should not be of such length or conducted in such a manner as to cause undue stress for the juvenile being questioned.

#### **44.2.4 School Liaison Program**

- I. The Kirkland Police Department, provide school liaison services as follows:
  - A. School Resource Officers (S.R.O.) act as a resource with respect to delinquency prevention through in-school counseling.
  - B. S.R.O.s provide guidance on ethical issues in classroom settings.
  - C. S.R.O.s explain to students the law enforcement role in society. S.R.O.s do this frequently because they are assigned to a specific school on a daily basis.
  - D. S.R.O.s are guest speakers in classes and meetings when Instructors request their field of expertise.
  - E. S.R.O.s provide informal one on one contact with students.
  - F. S.R.O.s provide additional services as follows:
    - 1. School safety in general
    - 2. Training opportunities for school security officers.
    - 3. Information to school administration regarding the safety for all people in the school building.
    - 4. Information to police personnel regarding school information.

#### **44.2.5 Community Youth Recreation Programs**

- I. The Kirkland Police Department supports the philosophy of police and youth interaction and encourages all its members to volunteer their time to become active in the community. Examples of programs Department members are involved in include the Police Explorers Program which is associated with the Boy Scouts of America, and the Teen Center.



## **General Order No. 45.1**

### **SUBJECT: CRIME PREVENTION OPERATIONS**

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This order consists of the following numbered sections:

- 45.1.1 Crime Prevention - Function**
- 45.1.2 Crime Prevention - Organizing Watches**
- 45.1.3 Crime Prevention - Community Development Input**

#### **45.1.1 Crime Prevention - Function**

- I. The Community Services Unit is the organizational component which coordinates and implements the crime prevention activities of the Department. All supervisors, officers, and civilian employees are responsible for assisting in the achievement of department crime prevention goals.
- II. The Crime Prevention function is assigned to the Community Services Unit and is under the supervision of the Community Services Sergeant.
  - A. The Neighborhood Resource Officer plays an important role in the crime prevention function. This officer participates in:
    - 1. Neighborhood crime prevention meetings on request
    - 2. Graffiti programs
    - 3. Block watch development upon request
- III. The Kirkland Police Crime Prevention function provides for the following:
  - A. The Neighborhood Resource Officer will gather crime data from the Crime Analyst to target problem areas with the assistance of the Patrol Division based on this crime data.
  - B. The Neighborhood Resource Officer provides programs which will have a positive effect on the prevention of crime in the City. These programs include a graffiti program and an emphasis program on bars.
    - 1. Upon a citizen's request, the Neighborhood Resource Officer or the Community Services Sergeant may speak to citizens about crime prevention.

- C. The Community Services Sergeant will conduct a documented evaluation of crime prevention programs, at least once every three years.

#### **45.1.2 Crime Prevention - Organizing Watches**

- I. The Kirkland Police Department Crime Prevention Unit is committed to organizing, establishing, and maintaining crime prevention watches as follows:
  - A. Residential **Block Watch** Groups:
    - 1. The Neighborhood Resource Officer will assist in the development of Neighborhood Block Watch programs at the request of the neighborhood.
  - B. Graffiti Program
    - 1. The Neighborhood Resource Officer will participate in committee meetings in the development of the graffiti program.
  - C. **Other** community groups
    - 1. Civic organizations or any other interested citizens or groups are encouraged to contact the Community Services Sergeant.

#### **45.1.3 Crime Prevention - Community Development Input**

- I. The Community Services Unit will proactively look for opportunities to provide security recommendations to citizens or business persons who are in the process of constructing a new building or an addition to an existing building. The Community Services Unit will also proactively look for opportunities to provide security recommendations upon request to the City of Kirkland, to assist them in reviewing construction plans and proposed revisions to zoning and building codes. This can be done by implementing CPTED (Crime Prevention Through Environmental Design).



## **General Order No. 45.2**

### **SUBJECT: CRIME PREVENTION AND COMMUNITY INVOLVEMENT**

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This order consists of the following numbered sections:

- 45.2.1 Community Involvement - Function**
- 45.2.2 Community Involvement - Quarterly Progress Report**
- 45.2.3 Transmission of relevant information**
- 45.2.4 Community Involvement - Citizens' Survey**
- 45.2.5 Survey Summary to CEO**

#### **45.2.1 Community Involvement - Function**

- I. The Kirkland Police Department will continually strive to establish ties with the community and to keep the lines of communication open to the needs of the community. To accomplish this:
  - A. The Department will establish liaison with existing community organizations by attending meetings, or establish community groups where they are needed.
  - B. Department employees will share in the responsibility of developing community involvement policies for the Department.
  - C. Agency objectives, community problems and successes will be publicized through the City of Kirkland Website.
  - D. Information received from citizens' organizations will be conveyed via the quarterly community involvement report.
  - E. Input from citizens concerning agency practices will be used to improve those department practices that affect police-community involvement.
  - F. Develop problem oriented or community policing strategies where needed.

#### **45.2.2 Community Involvement - Quarterly Progress Report**

- I. The Community Services Unit Sergeant is responsible for the preparation of a report at least quarterly, to submit to the Chief of Police and other affected personnel, to include:

- A. A description of current concerns voiced by the community;
- B. A description of potential problems that have a bearing on law enforcement activities within the community;
- C. A statement of recommended actions that address previously identified concerns and problems; and
- D. A statement of progress made toward addressing previously identified concerns and problems.

#### **45.2.3 Transmission of Relevant Information**

- I. Department members are encouraged to forward relevant information regarding community concerns to the Community Services Unit Sergeant, for inclusion in the Quarterly Progress Report.

#### **45.2.4 Community Involvement - Citizens' Survey**

- I. A documented survey of citizen attitudes and opinions is conducted at least once every three years, with respect to:
  - A. Overall agency performance;
  - B. Overall competence of agency employees;
  - C. Officers' attitudes and behavior toward citizens;
  - D. Community concern over safety and security within the agency's service area; and
  - E. Recommendations and suggestions for improvements.

#### **45.2.5 Survey Summary to CEO**

- I. A written summary of the results from the Citizens' Survey listed under General Order 45.2.4 will provided to the Chief of Police by the Services Captain or his/her designee.



## **General Order No. 46.1**

### **SUBJECT: UNSUAL OCCURENCES**

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This order consists of the following numbered sections:

- 46.1.1 Planning Responsibility**
- 46.1.2 All-Hazard Plan / Incident Command System**
- 46.1.3 Command Function**
- 46.1.4 Operations Function**
- 46.1.5 Planning Function**
- 46.1.6 Logistics Function**
- 46.1.7 Finance / Administration Function**
- 46.1.8 Operational Readiness of Equipment**
- 46.1.9 Annual Training**
- 46.1.10 Emergency Mobilization Plan**
- 46.1.11 VIP Security**
- 46.1.12 Special Events Plans**

#### **46.1.1 Planning Responsibility**

- I. It is the responsibility of the Chief of Police, or his/her designee, in conjunction with other city department heads and the City Manager, to establish the plan for the department's response to unusual occurrences.
  - A. Employees may be called upon to respond to major emergency situations. Employees will familiarize themselves with General Order 46.1 and respond to situations in accordance with this.

#### **46.1.2 All-Hazard Plan / Incident Command System**

- I. The City of Kirkland has a developed plan for responding to natural and man-made disasters, including; civil disturbances, acts of terrorism and other unusual occurrences. This plan is titled, "Comprehensive Emergency Management Plan (CEMP)." The CEMP provides for the Incident Command System as outlined in the National Incident Management System (NIMS). Copies of the emergency plan are maintained by the Chief of Police and Operations Captain. Additional copies will be kept at the Operations Lieutenant's Office and the Sergeant's Office.
  - A. The City of Kirkland's Comprehensive Emergency Management Plan includes the activation of the City's Emergency Coordination Center (ECC). The ECC Procedures Manual provides for the Incident

Command System as outlined in the National Incident Management System (NIMS). The Chief of Police and the Operations Captain are the department representatives to the ECC.

1. Activation of the ECC for a disaster provides for the centralization of information collection and analysis for decision makers. Police Command Staff will be present to establish deployment priorities as information comes into the ECC. They will also provide insight into what police capabilities are in responding to multi-departmental emergencies. In normal municipal day-to-day operations, city departments function independently, but during a disaster, all city departments fall under ECC command in order to ensure that effective multi-department responses can be made. Police Command Staff in the ECC ensures that effective plans can be implemented quickly.
- II. The Kirkland Police Department also has plans that supplement the CEMP and are used as a GUIDE to all employees handling unusually serious police incidents **Exception:** Nothing contained herein shall restrict a member from deviating from these GUIDES when a particular situation requires it. However, justification for such deviation may be required at the conclusion of the incident. These supplemental plans include:
- A. Incident Command System – Standard Operating Procedure PAT-007
  - B. Mass Arrest – Standard Operating Procedure PAT-008
  - C. Hostage / Barricade Plan – Standard Operating Procedure PAT-009
  - D. Bomb Threat – Standard Operating Procedure PAT-010
- III. The written plan under Standard Operating Procedure PAT-007 contains provisions for the Incident Command System as outlined in the National Incident Management System (NIMS), which include functional provisions for:
- A. Command
  - B. Operations
  - C. Planning
  - D. Logistics

- E. Finance/Administration
  
- IV. Maintenance of the Department's plans is the responsibility of the Chief of Police or his/her designee.
  
- V. Response to civil disturbances is the responsibility of the Chief of Police or his/her designee.

**46.1.3 Command Function**

- I. Effective Command of the Incident Command System is dependent upon prompt, accurate, and complete information. During an emergency operation all personnel shall have a primary responsibility to communicate all pertinent intelligence upward to the next higher level of authority.
  - A. **Communications** - Information shall be forwarded and/or communicated to the Incident Commander at designated intervals. This information will include periodic progress reports. These reports shall include the following information:
    - 1. Current developments of the incident.
    - 2. Control measures implemented.
    - 3. Prognosis of the overall situation.
    - 4. Personnel and equipment needs, etc.
  
- II. The Command Function of the Incident Command System is outlined in Standard Operating Procedure PAT-007 and covers the following:
  - A. Activating the incident command system;
  - B. Establishing a command post;
  - C. Initiating the notification and mobilization of additional agency personnel;
  - D. Obtaining support from other agencies;
  - E. Establishing a staging area, if necessary;
  - F. Providing public information and maintaining media relations;

- G. Maintaining the safety of all affected personnel; and
- H. Preparing a documented after action report.

#### **46.1.4 Operations Function**

- I. The Operations Function of the Incident Command System is outlined in Standard Operating Procedure PAT-007 and covers the following:
  - A. Establishing perimeters;
  - B. Conducting evacuations;
  - C. Maintaining command post and scene security;
  - D. Providing for detainee transportation, processing, and confinement;
  - E. Directing and controlling traffic; and
  - F. Conducting post-incident investigation.

#### **46.1.5 Planning Function**

- I. The Planning Function of the Incident Command System is outlined in Standard Operating Procedure PAT-007 and covers the following:
  - A. Preparing a documented incident action plan;
  - B. Gathering and disseminating information and intelligence; and
  - C. Planning post-incident demobilization.

#### **46.1.6 Logistics Function**

- I. The Logistics Function of the Incident Command System is outlined in Standard Operating Procedure PAT-007 and covers the following:
  - A. Communications;
  - B. Transportation;
  - C. Medical support;

- D. Supplies; and
- E. Specialized team and equipment needs.

**46.1.7 Finance / Administration Function**

- I. The Finance / Administration Function of the Incident Command System are outlined in Standard Operating Procedure PAT-007 and cover the following:
  - A. Recording personnel time;
  - B. Procuring additional resources;
  - C. Recording expenses; and
  - D. Documenting injuries and liability issues.

**46.1.8 Operational Readiness of Equipment**

- I. The Services Lieutenant will inspect for operational readiness any equipment maintained by the department that is designated for emergency operations on a monthly schedule. SRT and negotiation equipment shall be inspected for operational readiness on a monthly schedule by the respective team leader of each unit, or their designee, and turned into the assigned Lieutenant.

**46.1.9 Annual Training**

- I. Training on the agency's "All Hazard" plan for affected agency personnel will be conducted annually and documented.

**46.1.10 Emergency Mobilization Plan**

- I. The Kirkland Police Department has an Emergency Mobilization Plan. This is outlined in Standard Operating Procedure PAT-011 and it addresses the following:
  - A. Communications;
  - B. Alert stages;
  - C. Primary and alternate assembly areas;
  - D. Equipment distribution;
  - E. Special task force activation;
  - F. Key personnel designations;

- G. Coordination with emergency management personnel;
- H. Transportation requirements;
- I. Management control measures; and
- J. Rehearsals.

#### **46.1.11 VIP Security**

- I. In the event a "Very Important Person" (VIP), defined as a dignitary, famous personality, notorious person, or any other person determined to require special security, visits or stays overnight in the City, the following provisions and considerations will be addressed.
  - A. The assigned Lieutenant will be the supervisor and coordinator of any given security detail, unless otherwise designated by the Chief of Police.
  - B. Equipment assigned for SRT use as outlined in General Order 46.2.3 may be utilized as well as the appropriate number of marked and unmarked vehicles. Soft body armor will be made available to the VIP if he/she desires.
  - C. Planning and reconnoitering travel routes with at least two alternate routes will be conducted to determine the safest and most expedient route.
  - D. Advance on-site inspections will be conducted including aerial overview when available. One final inspection prior to arrival will be made of the immediate area the VIP is likely to occupy.
    - 1. All intelligence gathering will be coordinated with the Investigations Division.
  - E. Prior to the VIP's arrival, a briefing will be conducted by the commander of the detail. This briefing will be attended by all affected special operations personnel and by a representative from all outside agencies involved. (These agencies may include the Secret Service, FBI, any local or private law enforcement agencies, and the Kirkland Fire Department). Duties and responsibilities of all agencies will be outlined.

- F. The Kirkland Fire Department will be available for emergency first-aid and ambulance service. Any removal will be made to the pre-determined hospital, or appropriate facility as determined by the medical personnel.
- G. All assigned officers will carry a portable radio and maintain communication with NORCOM or a command post if one is established.
- H. An Identification system will be created and issued to all assigned personnel and to persons with authorized security clearances. These shall be conspicuously displayed on the lapel, front pocket, or collar. The commander of the detail will determine the type of designation to be worn.

#### **46.1.12 Special Events Plans**

- I. The Kirkland Police Department has a Special Events Plan. This is outlined in Standard Operating Procedure PAT-012 and it addresses the following:
  - A. Designation of a single person or position as supervisor and coordinator for the coverage of a given event;
  - B. Written estimate of traffic, crowd control, and crime problems expected for any given event;
  - C. Contingency plan for traffic direction and control;
  - D. Use of special operations personnel, if any;
  - E. Logistical requirements;
  - F. Coordination inside and outside the agency; and
  - G. After-action report.
- II. The plan addresses the following; ingress and egress of vehicles and pedestrians, parking space, spectator control, public transportation, relief of officers assigned, news media, alternate traffic routes, temporary traffic controls and parking prohibitions, and emergency vehicle access.



## **General Order No. 46.2**

### **SUBJECT: UNUSUAL OCCURRENCES OPERATIONS**

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This order consists of the following numbered sections:

- 46.2.1 Special Response Team - Function**
- 46.2.2 Special Response Team - Member Selection**
- 46.2.3 Special Response Team - Specialized Equipment**
- 46.2.4 Crisis Negotiations Team – Function, Selection, Specialized Equipment**
- 46.2.5 Search and Rescue**

#### **46.2.1 SRT Team - Function**

- I. The Special Response Team (SRT) is a tactical unit of specially trained and equipped officers of the Kirkland Police Department, whose purpose is to deal with the most potentially serious types of police confrontations.
- II. The assigned Lieutenant is responsible for overseeing the planning, training, and operational readiness of the Special Response Team.
- III. Special Response Team personnel may be authorized by the assigned Lieutenant for the following circumstances/situations:
  - A. Hostage situations.
  - B. Barricaded subject situations.
  - C. Sniper situations.
  - D. Execution of high-risk arrest/search warrants.
  - E. Any unusual occurrence requiring an extraordinary police response beyond the capabilities of normal police personnel.
- IV. Procedures for special operations activities:
  - A. Special weapons and tactics.
    - 1. The SRT (Special Response Team) will handle the duties and responsibilities generally delegated to a SWAT team;

2. The SRT is not a full-time assignment but rather a designated group of officers assembled when situations arise dictating specialized weapons and tactics use;
  3. The SRT is composed of a tactical unit, under the command of the assigned Lieutenant;
    - a. During a situation, the SRT is responsible for tactical resolution of the incident under the direction of the team leader; at the direction of the assigned Lieutenant.
    - b. During crisis negotiations, the crisis negotiators are directed by the incident commander.
  4. CNT (Crisis Negotiations Team) and SRT callout procedure is outlined in Section V of this General Order.
- B. Patrol Officers maintaining a perimeter post and awaiting the arrival of SRT and/or CNT are to remain at their assigned posts unless relieved by SRT and/or CNT Officers.
- C. Use of SRT to Supplement
1. Crisis/Hostage negotiations are outlined in General Order 46.2.4 and Standard Operating Procedure PAT-009. Because the crisis negotiators closely interact with SRT during situations, the SRT may be called to such situations.
  2. Special purpose vehicle operation is outlined in General Order 41.1.4.
- D. Cooperation and Coordination between Special Operations and other Operational Components.
1. Once an operation is undertaken, it will be the responsibility of the command officer in charge to coordinate all functions and components of the operations and maintain cooperation between them.
  2. Special Operations officers and/or supervisors should attend briefings with the officers assigned to the area of the operation to alleviate misunderstanding, provide safety of officers, and insure the success of the operation. However, discretion is advised in

disseminating information to operational components in activities where disclosure may jeopardize a tactical operation.

V. SRT and CNT Call Out Procedures

A. Any officer with a potential SRT and CNT situation shall report it to their immediate supervisor. The supervisor shall fully investigate the situation.

1. The supervisor or his/her designee will complete an SRT and CNT Risk Assessment form to assist in this investigation and planning.
2. If the supervisor believes the situation warrants SRT activation, then the Operations Lieutenant will be contacted for authorization.
  - a. If the Operations Lieutenant is not available, then the Operations Captain will be contacted. If the Operations Captain is not contacted, then the Services Captain will be contacted.
  - b. The supervisor will maintain command of the scene until relieved by the Incident Commander.
3. The authorizing Command Level Officer is responsible for administrative notification up the chain of command.

B. Shift Supervisor

1. Notify and brief the assigned Lieutenant for authorization.
  - a. If the assigned Lieutenant was not available, then apprise the Operations Captain. If the Operations Captain was not available then, apprise the Command Officer that was contacted.

C. Assigned Lieutenant, Operations Captain, or Services Captain contacted

1. Make decision to callout SRT and CNT.
2. Have NORCOM contact the Team Leader for SRT and CNT, if unavailable, the assistant team leader will be contacted. If both of them are unavailable, the next designated officer from the current roster list will be contacted.
3. Notify the Chief of Police and additional Command Staff.

D. Communications

1. Group page team members and enter "SRT Callout – Contact Dispatch" (for SRT Team members), and "CNT Callout – Contact Dispatch" (for CNT Team members)
2. The SRT leader and the CNT leader, or his/her designee, must be advised of the following:
  - a. Name and title of the authorizing Command Level Officer.
  - b. A brief description of the situation.
  - c. Location and route which team members should respond.
3. As team members call in, record their name and estimated time of arrival on the call out log sheet.
4. Commence calling individual home and cell phone numbers of team members 10 minutes after page, if the team member has not responded to the page.
5. If all team members have not been contacted after 15 minutes, repeat steps 1 and 4.
6. Notify duty supervisor and assigned Lieutenant of the number of SRT and CNT members responding.

E. SRT Leader and SRT Members

1. The structure, command, and operation of the SRT are governed by the SRT Operations Manual.

F. SRT Members

1. Upon receiving a page, immediately call the station to advise you are responding.
2. Respond to the Kirkland Police Department, unless otherwise directed.
3. All team members must strive to be at the staging area, and ready for deployment within 60 minutes of receiving a call.

G. CNT Members

1. Upon receiving a page, immediately call the station to advise you are responding.
2. Respond to the Kirkland Police Department, unless otherwise directed.
3. All team members must strive to be at the staging area, and ready for deployment within 60 minutes of receiving a call.

**46.2.2 SRT - Member Selection**

- I. Selection of SRT members should include, but not be limited to, the following criteria:
  - A. Membership is voluntary and subject to the approval of the Chief of Police. Openings for members on the team will be advertised department-wide for a period of at least two weeks. Employees will submit an application as per the position announcement.
  - B. All submitted applications will be subject to administrative review with consideration for the stated minimum qualifications.
  - C. Minimum of two years employment as a Kirkland Police Officer.
  - D. Satisfactory job performance in present and previous assignments.
  - E. Must successfully meet and maintain the Washington State Tactical Officers Association physical fitness standards.
  - F. Other requirements set forth in the position announcement
  - G. Testing consists of SRT specific tasks. The Department's assigned Lieutenant or his/her designee will review all written applications and resumes, conduct an internal review of applicant qualifications, and administer the testing process. Once this process is complete, he/she will make recommendations for selection up the chain of command.

**46.2.3 SRT - Specialized Equipment**

- I. Special equipment will be provided by the Department to the SRT for proper protection. This equipment will include, but not be limited to:

- A. Portable radio with earphone;
  - B. Flashlight;
  - C. Gas mask;
  - D. Ballistic vest;
  - E. Appropriate uniforms;
  - F. Ballistic helmet;
  - G. Eye protection;
  - H. Sidearm;
  - I. Foul weather gear;
  - J. Individually assigned long gun or heavy weapons (i.e. automatic weapons, shotgun, long gun w/scope);
  - K. Pager or Department issued cell phone, with group callout capability.
- II. All special operations equipment including negotiators' equipment will be stored at the station.

**46.2.4 Crisis Negotiations Team – Function, Selection, Specialized Equipment**

- I. Crisis Negotiations Team - Function
  - A. The Crisis Negotiations Team (CNT) consists of personnel trained specifically to communicate with barricaded persons, hostage takers, mentally unstable individuals, and protest or activist groups.
- II. The assigned Lieutenant is responsible for overseeing the planning, training, and operational readiness of the CNT.
- III. The CNT will be activated whenever the SRT is deployed for a hostage or barricaded person situation.
  - A. While the Hostage Negotiations Team's responsibility is to the City of Kirkland, it may respond "mutual aid" to other jurisdictions provided it meets the following criteria:

1. The other jurisdiction requests the response.
2. The mutual aid request has been authorized by a command-level officer of the requesting agency.
3. The mutual aid request has been authorized by a command-level officer of the Kirkland Police Department.

IV. Procedures for negotiations team activities:

- A. The CNT (Crisis Negotiations Team) will handle the duties and responsibilities generally delegated to a Hostage Negotiations team;
- B. The CNT is not a full-time assignment but rather a designated group of officers assembled when situations arise dictating negotiations;
- C. The CNT is composed of a team of trained negotiators, under the command of the assigned Lieutenant;
  1. During crisis negotiations, the negotiators are directed by the assigned Lieutenant.
  2. CNT (Crisis Negotiations Team) and SRT callout procedure is outlined in General Order 46.2.1, Section V.
- D. Operational Objectives:
  1. Preservation of human lives.
  2. Release of hostages.
  3. Minimizing jeopardy to the public or City personnel.
  4. Peaceful surrender of offenders or mentally unstable individuals.
  5. Protection of property, public and private.
  6. Ease of civil unrest.
- E. The following items are considered non-negotiable. They will not be given to suspects regardless of promises of convenience:
  1. Any type of Weapon

2. Live Ammunition
  3. Hostage Swaps
  4. Transportation for Hostage Movement
  5. Alcohol or Drugs
- F. Establishing communications in a crisis should be done as safely, discretely, and quickly as possible. Bull horns or public address systems are to be avoided when other means are available, or unless announcements are necessary to prompt the subject(s) into communications or as a distraction measure. Face-to-face meetings will be used only as a last resort.
- G. The CNT, during crisis communication, will work under the direction of the assigned Lieutenant. The team will gather intelligence about the subject(s) with whom they are dealing and formulate an acceptable plan. This plan will be shared with all other organizational units' team leaders who are engaged in the operation of, and coordination with, their efforts. Organizational input to the Crisis Negotiation Team should be through the assigned Lieutenant and through the CNT leader or incident coordinator.
- H. During a crisis, it is beneficial to maintain the rapport established by the initial negotiator. While he/she may be relieved for rest periods, it is preferable that he/she be available throughout the incident, unless the length of the incident dictates personnel changes.
- V. Crisis Negotiations Team - Negotiator Selection
- A. Membership is voluntary and subject to the approval of the Chief of Police. Only commissioned personnel will be considered for a Crisis Negotiations Team (CNT) assignment.
  - B. Openings in the unit will be advertised department-wide for a period of at least two weeks. Interested employees shall submit necessary documents as described in the position announcement.
  - C. All submitted applications will be subject to administrative review with consideration for the stated minimum qualifications.
  - D. Minimum of two years employment as a Kirkland Police Officer.

- E. Satisfactory job performance in present and previous assignments.
  - F. Other requirements set forth in the position announcement.
  - G. Testing will consist of a process developed to assess skills specific to the function of a crisis negotiator. The Department's assigned Lieutenant or his/her designee will review all written applications and resumes, conduct an internal review of applicant qualifications, and administer the testing process. Once this process is complete, he/she will make recommendations for selection up the chain of command.
- VI. Specialized Equipment
- A. Special equipment will be provided by the Department to the CNT. This equipment will include, but not be limited to:
    - 1. Laptop Computer;
    - 2. Rescue phone
      - a. Command console
      - b. Throw phone;
    - 3. MINIVOX (PA system);
    - 4. CD Recorder;
    - 5. Analog tape recorder;
    - 6. AT&T Negotiator phone
      - a. Command console and Throw phone.
    - 7. 100' AC power cord;
    - 8. 300' wire spool;
    - 9. 1200' wire spool;
    - 10. Pager with group callout capability.
    - 11. Nextel phone assigned to the Team Leader and/or designee.

12. Two white boards.

#### **46.2.5 Search and Rescue**

- I. It is the policy of the Kirkland Police Department to conduct a **preliminary search** of all missing persons. The extent of the preliminary search will be based on the circumstances surrounding the lost or missing person and the resources which are available to the Kirkland Police Department at that time.
  - A. If a situation exists where there is a need for additional resources, the assigned Operations Lieutenant will be notified via the chain of command.
  - B. See General Order 41.2.6 on Missing Persons regarding the coordination of any subsequent investigation or search.
- II. **Search and Rescue** is a coordinated effort to locate individuals missing in a wilderness area, in large bodies of water, or elsewhere. Search and rescue missions usually involve use of aircraft, boats, or other special purpose vehicles and specialized personnel such as scuba divers, mountain climbers, or spelunkers. If the situation dictates a search and rescue function requiring the use of special purpose vehicles and specialized personnel, this will be the responsibility of the King County Search and Rescue Team.
- III. This General Order does not limit the use of resources from other agencies as needed. This may include, but is not limited to; Marine Patrols, Helicopters, and additional specialty vehicles from other outside agencies, as needed.
- IV. The procedure for the utilization of the King County Search and Rescue Team or other outside agency resources will be:
  1. Officers will notify their supervisor when their investigation indicates a need to utilize the King County Search and Rescue Team, or other outside agency resources.
  2. The supervisor will determine whether or not King County Search & Rescue, or other outside agency resources should be utilized.
  3. If the supervisor determines there is a need, then the supervisor will contact King County Search & Rescue, or the appropriate outside agency, and apprise them on the circumstances of the investigation.
  4. The supervisor will notify their assigned Lieutenant.



## **General Order No. 46.3**

### **SUBJECT: Homeland Security**

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- 46.3.1 Liaison with other Organizations**
- 46.3.2 Terrorism Related Intelligence**
- 46.3.3 Providing Awareness Information**
- 46.3.4 Hazmat Awareness**

#### **46.3.1 Liaison with other Organizations**

- I. The Kirkland Police Department maintains liaison with other organizations for the exchange of information relating to terrorism.

#### **46.3.2 Terrorism Related Intelligence**

- I. The Kirkland Police Department provides the following procedures for reporting and relaying terrorism related intelligence/information to the proper task force or agency.
  - A. Reporting – intelligence/information relating to terrorism will be reported through the chain-of-command.
  - B. Routing – the information will be routed to the Detective Sergeant for review and dissemination purposes.
  - C. Relaying – the Detective Sergeant will determine if the information is to be relayed to other organizations such as; Homeland Security, FBI Joint Terrorism Task Force (JTTF), Washington Joint Analytical Center (WAJAC) and/or the King County Regional Intelligence Group.

#### **46.3.3 Providing Awareness Information**

- I. The Kirkland Police Department provides terrorism awareness information to the community by use of the City of Kirkland website.

#### **46.3.4 Hazmat Awareness**

- I. The Kirkland Police Department provides officers with awareness level training for events involving hazardous materials.



## **General Order No. 51.1**

### **SUBJECT: CRIMINAL INTELLIGENCE ADMINISTRATION**

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This order consists of the following numbered sections:

#### **51.1.1 Criminal Intelligence**

#### **51.1.1 Criminal Intelligence**

- I. The Investigations Division is responsible for Criminal Intelligence functions and activities. This involves the maintenance of a Criminal Intelligence gathering capability that is sufficient to meet the needs of the Department.

The Kirkland Police Criminal Intelligence function shall not be utilized in violation of the privacy and constitutional rights of individuals, in compliance with Title 28 Code of Federal Regulations Part 23.

#### **II. Function**

- A. Gathering criminal intelligence to provide for a criminal information base that relates directly to knowledge about individuals and organizations involved in or contemplating involvement in criminal activities. This includes information gathered in connection with Narcotics, Vice, Organized Crime and Terrorism related information.
- B. Serves as the principal channel for receipt, maintenance, and dissemination of law enforcement intelligence within the Department. This includes sharing information on criminal and suspicious incidents to appropriate agencies.
- C. Provides timely analytical support to tactical operations including, but not limited to, analysis of the aims and methods of organizations which are prone to public violence;
- D. Destruction of intelligence in accordance with RCW 10.97 and applicable law.

#### **III. Responsibilities**

- A. All agency personnel have a role in intelligence generation and the sharing of information.

- B. The development of intelligence is contingent upon the input of useful raw information. Without the necessary information upon which to work, the intelligence function is ineffective. The bulk of information feeding the intelligence function comes from the observations of facts and information generated by patrol officers and criminal investigators. Some intelligence functions may be in a position to initiate operations directed specifically at gathering information on target individuals and enterprises through a variety of clandestine and overt operations. However, in most cases, the bulk of information necessary to drive the intelligence function is derived from personnel in field service units.

#### IV. Training

- A. All Kirkland Police Department personnel will receive training on intelligence.

#### V. Safeguarding, Securing and Storing

- A. Procedures for the safeguarding of intelligence information and the secure storage of intelligence records separate from all other records are listed in Standard Operating Procedure INV-015.

#### VI. Information Limitations

- A. Procedures ensuring information collected is limited to criminal conduct or relates to activities that present a potential threat to the jurisdiction are listed in Standard Operating Procedure INV-014 (II).

#### VII. Reporting, Documentation and Dissemination of information

- A. Procedures for reporting information are listed in Standard Operating Procedure INV-014 (V) (A) (2) (d).
- B. Procedures for documenting intelligence are listed in Standard Operating Procedure INV-006.
- C. Procedures for dissemination of information are listed in Standard Operating Procedure INV-015 (V) & (VI).

#### VIII. Purging

- A. Procedures for purging out-of-date or incorrect information are listed in Standard Operating Procedure INV-014 (IV).

IX. Annual Review

- A. Procedures for an annual review of intelligence procedures and processes are listed in Standard Operating Procedure INV-014 (VI).



## **General Order No. 51.2**

### **SUBJECT: GANG CONFIRMATION POLICY**

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This order consists of the following numbered sections:

#### **51.2.1 Responsibilities**

#### **51.2.2 Gang Classification Criteria**

#### **51.2.3 Release of Information**

#### **51.2.1 Responsibilities**

- I. Officers are responsible to route their field interview reports, case reports, and other documentation containing information relating to gang activities and their associates to their supervisor. See Standard Operating Procedure PAT-018.
  - A. The officer's supervisor is then responsible for routing these items to the Crime Analyst. The Crime Analyst will then send the information to the Detective Sergeant. The Detective Sergeant will review this information and then forward it to Records or retain it for intelligence purposes.
- II. The Investigations Division is responsible for the review of information and documents relating to gang activities and association.
  - A. The Detective Sergeant or his/her designee will compare this information to the gang classification criteria. See General Order 51.2.2.
  - B. The Detective Sergeant or his/her designee will authorize the information to be entered into the records management gang database if the information meets the gang classification criteria.
  - C. The Detective Sergeant or his/her designee will then forward the information or documents to the Records Division or retain for criminal intelligence purposes. See General Order 51.1 for Criminal Intelligence.

#### **51.2.2. Gang Classification Criteria**

- I. A subject will be entered into the records management gang data base if there is reasonable suspicion that he/she is involved in criminal activity and meets at least one of the criteria listed below.

A. Self Admission

1. Subject admits gang affiliation.
2. Subject has gang related tattoos.
3. Subject writes or possesses gang graffiti in which the content and context indicates gang affiliation.
4. Subject wears clothing or items of clothing in a way that identifies them as a gang associate (i.e. bearing gang logos or names).
5. Subject uses hand signs and verbiage in which the content and context indicates gang affiliation.

B. Association

1. Subject associates with confirmed gang members.
2. Subject is included in group photographs with known gang associates.
3. Subject is involved in criminal gang incidents.

C. Other Sources

1. Subject is identified as a gang member by a reliable informant.
2. Subject is identified as a gang member by a member of another gang.
3. Subject's name appears on a gang document, hit list or gang related graffiti.
4. Subject's crime victims or targets are members of a rival gang. (A rival gang would be a gang that opposes the gang that the subject associates with. This would include disputes and fights between the gangs.)

5. Official police information, with criteria for gang membership that is similar to this department's criteria, documents that the subject is a gang associate.
- II. Judicial finding of gang membership shall stand on its own.

### **51.2.3. Release of information**

- I. The Detective Sergeant or his/her designee may authorize release of information to other Law Enforcement agencies and the Prosecuting Attorney's Office.
- II. All requests for release of information to persons outside of Law Enforcement shall be forwarded to the Investigations Division Lieutenant.
  - A. No information regarding gang association or verification shall be released to anyone other than Law Enforcement agencies or Prosecuting Attorney's Offices.



## General Order No. 52.1

### SUBJECT: ADMINISTRATIVE INVESTIGATIONS - ADMINISTRATION

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This order consists of the following numbered sections:

- 52.1.1 Complaints - Investigation
- 52.1.2 Direct Access to the Chief of Police
- 52.1.3 Complaints - Notifying the Chief of Police
- 52.1.4 Complaint Investigation Time Limits
- 52.1.5 Annual Summary / Public Availability
- 52.1.6 Notification of Allegations and Rights
- 52.1.7 Conditions for Additional Investigation
- 52.1.8 Administrative Investigations - Relief from Duty
- 52.1.9 Administrative Investigations - Conclusion of Fact
- 52.1.10 Administrative Investigations - Records
- 52.1.11 Informing Complainant
- 52.1.12 Registering Complaint
- 52.1.13 Duty to Reply / Cooperate

#### 52.1.1 Complaints - Investigation

- I. All complaints against the agency or its employees will be investigated and properly documented, to include anonymous complaints. The function of Administrative Investigations is to ensure that the integrity of the Kirkland Police Department is maintained through an administrative system. Objectivity, fairness, and justice are assured by intensive and impartial investigation and review to clear the innocent, establish guilt of wrongdoers, and facilitate fair, suitable, and consistent disciplinary action. No employee shall harass, verbally abuse, or threaten any person who files a complaint against that employee or any other employee. The Administrative Investigations General Orders are distributed via the Kirkland Police General Orders manual to all department personnel.
  - A. Supervisors will take initial complaints from internal and external sources in accordance with Standard Operating Procedure ADM-014.
  - B. Types of complaints which may require investigation by the administrative investigations function:
    1. Crime: Complaint regarding the involvement in illegal behavior, such as bribery, theft, perjury, or narcotics violations.
    2. Excessive Force: Complaint regarding the use or threatened use of force against a person.

3. Arrest: Complaint that the restraint of a person's liberty was improper or unjustified.
  4. Entry: Complaint that entry into a building or onto property was improper and/or that excessive force was used against property to gain entry.
  5. Search: Complaint that the search of a person or his/her property was improper, in violation of established procedure or unjustified.
  6. Harassment: Complaint that the taking, failing to take, or method of police action was predicated upon factors irrelevant, such as race, attire, sex, age, etc.
  7. Demeanor: Complaint regarding a department member's bearing, gestures, language, or other actions which are offensive or of doubtful social propriety, or gives the appearance of conflict of interest, misuse of influence, or lack of jurisdiction or authority.
  8. Serious Rule Infractions: Complaint such as disrespect toward a supervisor, drunkenness on duty, sleeping on duty, neglect of duty, false statements.
  9. Violation of law or department regulation: A complaint that an employee has violated a law or a department regulation, which is supported by reasonable cause to believe that the violation may have occurred as alleged, is a complaint sufficient for investigation.
- C. Types of complaints to be reviewed by the administrative investigations function:
1. The department will thoroughly review any complaints, regardless of their origin, levied against the department or its employees. The assigned Operations Lieutenant will maintain a log of all received complaints. Initially, the employee's immediate supervisor will review complaints. This complaint review process shall comply with Standard Operating Procedure ADM-014. If the supervisor determines the complaint to be valid, the investigation information will then be turned over to the supervisor's Division Lieutenant. This specifically refers to complaints which are being forwarded specifically for the purpose of authorization for an administrative investigation from the Chief of Police. All other

complaints that do not need authorization for an administrative investigation will be documented in compliance with Standard Operating Procedure ADM-014.

2. An administrative investigation should commence when the department has reasonable suspicion to believe that an employee has violated a law, department policy, or regulation. The investigation may be initiated based on reports or information received from citizens, commanders, supervisors, or other criminal justice personnel. The Chief of Police or his/her designee is responsible for the confidentiality of the investigation. The Chief of Police or his/her designee shall notify employees, in writing, of any formal administrative investigation detailing the allegation against the employee. Employees' rights and responsibilities will be included in the written notification.
3. An administrator must handle any discipline stronger than a written reprimand when approved by the Chief of Police. Any reprimand or disciplinary action should take into consideration the nature of the infraction, the employee's record of conduct and performance, individual circumstances, and past practice in similar incidents.
4. Complaints that uncover criminal violations are grounds for bringing criminal charges against an employee. Prosecution will not prevent the administrative disciplinary process from dealing with the same matter on an administrative level. Employees suspected of criminal misconduct will be afforded all constitutional rights and protections granted every citizen.

### **52.1.2 Direct Access to the Chief of Police**

- I. The Chief of Police or his/her designee is responsible for all administrative investigations functions for the Kirkland Police Department. The Chief of Police or his/her designee manages the assigning of investigations and completion of those investigations.
- II. If the allegation or complaint is made against the Chief of Police, the complaint will be directed to the City Manager's Office.

### **52.1.3 Complaints - Notifying the Chief of Police**

- I. All complaints against the department or department personnel shall be directed to the member's Division Captain via the chain of command. The

Division Captain will notify the Chief of Police of all complaints that require an administrative investigation.

#### **52.1.4 Complaint Investigation Time Limits**

- I. To achieve a speedy resolution to administrative investigations issues, an Administrative investigation will generally be completed within 30 days assigning an Administrative Investigation number. A verbal status report will be given to the Chief of Police at least weekly.
- II. In cases where extenuating circumstances exist, the time limit may be extended by the assigning Captain, with approval of the Chief of Police.

#### **52.1.5 Annual Summary / Public Availability**

- I. The Services Captain compiles annual statistical summaries, based upon records of administrative investigations, which are made available to the public and agency employees upon their request.

#### **52.1.6 Notification of Allegations and Rights**

- I. Affected employees who become the subject of an administrative investigation will be notified in writing:
  - A. That they have become the subject of an administrative investigation;
  - B. The allegation(s) against the employee;
  - C. The employee's rights and responsibilities relative to the investigation.
- II. Assuming the complaint does not involve illegal activity, the employee will be informed of the allegations. When illegal activity is alleged, the employee will be given every right due any other person who is suspected of a crime. See also General Order 52.1.1 (I) (C) (4).
- III. The principal member of the investigation will be furnished a copy of the complaint. Affected employees will be afforded all protections under State law, Civil Service, City Ordinance, and The Collective Bargaining Agreement as agreed upon between the City of Kirkland and the Kirkland Police Guild.

#### **52.1.7 Conditions for Additional Investigation**

- I. Evidence collection for investigations involving Kirkland Police Department employees will be conducted in accordance with state law, and the current applicable labor agreement between the City of Kirkland and the Kirkland Police Officer's Guild.
- II. Only if in compliance with Section I, the following may be requested of the principal department member upon the approval of the Chief of Police or their designee:
  - A. Medical or laboratory examinations;
  - B. Photographs of the affected employee(s);
  - C. Directing the employee to participate in a lineup;
  - D. Requiring an employee to submit financial disclosure statements, records;
  - E. Use of instruments for the detection of deception, including polygraph and/or Computerized Voice Stress Analyzer.

#### **52.1.8 Administrative Investigations - Relief from Duty**

- I. Supervisors or command officers may temporarily relieve an employee from duty with pay, under the following circumstances:
  - A. The employee is unfit for duty due to physical or psychological reasons.
  - B. Supervisors or command officers may temporarily relieve an employee from duty, with pay, in response to serious performance related issues, or actions pending disposition of an administrative investigation.
- II. Supervisors or command officers may direct the employee relieved from duty to report to the Chief of Police, or his designee, at 0900 hours the next business day to address the issues causing the relief from duty in a timely manner. The supervisor or command officer relieving the employee from duty will also report to the Chief of Police with all the necessary reports. Captains, with the approval of the Chief of Police, may extend the relief from duty as required by the circumstances.

- III. In all cases where an employee is relieved of duty under this General Order, the employee's Supervisor, Division Lieutenant, Division Captain and the Chief of Police will be notified as soon as possible.

### **52.1.9 Administrative Investigations - Conclusion of Fact**

- I. An assessment of each allegation of employee misconduct shall be made and classified as one of the following.
- A. Exonerated - The alleged act occurred, but was justified, legal and proper;
1. Proper conduct - The allegation is true. The action of the agency or the employee was consistent with agency policy, and the complainants suffered no harm;
  2. Policy Failure - The allegation is true. The action of the agency or the employee was consistent with agency policy. The complainant suffered harm.
- B. Sustained - The allegation was supported by proper and sufficient evidence.
- C. Not Sustained - Insufficient evidence was obtained to prove or disprove the allegation.
- D. Unfounded - The alleged act did not occur because the allegation is false. In order to utilize this disposition, the following items must be adhered to:
1. An adequate investigation of the allegations has been conducted.
  2. The results must be such that no one would reasonably conclude that the allegations are true. Conversely, this means that any reasonable person reviewing the results of the investigation would conclude that the allegations are not true.
  3. If there is significant doubt as to what really occurred and whether the accuser is telling the truth, the allegation is not unfounded. Therefore, one of the other classifications listed under General Order 52.1.9 (I) must be chosen.
- E. Misconduct not based on the original complaint - This is used to indicate the discovery of sustained acts of misconduct that were not

alleged in the original complaint. The new allegations will be investigated under the same procedures.

- II. Employees will be promptly notified of the disposition of the complaint. A letter of disposition and disciplinary action taken may be placed in the employee's personnel file. Employees have the opportunity to make a statement about the outcome of the investigation.
- III. If a complaint is sustained, disciplinary action will be taken. Depending on the severity of the violation involved and the officer's past record, such action could include but not necessarily be limited to:
  - A. Verbal Reprimand
  - B. Written Reprimand
  - C. Counseling (either internal or external)
  - D. Suspension without Pay
  - E. Loss of Pay or Privileges
  - F. Demotion
  - G. Termination of Employment

#### **52.1.10 Administrative Investigations - Records**

- I. The Kirkland Police Department investigates and maintains records of all complaints made against the Department and its employees.
  - A. The assigned Lieutenant is responsible for maintaining the Complaint Log which is kept for logging all complaints that have been received by the department. The log is an electronic file which is able to be accessed by any Command Staff personnel. This book is available for public review and does not contain information regarding administrative investigations or statements from completed complaint forms.
  - B. The assigned Lieutenant maintains an electronic database of completed complaint forms and administrative investigations against the department and its employees. Procedures on the tracking of these electronic records are listed under Standard Operating Procedure ADM-014.
  - C. The Services Captain maintains a secured file cabinet which contains hard copies of all completed complaint forms and administrative investigations against the department and its employees that are not kept electronically.

#### **52.1.11 Informing Complainant**

- I. The investigator of the complaint will keep the complainant informed concerning the status of the complaint to include:
  - A. The investigator will verify receipt of the complaint with the complainant,
  - B. Provide periodic status reports to the complainant, and
  - C. Notify the complainant of the results of the investigation upon conclusion.
- II. This process will not apply to anonymous complaints.

#### **52.1.12 Registering Complaint**

- I. The Kirkland Police Department will make available to the general public the Police/Citizen Complaint form KPD-2009-049. The form may be obtained from any supervisory or command officer or in the Police Department lobby. See also Standard Operating Procedures ADM-014.
  - A. The form will briefly describe the responsibilities of the complainant and the investigation process.

#### **52.1.13 Duty to Reply/Cooperate**

- I. Employees are required to cooperate in any inquiry concerning official conduct or an administrative investigation in accordance with the current Kirkland Police Collective Bargaining Agreement (CBA). When the allegation does not involve illegal activity or the statement of the employee being investigated will not be used as part of a criminal investigation, the employee is required to complete a statement and answer questions. If the complaint is criminal in nature the employee being investigated shall be afforded their rights per Miranda and the CBA.
- II. In accordance with *Garrity v. New Jersey*, failure to provide a statement and answer questions when the investigation is not criminal is grounds for disciplinary action. Information developed during the course of an administrative investigation cannot be used against employees in any congruent criminal investigation of the same allegation.



## **General Order No. 53.1**

### **SUBJECT: Line Inspections**

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This order consists of the following numbered sections:

#### **53.1.1 Line Inspections - Procedures**

#### **53.1.1 Line Inspections - Procedures**

- I. All employees and physical resources of the Kirkland Police Department shall be subject to line inspections.
- II. Line inspection is the process by which supervisors review and observe subordinates' activity to ensure the proper compliance with departmental policies and procedures. These inspections are not limited to persons, but also include all physical resources and facilities used by the Kirkland Police Department. In such inspections, the supervisor will, upon observing substandard conditions, take immediate corrective action.
  - A. Line Inspections are an on-going activity of all Supervisors. As part of the daily roll call process, the on-duty Supervisor will ensure line inspections are conducted on their assigned personnel. See Standard Operating Procedure ADM-015.
  - B. Frequency - Line Inspections will be performed as specified in Standard Operating Procedure ADM-015.
  - C. Responsibilities - If deficiencies are observed, the Supervisor will take immediate corrective action, as necessary. Equipment repair and replacement concerns will be directed to the Services Lieutenant without delay.
  - D. Reporting – Supervisors will document any corrective action taken and this may include a completed Equipment / Supply / Repair Request form KPD-02-0255. Supervisors may also document inspections in the monthly activity reports.
  - E. Follow up to ensure that corrective action has been taken is the responsibility of both the supervisor reporting the deficiency and the Commander to whom the deficiency was reported.



**General Order No. 53.2**  
**SUBJECT: STAFF INSPECTIONS**

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**53.2.1 Non-Compliance / Other than Mandatory**



## **General Order No. 54.1**

### **SUBJECT: PUBLIC INFORMATION**

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This order consists of the following numbered sections:

- 54.1.1 Public Information - Activities**
- 54.1.2 Non-Compliance / Other than Mandatory**
- 54.1.3 Public Information - Media Access**
- 54.1.4 Registered Sex Offender Monitoring Program**

#### **54.1.1 Public Information - Activities**

- I. It is the responsibility of all department personnel to cooperate with those who gather and report the news. The Department may assign a Public Information Officer (PIO) depending upon the nature of the event. See Standard Operating Procedure ADM-010. The Department will attempt to be responsive to the media and public interest in department operations and situations by:
  - A. The Chief of Police, Captains, Lieutenants or the PIO are authorized to release information to the media and assist media personnel at the scene of an incident. In the absence of the Chief of Police, Command Officer or PIO, the on-scene supervisor is authorized to release information and assist media personnel at the scene of an incident.
  - B. Press releases will normally be issued for unusual occurrences or in response to numerous inquiries from the media. See Standard Operating Procedure ADM-010.
    1. "Press release" as used in this document is defined as a formal statement from the Department in regard to a specific event. These releases should not be confused with the routine dissemination of news.
  - C. The PIO is responsible for arranging and/or assisting conferences;
  - D. The PIO is responsible for coordinating and authorizing the release of information about persons, in compliance with appropriate statutes;
  - E. Media questions regarding any confidential investigations shall be forwarded to the Operations Captain and he may delegate it to the appropriate Lieutenant. Media questions regarding ongoing investigations will be handled by the Investigations Lieutenant and the

appropriate prosecutor's office. Statements in regard to the following should be made only with the approval of the prosecutor:

1. Prior criminal record, character, or reputation of the accused.
  2. Mugshots of the accused.
  3. The existence of confessions, admission of guilt, or statements made by the accused or refusals by the accused to make a statement.
  4. Results of any examinations or tests conducted, or the refusal by the accused to submit to such.
  5. The identity, testimony, or credibility of any prospective witness (es).
- F. In situations where other jurisdictions are involved in an incident (police, fire, Medical Examiner), the responsible person representing the agency (ies) should be consulted by the PIO in a cooperative effort to develop procedures for coordinating the release of information to the media.
1. The lead agency for media releases will be determined based upon the nature of the incident.
  2. All media releases will be coordinated through the PIOs and normally the lead agency would make the release. Media releases will be courtesy copied to the other agencies involved.
  3. Inquiries that deal with specialized information, such as that of the Medical Examiner or Fire Marshal should be referred to them.

#### **54.1.2 Non-Compliance / Other than Mandatory**

#### **54.1.3 Public Information - Media Access**

- I. The PIO or designee of the Chief of Police will coordinate the activities of the media, including photographers, at the scene of a crime or event that is under the control of the Department.

- A. Critical Incidents – the role & responsibilities of the PIO, during critical incidents, is listed in Standard Operating Procedure PAT-007 under the Command Function.
- II. The media will be denied access to areas as indicated:
  - A. If the owner of private property requests they be excluded.
  - B. If there is a possibility evidence will be damaged, tampered with, or removed from the scene of a crime or that the investigation will be hampered
- III. The Shift Supervisor/Incident Commander has the authority to restrict access of the media to the crime scene or tactical situations, if in his/her judgment the above guidelines are applicable, or the person does not possess proper credentials.

#### **54.1.4 Registered Sex Offender Monitoring Program**

- I. When a sex offender is released or changes addresses, he/she must report this to the local sheriff's office. The sheriff's office or the Washington State Patrol will contact the Kirkland Police Department with the information regarding the sex offender who is now residing in Kirkland's jurisdiction.
- II. It is the responsibility of the Investigations Division to monitor these registered sex offenders. See Standard Operating Procedure INV-010.
  - A. Offender Level categories are based upon likelihood to re offend.
    - 1. Level One offenders are at a low risk to re-offend.
    - 2. Level Two offenders have a moderate risk of re-offending.
    - 3. Level Three offenders have a high risk of re-offending.
- III. RCW 9A.44.135 requires that the department verify the residence of sex offenders annually. The purpose of such a program is two-fold.
  - A. Members of the department are aware of who the sex offenders are, and where they reside. Conversely, the sex offender is aware that the Kirkland Police Department is actively monitoring him/her.
  - B. Officers who come in contact with sex offenders will be able to investigate any reports of harassment towards the sex offenders.





## **General Order No. 55.1**

### **SUBJECT: VICTIM/WITNESS ASSISTANCE ORGANIZATION AND ADMINISTRATION**

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This order consists of the following numbered sections:

#### **55.1.1 Victim / Witness - Summary of Rights**

#### **55.1.2 Analysis of Victim / Witness Needs / Services**

#### **55.1.3 Victim / Witness - Procedures**

#### **55.1.1 Victim / Witness - Summary of Rights**

- I. The Kirkland Police Department recognizes the need for victim/witness assistance. It shall be the position of the Kirkland Police Department that victims and witnesses will be treated with fairness, compassion and dignity. The Kirkland Police Department is committed to the development, implementation and continuation of appropriate victim/witness assistance programs and activities.
- II. In keeping with this policy, the Kirkland Police Department works with other governmental agencies in support of the State of Washington Crime Victim's Bill of Rights as summarized in RCW 7.69.030 & RCW 7.69A.030

#### **55.1.2 Analysis of Victim / Witness Needs / Services**

- I. The Operations Captain will conduct a documented analysis of victim/witness assistance needs and available services in the area at least once every three years.
- II. The documented analysis will include:
  - A. The extent and major types of victimization within the area.
  - B. An inventory of information and service needs of victims/witnesses in general (including homicide or suicide survivors) and special victims, such as those victimized by domestic violence, abuse and neglect, sexual crimes and drunk drivers.
  - C. Victim assistance and related community services available within the service area.

- D. Identification of unfulfilled needs and the selection of those that are appropriate for the Kirkland Police Department to meet.

### **55.1.3 Victim / Witness - Procedures**

- I. The Kirkland Police Department provides procedures for the following items (See Standard Operating Procedure INV-012):
  - A. Implementation and delivery of victim/witness assistance services by agency personnel;
  - B. Confidentiality of victims/witnesses and their role in case development to the extent consistent with applicable law;
  - C. Inform the public and media about the Kirkland Police Department's victim/witness assistance services; and
  - D. Relationships between the Kirkland Police Department and victim/witness efforts of other agencies and organizations.



## **General Order No. 55.2**

### **SUBJECT: VICTIM AND WITNESS ASSISTANCE: OPERATIONS**

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This order consists of the following numbered sections:

- 55.2.1 Victim / Witness - Initial Assistance**
- 55.2.2 Victim / Witness - Further Victimization**
- 55.2.3 Victim/Witness Assistance - Pre-investigation**
- 55.2.4 Victim / Witness Assistance - During Investigation**
- 55.2.5 Victim / Witness Assistance - Suspect Arrest**
- 55.2.6 Next-of-kin Notification**

#### **55.2.1 Victim / Witness - Initial Assistance**

- I. The Kirkland Police Department provides 24-hour information via the business phone number. The Department members answering the phone will have available the following information:
  - A. Victim/witness assistance available directly from the Kirkland Police Department.
  - B. Victim/witness assistance available from other organizations within the area.

#### **55.2.2 Victim / Witness - Further Victimization**

- I. The Kirkland Police Department will provide appropriate assistance to victims/witnesses who express credible reasons for fearing intimidation or further victimization.
  - A. When the victim/witness is in the Kirkland Police Department jurisdiction, appropriate assistance should be arranged by the Kirkland Police Department. See Standard Operating Procedure INV-011 & INV-012.
  - B. If the Kirkland Police Department becomes aware of danger to a victim/witness, an attempt to contact and alert the victim/witness will be made.
  - C. When the victim/witness is in another jurisdiction, the appropriate agency will be contacted by the investigator or advocate, informed of the situation and request that reasonable precautions be taken.

**55.2.3 Victim / Witness Assistance - Pre-investigation**

- I. During the preliminary investigation officers will:
  - A. Supply victims/witnesses with information about applicable assistance services available to them.
  - B. Advise the victim/witness to re-contact the Kirkland Police Department via 911 if the suspect or suspect's companions threatens or otherwise intimidates him or her.
  - C. Supply the victim/witness with a case number of the incident and answer any questions regarding the future processing of the case.
  - D. Provide the victim/witness a telephone number to report any additional information about the case. Advise the victim/witness they will be receiving notification from an investigator or advocate regarding the status of the case.

**55.2.4 Victim / Witness Assistance - During Investigation**

- I. During the follow-up investigation, victims/witnesses can expect the following services from employees of the Kirkland Police Department:
  - A. If, in the opinion of the officer, the impact of the crime on a victim/witness has been unusually severe, the victim/witness will be re-contacted periodically to determine whether needs are being met.
  - B. All Department employees should explain the procedures within the criminal justice system to any victim or witness. Victims/witnesses should be made aware of their role in their case and what will be expected of them throughout the entire process.
  - C. Officers are encouraged to schedule line-ups, interviews and other required appearances at the convenience of the victim/witness. Officers should make an effort to transport a victim/witness to an appearance if there is no other reasonable means of transportation.
  - D. Officers are encouraged to evaluate property taken during an investigation to determine if it can be returned promptly to the owner. Officers should be conscious of state law and rules of evidence when determining whether property can be returned.

- E. Officers/detectives are encouraged to assist the victim in obtaining victim advocate services when and where available.

#### **55.2.5 Victim / Witness Assistance - Suspect Arrest**

- I. When possible, victims/witnesses shall be notified of the arrest of the suspect(s) in their case. Notification may be made by phone or mail.

#### **55.2.6 Next-of-kin Notification**

- I. The purpose of this section is to assure that the notification of the next-of-kin of deceased, seriously injured or ill persons is carried out in a prompt, professional, and courteous manner.

- A. In cases originating within the City of Kirkland:

- 1. Death notifications will generally be handled by and/or coordinated with the King County Medical Examiner's office.
- 2. Notification of local relatives of seriously injured persons within the City of Kirkland should be conducted in person, if at all possible.
- 3. Notifications where there are only minor injuries involved (generally those which are not going to require in-patient medical care) can be conducted by phone.

- B. Notification requests from outside agencies:

- 1. Death notification requests from outside agencies should be referred to the King County Medical Examiners office.
- 2. From time to time, the Kirkland Police Department may be called upon to assist with personal notification.
  - a. Officers will make every effort to deliver such notifications initiated by other agencies in person.
  - b. Officers will attempt to determine the effects of the notification and provide the necessary support resources such as friends, clergy, etc.

- C. In the event of a "line-of-duty" death or the death of a Department member, the notification procedures are set forth in the Operations Procedure ADM-009 and Line of Duty Death/Injury Reference Manual

- 1. General Statement –

- a. The death or serious injury of a Kirkland Police Officer is a tragedy we all hope to avoid. The department must, however, be prepared for the event and act in accordance with this policy.

Kirkland Police Department policy is centered around the goal of providing liaison assistance to the immediate survivors of any officer who dies in the line of duty, whether feloniously or accidentally, while an active member of this department. This assistance will include the clarification and comprehensive study of survivor benefits, as well as providing emotional support for surviving family members.



## **General Order No. 61.1**

### **SUBJECT: TRAFFIC ENFORCEMENT**

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This order consists of the following numbered sections:

- 61.1.1 Selective Traffic Enforcement**
- 61.1.2 Traffic Enforcement**
- 61.1.3 Special Processing Requirements**
- 61.1.4 Violator Notification**
- 61.1.5 Uniform Traffic Enforcement Policies**
- 61.1.6 Traffic Law Enforcement Practices**
- 61.1.7 Stopping / Approaching Violators**
- 61.1.8 Violator Contacts - Officer's Conduct**
- 61.1.9 Speed Measuring Devices**
- 61.1.10 Alcohol / Drug Traffic Enforcement**
- 61.1.11 DUI Investigation**
- 61.1.12 Request Driver Re-Examination**
- 61.1.13 Parking Enforcement**
- 61.1.14 Drug Recognition Expert**

#### **61.1.1 Selective Traffic Enforcement**

- I. Selective traffic enforcement is an activity of the Traffic Unit. Selective traffic enforcement functions include the items listed below. Procedures for selective traffic enforcement are outlined in Standard Operating Procedure TRF-013.
  - A. Compilation and Review of traffic collision data;
  - B. Compilation and Review of traffic enforcement activities data;
  - C. Comparison of collision data and enforcement activities data;
  - D. Implementation of selective enforcement techniques and procedures;
  - E. Deployment of traffic personnel; and
  - F. Evaluations of selective traffic enforcement activities.

#### **61.1.2 Traffic Enforcement**

- I. Officers will take appropriate enforcement action for each violation of traffic law witnessed or reported to them. All enforcement action will be

accomplished in a firm, fair, impartial and courteous manner, using one of the following three methods:

- A. Physical Arrest
- B. Citation (Criminal Traffic Citation/Infraction)
- C. Verbal Warning

### **61.1.3 Special Processing Requirements**

- I. The Kirkland Police Department has methods of handling particular situations which, by legislative mandate, require a law enforcement response of a different nature than would be required under normal circumstances. Procedures for handling traffic violations for those listed below are outlined under Standard Operating Procedure TRF-005.
  - A. Non-resident traffic violator
  - B. Juveniles
  - C. Foreign Diplomats/Consular Officials
  - D. United States Congressmen/State Legislators
  - E. Armed Forces Personnel

### **61.1.4 Violator Notification**

- I. Upon issuance of a notice of infraction or citation, the officer will inform the violator of the following:
  - A. The location of the court.
  - B. Whether or not the violation requires a mandatory court appearance.
  - C. To read the front and back of the notice of infraction or citation for instructions.
  - D. Provide any other information as needed or requested by the violator.
- II. The City of Kirkland uses the Washington Uniform Court Docket. The form is used for infraction, criminal traffic, and criminal non-traffic violations.

Information listed on the front and back of this form provides the violator with the following information:

- A. The violator must contact the court within fifteen days regarding an infraction, and that the violator must appear in court if there is a mandatory court date on the front of a citation.
  - B. Whether the citation / infraction require a mandatory court appearance or the appearance is optional.
  - C. Whether the violator has the option to pay the bail without a court appearance and the amount of the bail.
  - D. The nature, date, time and location of the violation.
- III. In all cases, the officer should ensure that the violator is advised of the instructions on the reverse side of the violator's copy of the citation / infraction.

#### **61.1.5 Uniform Traffic Enforcement Policies**

- I. Appropriate uniform enforcement action for traffic violations is important if motorists are to enjoy safe driving in the City of Kirkland. Good judgment by the police officer in consideration of the circumstances and conditions at the time of the violation will ensure appropriate action and gain the public confidence in traffic enforcement.
- II. The ultimate aim of traffic law enforcement is to achieve voluntary compliance with traffic laws and regulations. To achieve this goal, policies to be followed include:
  - A. It is the policy of the Kirkland Police Department to actively enforce driving under the influence of alcohol and/or drugs. Officers will arrest any driver found to be in violation. Arrests will be determined by the driver's observed operation on the roadway, or involvement in a collision, field sobriety tests and blood alcohol test. See also Special Processing under General Order 61.1.3 and Standard Operating Procedure TRF-005.
  - B. A police officer is frequently in the position of encountering violators who are unable to produce a valid driver's license. This could be the result of various actions, not only of the driver, but of the court and/or Department of Licensing (DOL). The officer should check through the computer the name and date of birth for the current status of driving

privileges. If the violator has a valid license, then the officer's action should be dictated by the initial stop.

1. If the driver does not have a valid driver's license in their possession, the officer should check through the DOL on-line computer in this state, or the violator's state of residency, for their status. If it is determined no license was issued, the officer should cite for no operator's license, unless a physical arrest is warranted.
  2. If the violator was issued a license in this state, or their state of residence and the violator's privilege has been revoked or suspended, the officer should charge the appropriate offense. A physical arrest may be warranted.
  3. In either case, the violator should not be allowed to drive from the location of the stop and other arrangements should be made (e.g. another licensed driver in the vehicle, or someone who can pick up the vehicle). The vehicle can be towed, pursuant to RCW 46.55.113. See General Order 61.4.3.
- C. It is the policy of the Kirkland Police Department to enforce speed laws within the City limits of Kirkland.
1. Speeding violations can be determined by use of a speed-measuring device or by pacing. Enforcement of speeding violations shall be by verbal warning or notice of infraction.
- D. It will be the practice to issue criminal infractions / citations or make arrests, if appropriate, for hazardous moving violations and operating unsafe or improperly equipped vehicles.
- E. When investigating the use of all terrain vehicles (ATV) on private property, attempts will be made to contact the property owner to determine if permission has been granted to operators of all terrain vehicles to operate on the owner's property. If the owner's permission has not been granted, the operators will stop using the property and be advised to keep written permission with them, along with the name and phone number of the property owner, so he/she can be contacted. If misuse of private property occurs while operating an all terrain vehicle, such as reckless driving, DUI, hit and run, or criminal damage, enforcement may be taken by officers.

1. All terrain vehicles driving upon public roadways will fall in accordance with registration laws and driver's license laws, as would any other motor vehicle driving upon public roadways.  
  
All terrain vehicles operated on private property should carry a state ATV (All Terrain Vehicle) sticker.
  2. Towing of all terrain vehicles will be in accordance with General Order 61.4.3.
  3. Juvenile offenders will be handled the same as adult offenders. Seriousness of the violation will be taken into consideration when determining if a guardian should be contacted.
  4. Operators of all terrain vehicles are responsible for any excessive noise produced by the vehicle and may be cited for any violation pertaining to excessive noise.
  5. Collision investigation of all terrain vehicles on private property, public property and/or roadways will be investigated as would any other vehicle in accordance with General Order 61.2. When all terrain vehicles are involved in private property collisions, a state report will be taken.
- F. Equipment violations shall be enforced either by verbal warning or notice of infraction.
- G. Violations by commercial carriers: Commercial carriers will be treated the same as the general motoring public.
- H. Non-Hazardous violations
1. Hazardous, non-misdemeanor violations shall be enforced by either warnings or notices of infraction. Hazardous misdemeanor violations will be enforced by verbal warning or criminal citation.
- I. Multiple violations:
1. No more than two violations will be written on one criminal citation form or three on a notice of infraction. Infractions and misdemeanors will not be cited on the same form. All traffic violations arising from the same incident should be cited into the same court.

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- J. Newly Enacted Laws – a grace period may be established by the Operations Captain or his/her designee.
- K. In all cases where the investigating officer has reason to believe that a violation or violations of the law have caused or contributed to a traffic collision, appropriate enforcement actions will be taken. In follow-up investigations, if there are found to be violations of law which caused or contributed to the traffic collision, then the appropriate enforcement action shall take place through the appropriate Court.
1. Enforcement actions are covered in statute RCW 10.31.100, and General Order 61.1.2.
  2. Officers may elect to not issue citations or infraction notices at the collision scene if:
    - a. The violator left due to injury; or
    - b. Additional investigation is needed.
- L. Officers will take appropriate enforcement action on pedestrian violations and/or bicycle traffic law violations.
1. **Pedestrian Enforcement** - The enforcement of traffic laws pertaining to pedestrians necessitates broad discretion from individual officers.
  2. **Bicycle Enforcement** - The use of bicycles as a major means of transportation, both for business and recreation, has resulted in an increase in traffic collisions involving bicycles. It is inherent in the role of the police to enforce those laws relating to the safe operation of bicycles. The following procedures are guidelines to discretion, which should result in a more uniform and consistent application of the law:
    - a. In those areas where congestion and frequency of collision experience involving bicycles has occurred, those laws pertaining to the proper operation of bicycles will be strictly enforced.
    - b. On those arterials with a substantial flow of vehicular traffic and where hazardous moving violations are

observed involving persons on bicycles, the applicable laws will be enforced.

- c. In those areas where traffic flow is minimal, visibility is unobstructed and traffic collisions low, officers should exercise discretion.

- III. These enforcement policies do not supplant officer judgment, for it is impossible to foresee every conceivable situation involving traffic violations. In unusual circumstances, the officer must decide what enforcement is proper based on a combination of training, experience and common sense.

#### **61.1.6 Traffic Law Enforcement Practices**

- I. Based on the principle that the most effective deterrent to traffic law violations is visible patrol in a marked vehicle and in the interest of maintaining a posture of prevention as opposed to apprehension, traffic law enforcement activities will be conducted accordingly. Officers will drive police vehicles in accordance with existing laws and in such a manner as to demonstrate exemplary driving behavior.
- II. In those areas where fixed-post observation is necessary to maximize the effectiveness of a selective enforcement effort, officers will park in such a manner that traffic flow is not impeded.
- III. The Kirkland Police Department maintains unmarked vehicles, which may be used for traffic enforcement in areas where a fully marked unit would not be effective. These vehicles will be equipped with concealed emergency lights and siren.
- IV. The Kirkland Police Department does not conduct Roadside Safety Checks for motor vehicles.

#### **61.1.7 Stopping / Approaching Violators**

- I. The Kirkland Police Department provides officers with procedures for making contact with offending motorists, methods for making effective stops that are safe for the officer and the motorist, approach procedures, and responsibilities for calling in traffic stop information. These procedures are listed under Standard Operating Procedure TRF-006 which covers the following types of Traffic Stops:
  - A. Traffic law violators;

- B. Unknown risk stops; and
- C. Felony/High risk stops.

### **61.1.8 Violator Contacts – Officer's Conduct**

- I. Traffic law enforcement is one of the tasks performed by a police officer. For the violator, it is frequently an emotional experience. Officers should be aware of these conditions, strive to make each contact educational and leave the violator with the impression that the officer has acted professionally in performing a necessary task.
- II. Traffic stops have two objectives, which the officer seeks to achieve. The first objective is to take appropriate enforcement action. The second is to favorably alter the violator's future driving behavior. This requires a thorough understanding of human relations and demands flexibility of the officer. The guidelines outlined in Standard Operating Procedure TRF-006 are recommended to minimize conflict which may develop between the officer and the violator and assist in achieving the two objectives.

### **61.1.9 Speed Measuring Devices**

- I. The law enforcement community believes that speed measuring devices (SMD), (i.e., LIDAR and RADAR) are an effective tool for speed control and its role in traffic safety. However, modern speed measuring devices are complex and have inherent limitations, as well as being subject to external and internal interference.
  - A. Department speed measuring equipment will consist of devices approved by the State of Washington. Technical specifications and operator manuals are on file and available from the traffic supervisor.
  - B. Officers utilizing speed measuring devices for speed enforcement will check the calibration of the radar device at the beginning of their shift and re-check calibration of the unit at the end of their duty shift.
  - C. Officers will use care when handling speed measuring devices and ensure secure storage to prevent damage to the unit. If the unit is damaged or the officer feels the unit displays any false or erratic readings, the unit will immediately be taken out of service and an equipment repair form (KPD-2002-255) completed. This information will be brought to the immediate attention of the Traffic Unit Supervisor.

- D. The Traffic Sergeant will ensure that adequate maintenance, calibration and operational records systems (suitable for introduction as evidence in court) are maintained.
    - 1. The Traffic Sergeant, or his/her designee, will maintain all radar maintenance logs and certification records. He/she will also maintain at least two radar manuals for each different type of radar unit the department uses. The Traffic Sergeant shall ensure the care, upkeep, maintenance, and calibration of all speed measuring devices.
  - E. All officers using speed measuring devices must successfully complete a basic operator's program and receive certification prior to utilization of such device. Training and certification records will be maintained by the Services Division.
- II. Speedometers are another method to measure a violator's speed. Kirkland Police vehicles have certified/calibrated speedometers. Speedometers are checked annually and should also be checked periodically by the use of radar to ensure their accuracy. The Traffic Unit will be responsible for these checks. See Standard Operating Procedure TRF-003.

#### **61.1.10 Alcohol / Drug Traffic Enforcement**

- I. Drivers impaired by alcohol and/or drugs represent a serious threat to the lives and safety of person(s) using the streets of this City and consequently a comprehensive and on-going countermeasure program involving education, enforcement, adjudication, treatment and public support is essential if a program is to have long-term success in combating the DUI problem.
- II. Enforcement is one of the key elements in the DUI countermeasures program. If the department does not detect and apprehend impaired drivers, the rest of the system cannot function.
  - A. Police officers must be alert for signs of alcohol and/or drug impairment in all contacts with motorists. After conducting an initial examination at the scene of the traffic contact and upon determining that probable cause to arrest is present, the officer will effect a physical arrest of the subject.
  - B. Chemical tests will be offered in accordance with the Revised Code of Washington, Department of Licensing, department policy, and court proceedings.

- C. All officers will be familiar with DUI detection field sobriety tests.
- III. Education is another element of the department's DUI countermeasures program. The Traffic Unit is designated as having the primary responsibility for alcohol and driver safety awareness programs for schools and other civic organization.

### 61.1.11 DUI Investigation

- I. The detection and arrest of intoxicated drivers differs from that of other traffic law violators. There are specific legal limits of intoxication. Specific statutes govern driving while under the influence of drugs and/or alcohol, implied consent for chemical tests and the chemical tests of blood/alcohol content themselves. These statutes outline the officer's scope of authority and establish procedures for detection, arrest and processing of an intoxicated driver.
- A. RCW 46.61.502 Driving Under the Influence of Intoxicants.
  - B. RCW 46.61.503 Under 21 Consuming Alcohol
  - C. RCW 46.61.504 Physical Control of a vehicle under the influence.
  - D. RCW 46.61.517 Refusal of alcohol test.
  - E. RCW 46.25.110-120 Commercial Vehicle Alcohol Violations
  - F. RCW 46.20.740-750 Ignition Interlocks
  - G. RCW 46.20.308 Implied Consent
- II. Detection is the first step in any DUI enforcement action. In this state, probable cause to arrest is established. See Standard Operating Procedure TRF-007.
- III. Arrest and Processing
- A. If all elements of the DUI violation are evident, as established in the Revised Code of Washington, then officers will effect a physical arrest of the subject. See also General Order 61.1.3 and Standard Operating Procedure TRF-005 for special handling circumstances.

**61.1.12 Request Driver Re-Examination**

- I. Routine enforcement, collision reporting and investigation activities frequently lead to the discovery of drivers who have suspected incompetence through disease or other condition which might prevent the person from exercising reasonable and ordinary care over a motor vehicle. Officers detecting such a person will complete the appropriate forms to request a re-examination by the Department of Licensing. See Standard Operating Procedures TRF-008.

**61.1.13 Parking Enforcement**

- I. When enforcing parking violations in residential areas, the officer should first attempt to contact the vehicle owner, if possible. In some cases, warning correctional notices should be issued. This would not apply to time zones, which are appropriately signed.
- II. No parking/time zones, if signs are appropriately posted, should be enforced. Unless the parked vehicle creates an immediate hazard, it should not be towed.
- III. Blocking a roadway is sufficient reason for the vehicle to be towed, if the operator cannot be located in a timely manner.
- IV. If a vehicle is blocking a driveway, or parked within five feet of a driveway, it can be towed at the request of the driveway owner.
- V. Fire zones/handicap zones will be strictly enforced on public, as well as private property, if the appropriate signs are posted.

**61.1.14 Drug Recognition Expert**

- I. Drug Recognition Experts (DRE) are available to assist in the detection of affected drivers.
- II. The DRE's assistance can be obtained as outlined in Standard Operating Procedure TRF-004.



## **General Order No. 61.2**

### **SUBJECT: TRAFFIC COLLISION INVESTIGATION**

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This order consists of the following numbered sections:

- 61.2.1 Traffic Collision Investigation**
- 61.2.2 Traffic Collision Response**
- 61.2.3 Traffic Collision Scene Responsibilities**
- 61.2.4 Traffic Collision Investigation - Follow-up**

#### **61.2.1 Traffic Collision Investigation**

- I. Uniformed officers dispatched to handle a traffic collision are to report and/or investigate the collision in a thorough and professional manner. All investigations of traffic collisions will be reported on the Washington State Police Traffic Collision Report form (WSP-3000-345-159), with the following exceptions:
  - A. Collisions where no injury is sustained and damage does not exceed the established damage threshold to any one vehicle or property, in accordance with RCW 46.52.030.
    1. City vehicles involved in a collision require a report if there is any damage to the vehicle or involved property. A Washington State Police Traffic Collision Report form will be completed.
  - B. The Kirkland Police Department traffic accident reporting system shall be in compliance with mandates of RCW 46.52.
- II. The Washington State Police Traffic Collision Report form will be filled out following the guide found in the State of Washington Manual for Police Traffic Collision Reports. This includes examining and recording vehicle and roadway damage.
- III. Minor, non-injury collisions generally require the reporting of basic information. A more thorough investigation is required on the following types of collisions:
  - A. Fatality or serious injury.
  - B. Serious property damage.
  - C. Hit and Run Collisions

- D. Impairment due to alcohol and/or drugs.
  - E. Hazardous material spill.
  - F. Private property.
- IV. Standard Operating Procedure TRF-009 provides procedures for traffic collision investigations.
- V. **Submission of Collision Reports** - The department requires the mandatory completion and orderly processing of all traffic citations, arrest reports, collision reports, and other supplemental reports. Supervisors are to be diligent in their review of collision reports.
- VI. **On-duty Police Vehicle Collision Investigation** - All collisions involving on-duty employees which results in damage or possible injury to any person, shall be reported and thoroughly investigated.
- A. The Shift Supervisor will be notified of any collision, regardless of location, which involves injuries or any property damage and ensure that appropriate investigative and enforcement action is taken.
  - B. Collisions occurring within the Kirkland City limits shall be investigated by the Kirkland Police Department.
    - 1. Investigative Responsibility shall be determined according to the following criteria:
      - a. In the case of collisions resulting in injury which require medical attention, the Traffic Supervisor has responsibility. The Traffic Supervisor may delegate the investigative function to a traffic officer.
      - b. In the case of all other collisions, the Patrol supervisor shall have responsibility.
      - c. In the absence of the Patrol supervisor, the duty supervisor may assign this responsibility.
      - d. The supervisor may enlist the assistance of the Traffic Unit.
    - 2. Enforcement action will proceed under the following conditions:

- a. Citations:
    - i. Citations will not be issued to on-duty personnel involved in the collision at the scene.
    - ii. Citations may be issued to other persons involved in the collision at the scene.
    - iii. After all available facts are known and recorded; the information involving the on-duty personnel involved in the collision will be forwarded to the assigned Operations Lieutenant and the City Attorney for recommendations.
    - iv. Citations issued to the on-duty personnel involved in the collision must be approved by the assigned Operations Lieutenant.
  - b. Arrests of on-duty personnel involved in the collision related to fault in the collision must be approved by the assigned Operations Lieutenant.
- C. Collisions occurring outside the Kirkland City limits shall be investigated by the law enforcement agency having jurisdiction. In these circumstances, the duty supervisor will prepare a separate report.
- D. When an employee becomes involved in a collision within the Kirkland City limits:
- 1. The employee will:
    - a. Notify dispatch of the collision and location;
    - b. Request aid for any injured, or possibly injured, persons;
    - c. Request the Patrol Supervisor respond to the scene.
  - 2. The Patrol Supervisor will:
    - a. Respond to the scene;

- b. When appropriate, notify the assigned Operations Lieutenant;
  - c. Assume the investigation;
  - d. When appropriate, contact other investigator(s).
3. The assigned investigator will:
- a. Conduct or delegate the investigation, ensuring that information sufficient to complete the following required documents is obtained:
    - i. Washington State Police Traffic Collision Report;
    - ii. Separate diagram of the collision;
    - iii. Photographs of all vehicles, property damage and the collision scene;
    - iv. Statements or reports from all drivers, participants and witnesses.
    - v. Kirkland Police Department Incident Report;
  - b. When unable to complete the investigation prior to the end of the shift, will provide an interim report to the employee's Division Lieutenant, outlining the basic facts of the collision. However, prior to the completion of the investigation, the known or suspected cause of the collision shall not be published.
  - c. On completion of the investigation, forward the entire report to the Traffic Sergeant. If the Traffic Sergeant is not available then forward the entire report to the assigned Operations Lieutenant.
4. The assigned Operations Lieutenant will review the report and distribute copies as follows:
- a. Records Division (the original copy);
  - b. Chief of Police, via the Chain of Command;

- c. Human Resources Department Risk Manager
- E. When an employee becomes involved in a collision outside the Kirkland City limits:
1. The employee will:
    - a. Immediately ensure that the appropriate public safety agencies are called to the scene;
    - b. As soon as practical, notify the Kirkland Police Duty Supervisor of the circumstances;
    - c. Complete a Kirkland Police Incident Report.
  2. The Duty Supervisor will:
    - a. If appropriate, respond to the scene of the collision;
    - b. Request a copy of the jurisdictional agency's investigative report;
    - c. Prepare a brief written summary;
    - d. Forward reports and summary to the Traffic Sergeant. If the Traffic Sergeant is not available then forward the reports and summary to the assigned Operations Lieutenant.
  3. The assigned Operations Lieutenant will review the report and distribute copies as follows:
    - a. Records Division (the original copy);
    - b. Chief of Police, via the Chain of Command;
    - c. Human Resources Department Risk Manager
- F. Administrative Review Board for Police Vehicle Collisions/Incidents
1. The Administrative Review Board will review all police vehicle collisions/incidents. The Board is to determine the primary cause of the collisions/incidents, whether department policies were followed, if there were any mitigating or extenuating

circumstances, and to check that all reports are thorough and complete.

2. Responsibilities, Membership, and Authority of the Board
  - a. The Administrative Review Board investigates and reviews the circumstances pertaining to police vehicle collisions/incidents.
  - b. The Board shall consist of the following members:
    1. A command staff officer, usually the assigned Operations Lieutenant.
    2. A supervisor, not the supervisor of the officer involved, designated as chairman; and
    3. One other member of a rank equal to the employee involved, appointed by the Chief of Police, or his designee.
    4. In the event any of the above personnel are unavailable due to illness, vacation, or other reasons, the Chief of Police will appoint an alternate to fill the vacancy for the duration of the investigation.
3. Authority and Duties of the Board
  - a. The Board convenes, upon order of the Chief of Police, to review all police department vehicle collisions/incidents.
  - b. The Board is authorized to review all reports concerning the collisions/incidents and call before it any witnesses necessary to obtain all the facts. This review is separate from and shall not interfere with any investigation of a criminal nature. Officers and employees will be afforded all rights as provided by the Kirkland Police Guild Collective Bargaining Agreement.
  - c. At the conclusion of the Review Board, one of the following determinations will be made:

- i. The collisions/Incidents were NON-PREVENTABLE. The actions of the officer/employee were proper and there was nothing that could have reasonably been done to prevent the collisions/incidents.
    - ii. The collisions/incidents were CONTRIBUTORY. Though not necessarily legally at fault, the officer/employee could have taken preventative measures to avoid the collisions/incidents.
    - iii. The collisions/incidents were PREVENTABLE. In this case, the officer, either by omission or commission, failed to comply with traffic laws and/or department policies, the result of which either directly or indirectly led to the collisions/incidents.
  - d. When the review process is complete, the findings and/or recommendations are presented in writing to the Chief of Police, who will make the determination if any corrective action is warranted.
- 4. Incidents
  - a. Incidents are defined as any damage to a police vehicle that doesn't meet the Washington State threshold of a reportable collision.
- 5. Safety Coordinator
  - a. The City of Kirkland Safety Coordinator will sit in on the Administrative Review Board for Police Vehicle collisions/incidents as an observer and to insure uniformity of procedures and continuity between the City of Kirkland Review Board and the Kirkland Police Department Review Board.
- 6. EVOC Cadre Head
  - a. A copy of the findings will be forwarded to the EVOC Cadre Head for training purposes.

### **61.2.2 Traffic Collision Response**

- I. Officers will be dispatched to all reported collisions in accordance with the General Order 41.2.1. The circumstances surrounding the following types of collisions should be taken into consideration and appropriate requests for additional assistance should be made:
  - A. Fatality or injury;
  - B. Hit and run;
  - C. Operator impairment due to alcohol or drugs;
  - D. Damage to public vehicles or property;
  - E. Hazardous materials.
    1. Hazardous materials response is outlined in Standard Operating Procedure TRF-012.
  - F. Disturbance between principals;
  - G. Major traffic congestion as a result of the collision;
  - H. Damage to vehicles to the extent towing is required;
    1. If damage to the vehicles will require towing, a tow truck should be summoned as quickly as possible so normal traffic flow can be resumed. The exception to this is either a fatality or serious injury accident.
  
- II. An officer will be dispatched to private property collisions under the following conditions with a report taken as outlined in General Order 61.2.1.
  - A. Fatality or injury;
  - B. Hit and run;
  - C. Operator impairment due to alcohol or drugs;
  - D. Damage to City vehicles or property;
  - E. Disturbance between principals;
  - F. Police assistance is required.

- III. During inclement weather and extremely poor road conditions, the Traffic and/or Patrol Supervisor may direct the curtailing of collision investigations, whenever possible. Non-injury, minor damage collisions, which do not involve factors listed in sub-section II of this Order, will not be investigated. Operators will be requested to exchange information and complete state reports, when required.

### **61.2.3 Traffic Collision Scene Responsibilities**

- I. Collision scene responsibilities for responding officers include the following:
  - A. Determining the officer or investigator who is in charge at the scene;
  - B. Identifying and dealing with injured persons;
  - C. Identifying and dealing with fire hazards and/or hazardous material;
  - D. Collecting information;
  - E. Protecting the collision scene; and
  - F. Controlling property belonging to collision victims.
- II. Standard Operating Procedure TRF-012 outlines procedures for these responsibilities.

### **61.2.4 Traffic Collision Investigation - Follow-up**

- I. All serious traffic accidents and incidents requiring follow-up investigation will be directed to the Traffic Unit for review and possible assignment by the Traffic Supervisor or the Traffic Officer. Standard Operating Procedure TRF-009 outlines procedures for follow-up investigation.
- II. All original case material will be forwarded to the Records Division. Investigations will be accomplished using duplicates. All original material generated by the investigating officers will be forwarded to Records in a timely manner.
- III. The original officer involved will complete the basic investigation and generally will be assigned the follow-up. Possible exceptions to these follow-up assignments can be made at the direction of the Traffic Supervisor.
- IV. The Supervisor will monitor the record management system for case status and closing.

- V. A filing system will be utilized and maintained which will enable officers to routinely pull files for maintenance activity and reporting. This system will also enable anyone to enter and discern the current status of anyone else's file and to act accordingly.



## **General Order No. 61.3**

### **SUBJECT: TRAFFIC DIRECTION AND CONTROL**

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This order consists of the following numbered sections:

- 61.3.1 Traffic Engineering - Department Role**
- 61.3.2 Traffic Direction / Control**
- 61.3.3 Traffic Escorts**
- 61.3.4 Roadblocks**
- 61.3.5 N/A by function**
- 61.3.6 Non-Compliance / Other than Mandatory**
- 61.3.7 N/A by function**

#### **61.3.1 Traffic Engineering - Department Role**

- I. Handling or referral of complaints or suggestions concerning traffic engineering deficiencies.
  - A. Traffic safety on the streets of Kirkland is of paramount importance to the Police Department. The Department will work in cooperation with Traffic Engineering to ensure a safe yet effective traffic system in the City.
  - B. The Police Department is responsible for the collection of collision data within the corporate limits of the City. The Department is also responsible for the following:
    1. Enforcing traffic violations and analyzing enforcement and collision data as it applies to traffic problems.
    2. Making recommendations to Traffic Engineering of specific traffic problems.
  - C. The Traffic Engineering Department will assemble data provided by the Police Department, as well as the following:
    1. Conduct traffic studies on specific problems identified by the Police Department.
    2. Analyze collision data and provide feedback to the Police Department for enforcement action if needed.
    3. Participate in regional transportation system management planning.

- II. The Kirkland Police Department will record any road hazard complaints brought to their attention and forward them on to the City of Kirkland Traffic Engineering Department. Procedures for transmitting accident and enforcement data to traffic engineering authorities are listed under Standard Operating Procedure TRF-016.

### **61.3.2 Traffic Direction / Control**

- I. Due to traffic collisions, hazards, special events, and/or other incidents, it may be necessary to assist vehicles and pedestrians by manually controlling traffic. Patrol and traffic officers will usually be assigned this duty. However, all employees and volunteers may be involved. Employees and volunteers should not be assigned to traffic control duties until they have received training on these duties.
  - A. Manual traffic control will be accomplished with consideration for the safety of the employee and/or volunteer at all times.
- II. Procedures for traffic direction and control are listed in Standard Operating Procedure TRF-015, and include the following:
  - A. Traffic collision scenes;
  - B. Manual direction of traffic;
  - C. Critical Incident Scenes;
  - D. Adverse Road and Weather conditions;
  - E. Manual operation of Traffic Signal;
  - F. Temporary Traffic Control Devices;
  - G. Reflective Clothing.

### **61.3.3 Traffic Escorts**

- I. Law enforcement escort services.
  - A. Public service escorts for events such as parades, special events, oversized loads, dignitaries, etc. should be coordinated through the Traffic Supervisor in advance of the event. Persons or organizations

requesting escorts must possess the appropriate permits and authorization as required by the City of Kirkland.

II. Escort of civilian vehicles in medical emergencies.

A. The department will not provide emergency escorts. In the event of a medical emergency, an ambulance or medic unit will be requested.

1. No civilian vehicle will be provided a police escort for medical or other emergencies. In extraordinary circumstances and with approval of the shift supervisor, an emergency medical transport may be provided, but the person requiring the emergency escort shall be transported in a police vehicle only.

III. Blood runs are not considered an "escort" and will be conducted as necessary.

**61.3.4 Roadblocks**

I. The Kirkland Police Department does not use roadblocks. The policy concerning Roadblocks is outlined in General Order 41.2.2, Section IX.

**61.3.5 N/A by function**

**61.3.6 Non-Compliance / Other than Mandatory**

**61.3.7 N/A by function**



## **General Order No. 61.4**

### **SUBJECT: Ancillary Services**

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This order consists of the following numbered sections:

- 61.4.1 Motorist Assistance**
- 61.4.2 Hazardous Highway Conditions**
- 61.4.3 Abandoned Vehicles / Towing**
- 61.4.4 Traffic Safety Educational Materials**

#### **61.4.1 Motorist Assistance**

- I. General Assistance to Motorists;
  - A. Officers shall stop and render aid to stranded motorists whenever possible. Should an officer not be able to stop and assist a stranded motorist, the officer shall notify NORCOM. NORCOM will send another officer to check on the motorist. If the motorist is outside of the city limits, the officer will request NORCOM notify the agency having jurisdiction.
  - B. When stalled vehicles are creating a traffic hazard, the officer shall stop and provide traffic control until the hazard is alleviated.
  - C. Officers should freely provide information and directions upon request, as well as provide assistance to coordinate rides or telephone calls for disabled motorists.
- II. Mechanical assistance and towing service;
  - A. Officers may assist with items such as; minor repairs, tire changing, and obtaining fuel, but should avoid getting so involved that they cannot break away should a higher priority call be received.
  - B. Officers should provide assistance in calling tow companies for the stranded motorists. This can be the motorist's preference, a police department rotational tow or a tow truck from a motorist club such as AAA.
- III. Stranded Motorists
  - A. Officers are responsible for assisting stranded motorists in obtaining needed road services. Should a motorist be stranded in a hazardous location, the officer will stay with the motorist until help has arrived. The

officer, if possible, will move the stranded vehicle to a safe location off the roadway.

1. At the discretion of the Police Officer, a patrol vehicle equipped with push-bars may be used to move the disabled vehicle to safety, as the Police Officer assists the motorist with the disabled vehicle. Police Officers shall not use their patrol vehicles to "jump-start" other vehicles. See Standard Operating Procedure PAT-006.
- B. Officers may, at their discretion, transport stranded motorists to the nearest convenient location where further assistance may be obtained. When transporting individuals of the opposite sex, officers will advise NORCOM of their starting and ending mileage and locations.
- C. Stranded motorists should not be abandoned when exposed to a hazardous situation. Consideration should be given to traffic hazards, location, time of day, weather conditions and priority of calls for service. This does not preclude placing devices to warn oncoming traffic and clearing the scene if conditions are such that this can be done safely. If possible, officers should periodically check to ensure the condition does not deteriorate.
- D. Officers assisting stranded motorists should remain alert to the following possibilities: the vehicle in the possession of the motorist has not been authorized for their use; the vehicle is in unsafe operating condition; the motorist is unlicensed to drive; the motorist is incapable of safely operating the vehicle; and/or the vehicle's occupants have engaged in criminal or suspicious activity.
- E. Officers may provide assistance to motorists in obtaining tow services, if needed, as outlined in General Order 61.4.3 and Standard Operating Procedure TRF-018.

#### IV. Emergency Assistance

- A. Officers will render all practical assistance to users of the roadway who are involved in emergency situations.
- B. Vehicle Fires:
  1. Officers will immediately advise NORCOM upon discovery of a vehicle fire, including such information as the location, type of vehicle and cargo (if applicable).

2. If possible, officers should utilize the fire extinguisher located in the trunk of the patrol vehicle to suppress the fire until the arrival of the Fire Department.
- C. Medical Emergencies:
1. Upon the discovery of a medical emergency, the officer will request the Fire Department aid unit and paramedic, if needed. The officer should relay information such as the location, type of emergency, condition of the patient and other information available at that time.
  2. After notifying NORCOM of the emergency, officers will render as much first aid assistance as possible.
  3. Routine transportation of patients by the Police is prohibited as Fire Department/Aid response is generally rapid.

#### **61.4.2 Hazardous Roadway conditions**

- I. Hazardous roadway conditions and roadside hazards are defined as:
  - A. Debris in the roadway, e.g., oil, fallen tree, electrical wire, spilled loads, or other potentially dangerous items;
  - B. Defects in the roadway itself, e.g., holes, ruts, or dangerous shoulders;
  - C. Lack of, or defects in, roadway safety features (e.g., center roadside striping and/or reflectors) or improper, damaged, destroyed, or visually obstructed traffic control and information signs;
  - D. Lack of traffic control and information signs (e.g., curve and hill warnings, stop and yield signs, speed limit signs, street and highway identification), or improper, damaged, destroyed, or visually obstructed traffic control or information signs;
  - E. Lack of mechanical traffic control devices, or improperly located or malfunctioning traffic control devices;
  - F. Lack of roadway lighting systems or defective lighting systems;

- G. Natural or man-caused obstructions (e.g., fallen trees and rocks, litter, debris, vehicle parts, broken water mains and electrical wires);
  - H. Ice or heavy snow accumulations on roadway surfaces;
  - I. Fire and its attendant smoke in areas adjacent to the roadways;
  - J. Vehicles parked or abandoned on or near the roadway. (See General Order 61.4.3)
- II. Standard Operating Procedure TRF-017 provides guidelines for identifying, reporting and correcting hazardous roadway conditions and roadside hazards.

### **61.4.3 Abandoned Vehicles - Towing**

- I. The department must ensure compliance with laws governing impound of vehicles. We must protect the public from unwarranted interference in their activities and ensure that the public streets are not used to store unauthorized vehicles. For purposes of this policy "unauthorized vehicle," means a vehicle that is subject to impoundment after being left unattended on a highway for over twenty-four hours and tagged as described in R.C.W. 46.55.085. "Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel (see R.C.W. 46.04.197).
- II. Standard Operating Procedures TRF-018 outlines the following:
- A. Handling of abandoned vehicles;
  - B. Removal and towing of vehicles from public and private property;
  - C. Maintaining records of all vehicles removed, stored, or towed at the direction of an officer.

### **61.4.4 Traffic Safety Education Materials**

- I. The Traffic Unit has the responsibility to maintain educational materials on traffic safety. These materials will be made available to the public in the lobby of the Police Department and at appropriate programs sponsored by the Police Department.



## **General Order No. 71.1**

### **SUBJECT: TRANSPORT OPERATIONS**

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This order consists of the following numbered sections:

- 71.1.1 Pre-Transport Prisoner Search**
- 71.1.2 Searching Prisoner Transport Vehicles**
- 71.1.3 Prisoner Transport - Vehicles**
- 71.1.4 Maintaining Visual Contact of Prisoner**
- 71.1.5 Prisoner Communication during Transport**
- 71.1.6 Prisoner Transport - Facilities**
- 71.1.7 Prisoner Escape**
- 71.1.8 Notification of Prisoner Security Hazard**

#### **71.1.1 Pre-Transport Prisoner Search**

- I. Before placing a prisoner in a police vehicle for transportation, the transporting officer will search the prisoner, making sure no weapons were overlooked. The officer should never assume a search was made by another officer. Prisoners will be searched each time they come into the transporting officer's custody, including transports to and from court appearances, medical appointments, between jails, etc.

#### **71.1.2 Searching Prisoner Transport Vehicles**

- I. Every time a prisoner is transported in a police vehicle, an opportunity arises for the introduction of contraband or weapons into that vehicle. Officers shall thoroughly search their patrol vehicles prior to and after transporting prisoners, and at the beginning and end of their shifts.
- II. All contraband or property seized from a transport vehicle will be marked, tagged and placed in the Police Department's property room, with the necessary reports being submitted for supervisory review.

#### **71.1.3 Prisoner Transport - Vehicles**

- I. Automobiles
  - A. Prisoners will be transported by police vehicle to the Kirkland City Jail as soon as possible following their arrest. There may be situations where the person should be transported directly to the King County Jail. This will be at the discretion of the on duty supervisor.

- B. The prisoner will be placed in the rear seat of the police vehicle, properly handcuffed and seat belted into place.
  - 1. The Jail Transport Vehicle may also be used to transport prisoners. See General Order 41.1.4.
- C. If an officer or supervisor feels a need to have two officers transport a prisoner, NORCOM should be notified of this. When transporting a prisoner with two officers, the prisoner will be placed in the back seat of the police vehicle on the passenger side, properly handcuffed and seat belted into place:
  - 1. When the transportation vehicle is equipped with a shield the assisting officer will be seated in the front seat.
  - 2. If the transportation vehicle is not shield equipped, the assisting officer will be seated in the rear seat and on the driver's side.
    - a. If the suspect is uncooperative or combative a vehicle with a shield or the Jail Transport Vehicle shall be used.
  - 3. If the Jail Transport vehicle is used, then the assisting officer may ride in the back seat to maintain control of the subject.
- D. In requesting transportation, the arresting officer will inform NORCOM of the number of prisoners and the location.
- E. Unless otherwise directed, the transporting officer will take the most direct route to his/her destination.

#### **71.1.4 Maintaining Visual Contact of Prisoner**

- I. Transporting officers shall be able to visually observe prisoners in custody at all times. If a prisoner is not viewed while using toilet facilities, they will be searched immediately after leaving the restroom.
  - A. On trips of extended length, where it is necessary to stop along the way for meals or rest stops, the location may be chosen at random. At no time should the officer lose sight of the prisoner. Public facilities should be avoided under normal circumstances and drive-through facilities should be used when possible.
  - B. The primary duty of the transporting officer is the safe delivery of the prisoner in his care. Therefore, the officer should not stop to render

law enforcement assistance to third parties along the route except under extreme emergency conditions where the risk to third parties is clear and grave and the risk to the prisoner is minimal. Should the officer decide to stop, local authorities will be immediately notified of the following:

1. The identity of the officer;
  2. The officer's status (prisoner transportation, etc.);
  3. The nature and location of the incident.
- II. The transporting officer should only consider stopping when arriving first on the scene and will remain only until other emergency assistance has arrived.
- III. The transporting officer will not become involved in a pursuit, roadblock or other situation which might create a risk of harm to the prisoner.

#### **71.1.5 Prisoner Communication during Transport**

- I. Safety aspects of the transportation function require that the prisoner's rights to communicate with attorneys, clergy, family and/or others will not normally be exercised during the period the prisoner is being transported. A prisoner will not be permitted to make any phone calls or communicate with the outside while being readied for transport. Should a special circumstance arise which would necessitate an exception to this policy, the transporting officer will be the individual responsible for monitoring the communication, with the prisoner's knowledge.

#### **71.1.6 Prisoner Transport - Facilities**

- I. The transporting officer will follow all known procedures at the different state institutions, hospitals and mental health units and county jails. The following policy will apply to all detention facilities:
  - A. The transporting officer will at no time enter a secure area or receiving area with his/her firearm, except at the direction of a supervisor or command officer.
    1. Weapons will be locked in the available weapons lockers prior to entering a secure area or receiving area, or
    2. Weapons will be secured in the trunk of the vehicle if no weapons locker is available and the car will be locked.

- B. The restraints will only be removed on the instructions of the receiving officer.
  - C. The transporting officer will be responsible to make sure all the necessary paperwork is properly exchanged with regard to the transfer.
  - D. The transporting officer will advise the receiving officer of any known medical or security hazards involving the prisoner being transferred to their custody.
  - E. The transporting officer will be responsible for documenting the prisoner transaction.
- II. Transporting Prisoners to the King County Jail or other appropriate jail.
- A. Arrested persons should be brought to the King County Jail or other appropriate jail in the following circumstances:
    - 1. If in need of medical assistance.
    - 2. If physically resisting to participate in the booking process.
    - 3. If alcohol or other substance makes it too difficult to book arrestee, Police Officer or Police Support Officer may opt to move them to King County Jail.
    - 4. If suspected of being suicidal.
    - 5. If female.
    - 6. If the on-duty supervisor deems necessary.

### **71.1.7 Prisoner Escape**

- I. If a prisoner should escape while being transported the officer may attempt to locate the suspect, and the following actions will be taken by the transporting officer:
  - A. NORCOM will be immediately notified by telephone or radio and the officer will;

1. Request that the agency responsible for the local jurisdiction be notified, if outside the City of Kirkland, and
  2. Request that the officer's supervisor be notified.
- B. Reports to be prepared:
1. Incident report (escape from custody) and synopsis;
  2. A report to the Patrol Supervisor regarding any loss of equipment;
  3. Any other reports as deemed necessary by the supervisor.
- C. Other actions to be taken:
1. Notification to the police agency in the jurisdiction of the last known address of the escapee;
  2. Teletype message to surrounding police jurisdictions.

#### **71.1.8 Notification of Prisoner Security Hazard**

- I. When a prisoner who is to be transported to any other agency or court is considered a high security risk, the transporting officer will notify the receiving agency or corrections facility of such condition and request additional safeguards. In such cases, the judge may allow or direct the use of restraining devices in the court and/or may request the assistance of additional personnel.
- II. It is the responsibility of each employee to properly document all information received regarding a high security risk prisoner.



## **General Order No. 71.2**

### **SUBJECT: RESTRAINING DEVICES**

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This order consists of the following numbered sections:

#### **71.2.1 Prisoner Restraint during Transport**

#### **71.2.1 Prisoner Restraint during Transport**

- I. The transportation of a prisoner shall be accomplished using that degree of restraint deemed necessary by the officer to safely complete the task.
  - A. During transport, all arrested persons shall be handcuffed with their hands behind their back. Exceptions may be made in limited instances at the discretion of the transporting officer, keeping in mind the safety of the officer and others. Exceptions may include:
    1. Prisoners being transported to court can be handcuffed in front using a restraint belt, or
    2. Prisoners transported via ambulance may be handcuffed to the stretcher, in a manner where it does not interfere with life support.
  - B. When transporting physically disabled prisoners, the degree of physical restraint will be applied within reason, at the discretion of the transporting officer. The safety of the prisoner and the transporting officer requires due care when transporting physically disabled prisoners. It should not be assumed that restraining devices are not required on physically disabled prisoners. A prisoner in a wheelchair or one who uses walking aids, may not require the use of restraining devices in all instances; however, every precaution should be taken to ensure the safety of the officer and the physically disabled prisoner. If the prisoner is confined to a wheelchair, he/she may be transported in the Jail Transport Vehicle. When possible, the prisoner will be handcuffed. A physically disabled prisoner should not be transported unhandcuffed unless at least two officers are assigned to the transportation detail.
  - C. While being transported, a sick or injured prisoner will be handcuffed. The only exception would be if the handcuffs would further compound the injuries. When this is the case, the officer will notify his/her supervisor and request a second officer.

- II. All arrested persons being transported in a police vehicle shall be properly secured with a seat belt.
  - A. Prisoners may also be transported in the Jail Transport Vehicle. See General Order 41.1.4.
- III. The use of leg restraints when transporting a prisoner to or from another institution is permissible. Factors to be considered before using leg shackles include:
  - A. The nature of the charges against the prisoner;
  - B. The escape potential of the prisoner;
  - C. The risk of assault by the prisoner;
  - D. The sentence the prisoner is currently serving or may be subject to serve.
- IV. No person shall be handcuffed to any stationary object or vehicle except in an emergency situation where no other alternative exists. If such a situation arises, proper documentation of the incident shall be required.
- V. Juveniles under arrest will be handcuffed when being transported to the Police Department or other institution.
- VI. Approved Restraints
  - A. Handcuffs
    - 1. Steel construction, chain link or hinged.
    - 2. Links are capable of withstanding 1200 lb. pull.
    - 3. Nineteen position, pick and shim resistant locks, double locking. Bows are hinged and riveted.
  - B. Ankle Restraints
    - 1. Steel Construction, chain link, approximately fifteen inches.
    - 2. Ten inch circumference on the bows, double locking.
  - C. Transport Belts.

1. Heavy Leather or Steel Chain with "D" ring for attaching handcuffs.
  2. Belts are 48" long nominally to go around prisoner's waists.
- D. Restraint Tether
1. The tether consists of a length of leather or woven nylon that may have a sliding loop or snap link on one end and a snap link or similar closure on the other end.
  2. The length is generally 36" long or more.



## **General Order No. 71.3**

### **SUBJECT: SPECIAL TRANSPORT SITUATIONS**

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This order consists of the following numbered sections:

#### **71.3.1 Prisoner Transport - Sick, Injured, Disabled**

#### **71.3.2 Prisoner Transport - Hospital Security**

#### **71.3.3 Prisoner Transport - Special Situations**

#### **71.3.1 Prisoner Transport - Sick, Injured, Disabled**

##### **I. Sick or Injured Prisoners**

- A. If a prisoner becomes sick or is injured incidental to arrest, the arresting officer should seek medical attention at that time.
  1. This may include requesting a Kirkland Fire Department Aid Car or Medic Ambulance response.
- B. The prisoner will be transported to a medical facility at the recommendation of the Kirkland Fire Department Aid Car or Medic Ambulance personnel at the scene.
- C. A sick or injured prisoner may be transported to a jail facility under the following circumstances:
  1. The injury is not deemed to be life threatening; there is medical treatment available at the receiving facility and the facility has agreed to receive the prisoner.
  2. A Kirkland Fire Department EMT or a Paramedic has seen the prisoner and has determined that he/she is not in need of immediate medical attention.
- D. See Standard Operating Procedures PAT-020 for transporting sick or injured prisoners.
- E. The officer involved in the injury will immediately notify their supervisor of the incident. As soon as possible they will submit a report to the Operations Lieutenant, stating the details surrounding the injury.

##### **II. Physically and Mentally Disabled Prisoners**

- A. Physically and mentally disabled prisoners present conditions for their transport that dictate special care and attention. The safety of the prisoner and the transporting officer requires due care when transporting these disabled prisoners.
- B. Safety of the disabled prisoners and the officer will be taken into consideration when choosing a vehicle for transporting these prisoners. This should include consideration for items such as:
  - 1. Wheelchairs;
  - 2. Crutches;
  - 3. Prosthetic devices;
  - 4. Medications.
- C. See Standard Operating Procedures PAT-020 for procedures on transporting physically and mentally disabled prisoners.

### **71.3.2 Prisoner Transport - Hospital Security**

- I. Prisoners who are taken for immediate treatment will be closely monitored. Opportunities for escape, suicide and assault on hospital personnel or the transporting officer will be guarded against. See Standard Operating Procedures PAT-021 for procedures on the security and control of prisoners transported to medical care facilities or hospitals for treatment, examination, or admission.

### **71.3.3 Prisoner Transport - Special Situations**

- I. The Kirkland Police Department will not transport prisoners to funerals, visits to hospitals and critically ill persons, or attending the reading of a will. The Kirkland Municipal Court may release the prisoner temporarily to attend these and order the prisoner to return on a specified date that is set by the court. If the prisoner does not return to the Kirkland Jail on the specified date, then a warrant may be issued for the arrest of the prisoner.



**General Order No. 71.4**  
**SUBJECT: TRANSPORT EQUIPMENT**

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This order consists of the following numbered sections:

**71.4.1 Prisoner Transport Vehicle - Prisoner Separation**

**71.4.2 Prisoner Transport Area Modified**

**71.4.1 Prisoner Transport Vehicle - Prisoner Separation**

- I. The Kirkland Police Department equips all marked police vehicles transporting prisoners with a safety barrier made of metal and plastic separating the driver's compartment to prevent the prisoner from having access to the front seat.

**71.4.2 Prisoner Transport Area Modified**

- I. In order to minimize opportunities for the prisoner to exit the police vehicle without assistance of the transporting officer, all marked police vehicles shall be modified so that inside door handles are inoperable from the rear compartment.



## **General Order No. 71.5**

### **SUBJECT: PRISONER TRANSPORT DOCUMENTATION**

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This order consists of the following numbered sections:

#### **71.5.1 Prisoner Transport - Prisoner Identification**

#### **71.5.1 Prisoner Transport - Prisoner Identification**

- I. It shall be the responsibility of any officer transporting any prisoner(s) to court or any other facility to verify the identity of such prisoner(s) prior to accepting custody.
  - A. Identification may be accomplished by comparing the prisoner's physical appearance with jail records, comparing entry and exit fingerprints, comparing signatures or by any other method which will assure the officer of the correct identity of the prisoner being transported.
  - B. When transporting a prisoner to any other detention facility, the transporting officer shall bring the court commitment papers, copy of the warrant, or any other appropriate paperwork, and the prisoner's personal property.
    1. If a prisoner is transported to court, the court appearance papers will be furnished to the court of jurisdiction by the transporting officer at the time the prisoner is delivered to the court. If the prisoner is taken to the Kirkland Municipal Court, no documentation needs to be delivered with the prisoner, as the Municipal Court is responsible for preparing appearance papers.
    2. If a prisoner is to be transported to the King County Jail, the transporting officer shall complete a King County Jail Superform which lists the prisoner's name, personal information and information about criminal charges and required court appearances. This form shall be sent electronically to the booking desk of King County Jail. The prisoner's personal property and court commitment papers, if applicable, will be taken to King County Jail along with the prisoner.
  - C. Information regarding any potential security risks presented by the prisoner will be documented and sent to the facility with the transporting officer. This information would include escape or suicidal

tendencies as well as unusual illnesses. The transporting officer should advise the Corrections Officer on duty about any unusual circumstances.



## **General Order No. 72.9**

### **SUBJECT: TEMPORARY DETENTION**

---

This order consists of the following numbered sections:

- 72.9.1 Temporary Detention Area**
- 72.9.2 Physical Conditions**
- 72.9.3 Securing People to Immovable Object**
- 72.9.4 Fire Prevention / Suppression**
- 72.9.5 Security**
- 72.9.6 Training**
- 72.9.7 Inspections**

#### **72.9.1 Temporary Detention Area**

- I. The Kirkland Police Department has two interview rooms which are used as temporary detention areas. The use of the temporary detention areas is restricted to the short term holding of detainees during an interview/interrogation. These rooms may also be used in accordance with uses listed under General Order 42.2.15.
  - A. Authorization for Use
    - 1. Officers are authorized to use the interview rooms as temporary detention areas without the need for supervisory approval.
    - 2. Officers placing a subject in an interview room should advise the on duty corrections officer.
- II. Officers using the interview rooms as temporary detention areas are responsible to ensure the following procedures are adhered to:
  - A. Documentation
    - 1. The officer will fill out the Interview Room Observation report form (KPD-2004-292).
    - 2. The officer will note on this form the following items; the reason for detention, date and time in and out of the facility, and any meals, if any, that were provided.
  - B. Supervision and Accountability

1. Detainees are, and remain the responsibility of the officer placing the detainee in the interview room.
  2. Each officer is accountable for the person they place into an interview room.
  3. The officer responsible will provide adequate supervision and control of the detainee.
  4. All detainees will be thoroughly searched by the placing officer prior to placement in an interview room. Corrections SOP COR-001 (Contraband Control) applies.
- C. Securing and Monitoring –
1. Without exception, persons detained in interview rooms are to remain under the continuous control and supervision of the officer placing the detainee in the room.
  2. Generally, detainees will not be left alone for more than 30 minutes in interview rooms.
  3. Detainees shall not be detained in the rooms for more than two hours.
- D. Detainees are not to be secured to fixed objects in the interview rooms.
- E. Separation of Detainee(s)
1. Generally, no more than one juvenile will be detained in an interview room unless directly supervised by an Officer.
  2. Under no circumstances will female detainees be within sight or sound of male detainees unless directly supervised by an Officer.
  3. Under no circumstances will juvenile detainees be within sight or sound of adult detainees unless directly supervised by an Officer.

**72.9.2 Physical Conditions**

- I. Officers placing detainees in an interview room are responsible to ensure the availability for access to water, use of restrooms, and other needs that may arise during interview.

**72.9.3 Securing People to Immovable Object**

- I. Detainees will not be secured to immovable objects while in the interview rooms.

**72.9.4 Fire Prevention / Suppression**

- I. The following fire protection plan is established for the interview rooms:

- A. Fire Prevention

- 1. An automated sprinkler system is present inside of each interview room. An additional sprinkler head is located just outside the door of each room in the hallway.
- 2. The interview rooms are inspected at the beginning of each shift by the on duty Corrections Officer, to ensure there is no debris or contraband.
- 3. The Kirkland Fire Department routinely conducts preventive inspections of the Police Department.

- B. Fire Evacuation

- 1. In the event evacuation is required, the officer responsible for placing the detainee in the interview room will evacuate the detainee(s), requesting whatever assistance is necessary.

- C. Fire Suppression

- 1. Call 911 to inform of a fire, or of a fire alarm.
- 2. Contact the on-duty supervisor for assistance.
- 3. Evacuate the rooms at once, using the evacuation plan.
- 4. For small fires, use a fire extinguisher to confine the fire. An extinguisher is located nearby, in the hallway.



**72.9.5 Security**

- I. The following security measures govern the use of interview rooms when they are being utilized as temporary detention areas:
  - A. Weapons Control
    1. Officers will secure their firearms prior to entering the temporary detention area.
  - B. Duress Alarms
    1. The interview rooms are equipped with Duress Alarms and the officers are equipped with portable radios that have emergency alarm buttons.
    2. See Standard Operating Procedure COR-012.
  - C. Access to Area and Detainees
    1. Interview rooms are left unlocked while empty.
    2. Detainees are the responsibility of the officer placing the detainees in the room and access to the detainee is restricted.
  - D. Escape Prevention
    1. All detainees are to remain under the continuous control and supervision of the officer placing the detainee in the interview room. Officers will be diligent to prevent any opportunity to escape.
  - E. Security Checks
    1. Officers placing detainees into the interview rooms shall conduct a visual face-to-face check on them at least once every thirty (30) minutes.
    2. Officers that cannot complete the checks will notify the on duty corrections officer and/or the Shift Supervisor and arrangements will be made for the checks to be completed.

**72.9.6 Training**

- I. Training on the operations and use of the interview rooms as temporary detention areas is required for all Department employees responsible for detainees in temporary custody.
- II. Each Department employee is required to review and understand all issued General Orders, including Chapter 72 on interview rooms. In addition, training will be provided for:
  - A. Commissioned Police Officers
    1. New Commissioned Police Officers will be trained during their PTO process, which includes jail orientation.
  - B. Corrections Officers
    1. New Corrections Officers will be trained during their FTO process.
  - C. Re-training for Police Officers and Corrections Officers will be conducted at least once every three years at the direction of the Corrections Lieutenant.

**72.9.7 Inspections**

- A. Inspections
  1. The on duty Corrections Officer will conduct a security inspection at the beginning of each shift.
  2. Officers placing detainees in an interview room will check the interview room both prior to and after placing the detainee in the room.
- B. Administrative Review
  1. The Corrections Lieutenant will conduct an administrative review of the temporary detention areas and procedures at least once every three years.



## **Chapter 73 – Not Applicable**

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Chapter 73 – Not Applicable



**General Order No. 74.1**  
**SUBJECT: RECORDS**

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This order consists of the following numbered sections:

**74.1.1 Legal Process Information**

**74.1.2 Legal Process Documents - Execution, Serving**

**74.1.1 Legal Process Information**

I. Warrants

- A. Misdemeanor warrants are received from Kirkland Municipal Court for entry into WACIC (Washington State Crime Information Center).
- B. Warrants will be date & time stamped when received. Warrants received in the mail by the court will be date & time stamped by the Administrative Support Associate. Warrants received in person at Records will be date-stamped by Records Personnel.
- C. Warrants should then be forwarded to Corrections for entry into WACIC and filing. All warrants must be entered within seventy-two (72) hours of the day received. See Standard Operating Procedure COR-015.
- D. Warrants received from the court will include:
  - 1. The nature of the document (bench warrant);
  - 2. The City in which the warrant was issued;
  - 3. Name of the defendant, date of birth, last known address and descriptors;
  - 4. Amount of bail;
  - 5. Court case/citation and/or docket number;
  - 6. Date of expiration;
  - 7. Description of the charge(s) including the RCW/Ordinance Number;

8. Officer's Name and Personnel Number;
  9. Date of issue;
  10. Reason for issuance;
  11. Signature of the issuing Judge.
- E. The warrant will remain in Corrections for processing.
- II. Domestic Violence / Anti-harassment Orders
- A. No-contact Orders issued by Kirkland Municipal Court are criminal. Protection, Restraining and Anti-harassment Orders are civil.
  - B. Domestic Violence related court orders are delivered to the Kirkland Police Department by the court(s) or by the petitioner(s) requesting entry or service by the Kirkland Police Department.
  - C. Orders will be date-stamped by the Administrative Support Associate when received by mail and forwarded to Records. Orders received in person at Records will be date & time stamped. Orders will be entered into WACIC by Records.
  - D. Orders are completed by the courts and will contain the following information:
    1. Nature of the document (type of order);
    2. Originating court;
    3. Names of plaintiff and respondent;
    4. Court docket number;
    5. Date of issue;
    6. Date of expiration.

#### **74.1.2 Legal Process Documents - Execution, Serving**

- I. Attempts to execute or serve legal process documents will be documented, and include the following:

- A. Date and time service was executed or attempted.
  - B. Name of employee(s) executing/attempting service.
  - C. Name of person on whom legal process was served/executed.
  - D. Method of service or reason for non-service.
  - E. Address of service or attempt to serve.
- II. Attempts to execute/serve warrants will be noted in the CAD computer by Communications.
- A. Officers serving a Kirkland Municipal Court warrant will complete the service statement on the warrant itself.
  - B. Communications will clear the warrant from WACIC. See Standard Operating Procedure COM-008.
- III. Attempts to execute/serve subpoenas will be noted in the CAD computer by Communications.
- A. Officers serving subpoenas will complete the return of service and Paper Service Record form KPD-98-259.
  - B. The return of service will be forwarded to Records.
  - C. The Paper Service Record form will be forwarded to Communications.
- IV. Attempts to execute/serve Domestic Violence or Anti-harassment papers will be noted in the CAD computer by Communications.
- A. Officers serving Domestic Violence or Anti-harassment papers will complete the return of service and Paper Service Record form KPD-98-259.
  - B. The Paper Service Record form and return of service will be forwarded to Communications for entry into WACIC.
  - C. Communications will then attach the Paper Service Record form and return of service to a copy of the papers served. These items will then be forwarded to Records.



## **General Order No. 74.2**

### **SUBJECT: CIVIL PROCESS**

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This order consists of the following numbered sections:

#### **74.2.1 Service of Civil Process Documents**

#### **74.2.2 Civil Process Requiring Sworn Service**

#### **74.2.1 Service of Civil Process Documents**

- I. Kirkland Police officers will only become involved with civil process under a limited number of circumstances:
  - A. Service of subpoenas stemming from Kirkland Police Department cases issued through Kirkland Municipal Court.
  - B. Service of protection or no-contact orders issued by any court of jurisdiction where the party to be served resides or works within the corporate boundaries of Kirkland;
  - C. Enforcement of restraining orders and orders of protection which carry criminal penalties;
  - D. Commitment of persons to mental health facilities as provided for under RCW 71.05.040;
  - E. Commitment of intoxicated persons to detoxification centers as provided for under RCW 71.05.040;
  - F. Court orders issued by courts of jurisdiction specifically directing a police action.
- II. Procedures for serving the following types of papers are listed under their corresponding Standard Operating Procedures:
  - A. Domestic Violence related papers are listed under Standard Operating Procedure PAT-024.
  - B. No Contact orders are listed under Standard Operating Procedure PAT-025.

- C. Other Civil Service papers are listed under Standard Operating Procedure PAT-019.

#### **74.2.2 Civil Process Requiring Sworn Service**

- I. A court order requiring the seizure of real or personal property is executed by a sworn law enforcement officer. The King County Sheriff's Office handles these seizures through their Civil Division.
- II. Kirkland police officers will not become involved in civil process related to:
  - A. Civil actions related to evictions and non-criminal landlord-tenant disputes;
  - B. Enforcement of civil court orders absent specific orders for police action or where the court lacks jurisdiction.



## **General Order No. 74.3**

### **SUBJECT: Criminal Process**

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This order consists of the following numbered sections:

#### **74.3.1 Criminal Process Execution**

#### **74.3.2 Arrest Warrants Served by Sworn Personnel**

#### **74.3.1 Criminal Process Execution**

- I. Kirkland police officers will follow all statutory and case law guidelines when executing warrants.
- II. Officers of this Department will not execute civil process except as defined by law in certain limited areas. See General Order 74.2 for Civil Process Documents and Standard Operating Procedures PAT-019.
- III. Search warrants
  - A. Search warrants issued through King County Superior Court are valid throughout the state.
  - B. Search warrants issued through a district court are valid only in the county of issuance.
    1. Kirkland officers needing a search warrant for property in another county will obtain it through the appropriate district court.
  - C. Search warrants are normally valid for three days (72 hours) from the date of issuance, unless otherwise stipulated by the issuing judge.
- IV. Telephonic search warrants may be obtained following current practices dictated by the King County Prosecutor and/or current court ruling.
- V. Arrest warrants
  - A. Felony arrest warrants issued by the King County Superior Court are valid within the United States.
  - B. Misdemeanor arrest warrants issued through any district/municipal court are valid state-wide.

- VI. Officers, when executing warrants, will use only that amount of force necessary to achieve the arrest or seizure.
  - A. Use of Force guidelines will be followed and any use of force will be documented in the case report and in a Use of Force Report. See General Order 1.3.
  - B. Officers will summon emergency medical assistance (EMS) if needed.
    - 1. Requests for EMS response shall be made through NORCOM.
    - 2. Preplanning for executing warrants shall include EMS response planning, including the staging of Fire-Aid/Paramedic units if necessary.
- VII. Certain persons are immune from certain aspects of criminal process. Whenever a situation arises in which immunity is claimed, and the officer is in doubt, the appropriate prosecutor will be contacted for guidance.
  - A. A written case report will be completed on all cases in which immunity is claimed and/or granted.
- VIII. Arrests and Detention of Foreign Nationals/Diplomatic Immunity
  - A. Under the terms of the Vienna Convention and other treaties, whenever officers take into custody a person who states they are a foreign citizen, additional notification procedures are required.
  - B. Compliance with this policy is important because it enhances the ability of the United States to insist that foreign officials provide the same rights to U.S. diplomats and citizens who are arrested abroad. Failure to provide appropriate notification may result in suppression of evidence and subsequent loss of convictions. See Standard Operating Procedure PAT-005.

#### **74.3.2 Arrest Warrants Served By Sworn Personnel**

- I. Warrants of arrest will only be served by commissioned members of the Kirkland Police Department.



**General Order No. 74.4**  
**SUBJECT: PROPERTY**

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This order consists of the following numbered sections:

**74.4.1 Property Obtained Through Civil Process**

**74.4.1 Property Obtained Through Civil Process**

- I. Acquisition Records of Property
  - A. All property obtained through the legal process, i.e., search warrants, warrantless searches, vehicle inventories or seized for safekeeping, will be submitted to the property room as outlined in General Order 84.1.
  - B. The property/evidence technician is responsible for maintaining an accurate record keeping system (outlined in General Order 84.1.5) for all property accepted by or stored in the property room.
- II. Legally Authorized Disposal
  - A. All property acquired through the legal process is disposed of by the Police Department pursuant to Chapters 63.32 or 69.50 RCW, as last amended.
- III. Property Disposal Methods
  - A. The methods used in the disposition of property acquired through the legal process functions are outlined in General Order 84.1.7, Final Disposition of Property.



**General Order No. 81.1**  
**SUBJECT: COMMUNICATIONS ADMINISTRATION**

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This order consists of the following numbered sections:

**81.1.1 Shared Communications Facility (N/A by function)**

**81.1.2 FCC Requirements**

**81.1.1 Shared Communications Facility**

- I. The Kirkland Police Department ontracts with the North East King County Regional Public Safety Communications Agency (NORCOM) to provide police dispatch services.

**81.1.2 FCC Requirements**

- I. The Kirkland Police Department conducts radio operations according to FCC procedures and requirements, as specified in NORCOM Standard Operating Procedure 01-003.
- II. The Kirkland Police Department maintains a Federal Communications Commission (FCC) and has access to the regulatory agency's current rules and regulations.



## **General Order No. 81.2**

### **SUBJECT: COMMUNICATIONS OPERATIONS**

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This order consists of the following numbered sections:

- 81.2.1 24-Hour, Toll-Free Emergency Phone Access**
- 81.2.2 E911 Emergency Number**
- 81.2.3 Radio Capability**
- 81.2.4 CAD Recording System**
- 81.2.5 Radio Communications**
- 81.2.6 Access to Resources**
- 81.2.7 Receiving Victims / Witnesses Calls**
- 81.2.8 Immediate Playback Capability**
- 81.2.9 NCIC / WACIC Participation**
- 81.2.10 Alternative Method of Communication – Cell Phones**
- 81.2.11 Emergency Messages**
- 81.2.12 Misdirected Emergency Calls**
- 81.2.13 Private Security Alarms**
- 81.2.14 Phone / Mail Reports**
- 81.2.15 N/A by Function**

#### **81.2.1 24-Hour, Toll-Free Emergency Phone Access**

- I. The Kirkland Police Department has available to citizens, toll-free emergency access to NORCOM via the countywide E911 System.
- II. NORCOM provides 24-hour telephone coverage of both E911 and regular non-emergency phone lines, to include TDD phone lines.

#### **81.2.2 E911 Emergency Number**

- I. NORCOM participates in the countywide E911 system.
- II. This number (9-1-1) is prominently listed on the inside covers of all telephone directories as well as on pay phones.

#### **81.2.3 Radio Capability**

- I. Kirkland Police Department provides radio equipment that is capable of 24-hour, continuous two-way radio communication between NORCOM and officers on duty. It is the responsibility of the Kirkland Police Department and the Eastside Public Safety Communications Agency (EPSCA) to maintain its

radio system to provide satisfactory radio transmissions between NORCOM and officers.

- II. Department personnel are capable of communicating with personnel from other law enforcement agencies through various available TAC channels, PSAP and MARS.

#### **81.2.4 CAD Recording System**

- I. The Computer Aided Dispatch (CAD) generates a unique incident number for all service calls received at NORCOM. Each incident is created through use of an incident mask in the CAD system.

Each incident contains the following:

- A. All calls for service receive a unique incident number generated by NORCOM's CAD system;
- B. Date/time of request;
- C. Name/address of complainant, if any;
- D. Type of incident reported;
- E. Location of incident;
- F. Time of dispatch;
- G. Time of officer arrival;
- H. Time of officer return to service;
- I. Disposition of reported incident;

#### **81.2.5 Radio Communications**

- I. Proper radio communication increases the efficiency of police operations and officer safety. Therefore, field personnel of the Kirkland Police Department will follow procedures as outlined in General Order 41.2.1. These procedures will cover the following areas:
  - A. Specification of the circumstances requiring radio communications by field personnel;

- B. Recording of the status of field personnel when out of service;
  - C. Methods used for identifying field personnel during radio transmissions;
  - D. Communications with interacting agencies;
  - E. Criteria for the assignment of the number of field personnel in response to an incident;
  - F. Circumstances that require the presence of a supervisor at the scene for the purpose of assuming command; and
  - G. Responding to a field personnel emergency request for assistance or activated emergency alarm.
- II. Mobile Data Terminals (MDT) often negate the need for radio communications.
- III. Operations are more efficient and officer safety is enhanced when NORCOM, supervisors, and fellow officers know the status of officers, their locations, the nature of incidents, and developments in their investigations. Officers shall communicate with NORCOM upon arrival at the scene of an incident, when clearing the scene, when making vehicle or pedestrian stops, reporting incidents, and otherwise as appropriate.
- A. Department members will utilize the police radio system only for the proper transmission of police related messages and will strive to keep all messages as professional, concise, and complete as possible. At no time will Department members misuse or disrupt the radio system by transmitting unauthorized or personal messages. Officers will reply promptly when called by NORCOM, or other units, unless circumstances prevent a prompt reply;
  - B. Whenever a unit is dispatched on a call, the location, nature of the call, and any other pertinent information will be transmitted (either by voice or mobile data terminal) to that unit who, when clear on the information, will acknowledge NORCOM by stating, "received", "enroute" or "copy".
    - 1. Upon arrival at the scene, a unit will transmit their unit number along with, "arrived" or "on location". When clearing any incident or contact, the unit will advise NORCOM accordingly and if they have finished their investigation or contact and are

back in service, will advise NORCOM of the disposition code (as outlined in the "Kirkland Police Department Officers Code Card").

- C. When making a stop of a vehicle or pedestrian, the unit will inform NORCOM of the location and any other pertinent information, such as license number and the description of suspicious vehicles and/or persons. Upon clearing the stop, the unit will inform NORCOM by giving the disposition code.
- D. Units wishing to extensively communicate with other units will do so on KPD Car-to-Car or one of the alternate frequencies (i.e. TAC, Traffic, Detectives).

#### **81.2.6 CANCELLED APRIL 2010**

#### **81.2.7 CANCELLED APRIL 2010**

#### **81.2.8 Immediate Playback Capability**

- I. NORCOM records all E911 calls and all radio communications, and has the capability of immediate playback while it maintains a continuous recording of radio transmissions and emergency telephone conversations.
  - A. Digital Recordings are maintained for at least 90 days.
    - 1. Requests for information from NORCOM for incident/unit history recordings can be made on a request form, KPD form 2010-030.
  - B. NORCOM is responsible for the secure handling and storage of recordings. Communication recordings are official records of the department. All recorded conversations will be handled and disseminated in accordance with all local, state, and federal guidelines. At a minimum, recordings of telephone conversations and their transcriptions will not be released outside the department except by the authority of the Chief of Police or his/her designee.

#### **81.2.9 NCIC / WACIC Participation**

- I. Through agreement with the State of Washington, the Kirkland Police Department participates in, and is equipped with ACCESS terminals giving access to WACIC, NCIC and criminal history files from the Washington State Identification Section.
  - A. ACCESS terminals in the Staff Services, Auxiliary Services and Investigations Divisions allow personnel to query information through the various states' driver and vehicle license bureaus, criminal history systems, NCIC, and other data systems allowed by law.
  - B. All Kirkland arrest warrants, stolen vehicles and property, missing persons and other information allowed by WACIC and ACCESS policy will be entered into the Washington and/or National Crime Information Centers (WACIC and NCIC).
  - C. ACCESS terminals allow point-to-point teletype communications between this Department and other local and national users.

#### **81.2.10 Alternative Method of Communication – Cell Phones**

- I. The Kirkland Police Department, in an effort to keep current with changing technology and deliver effective services, provides cellular telephones for use by employees in the course of their duties. Cellular telephones offer a way of convenient contact with complainants, victims, witnesses, and other police personnel when other means are impractical or unavailable. Cellular telephones are intended for the enhancement of official communication, not as a personal communication tool.
- II. Department Personnel who use department issued cellular phones will adhere to Standard Operating Procedure ADM-018.

#### **81.2.11 Emergency Messages**

- I. NORCOM handles the receiving and delivering of emergency messages, from citizens or other law enforcement agencies, as calls-for-service.
  - A. Each call is evaluated to determine its priority.
  - B. The shift supervisor is notified when a death notification has been requested.
  - C. Such messages are handled with sensitivity and when possible, further assistance is provided. Refer to General Order 55.2.6.

**81.2.12 Misdirected Emergency Calls**

- I. All emergency calls that are received by department members must be routed to NORCOM immediately by advising the caller to hang up and dial 9-1-1.
  - A. Direct callers from outside the Kirkland Police Department jurisdiction, but within King, Snohomish, or Pierce County to call E911. If the caller is from an area that does not have the E911 system, give the caller the correct agency's phone number.
  - B. If it is an emergency call and the caller is unable to hang up and dial another number, the Communications Technician transfers the call to the appropriate agency. See Standard Operating Procedure COM-013.
- II. All emergency calls that are received by department members, other than the Communications Center, must be routed to the Communications Center immediately. This routing is accomplished by direct transfer, if possible, with the receiver of the telephone call staying on the line until the Communications Technician has made contact with the caller.

**81.2.13 Private Security Alarms**

- I. Alarm Reception
  - A. The Kirkland Police Department does not monitor private security alarms. Alarm information is received by NORCOM from private alarm companies, Police Department relay of information, citizen call-in (audible alarms), or Varda which transmit directly over the radio frequency.
- II. False Alarms
  - A. The levy and collection of fees for response by the Police Department to false alarms is provided by Kirkland Municipal Code 21.35A.040 and 21.35A.045;
  - B. The filing of False Alarm Reports and billing are the responsibility of the City of Kirkland Finance Department.
- III. Testing
  - A. Alarms monitored by the Communications Division will be tested at least quarterly by the Facilities Division.

- B. Fire alarms at these locations should be tested annually by the Facilities Division.

**81.2.14 Phone / Mail Reports**

- I. To improve the use of patrol time, certain types of case reports may be taken via telephone by an officer, rather than the officer making personal contact with the complaining or reporting party.
- II. Case reports that may be taken by telephone will normally be restricted to only those cases of a misdemeanor or gross misdemeanor nature. This includes:
  - A. Theft cases where there is no suspect information, no evidence, no crime scene processing needed, and the value of the stolen item(s) does not exceed \$500;
  - B. Malicious Mischief / Vandalism cases where there is no suspect information, no evidence, and no processing needed;
  - C. Lost property cases where the value of the missing item(s) are not over \$500;
- III. Police Officers taking incident reports via telephone will complete the reports and submit them to the on duty supervisor for review and approval.
- IV. Mail Out Reports will be initially handled by NORCOM and the Records sections of the Police Department.
  - A. NORCOM will take the initial information and the Records Unit runs a mail out report from the CAD systems and prints out the mail out request.
  - B. Records will mail out the report forms and process the case upon its return to the Police Department.

**81.2.15 N/A by Function**



## **General Order No. 81.3**

### **SUBJECT: FACILITIES AND EQUIPMENT**

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This order consists of the following numbered sections:

- 81.3.1 Communications Center Security**
- 81.3.2 Alternate Power Source**
- 81.3.3 Telephone System**
- 81.3.4 Mobile and Portable Radio Communications**

#### **81.3.1 Communications Center Security**

##### **I. SECURITY OF TRANSMISSION LINES, ANTENNAS AND POWER SOURCES**

A. The Kirkland Police Department provides security for the following:

1. Transmission Lines – are located in a separate locked room within the Squad Room.
2. Antennas – located on the roof of the Kirkland City Hall. The access to the roof is secured by locked roof access doors.
3. Power Sources – the backup generator is located within a secured structure adjacent to City Hall.

#### **81.3.2 Alternate Power Source**

I. The City of Kirkland Facilities Services Department maintains an alternate power source which automatically provides power for the Kirkland Police Department in the event of a power outage. Additionally, a UPS system is installed and continuously monitored by an off-site monitoring service to insure continuous operation.

A. Facilities Services Department personnel test the emergency backup system on a monthly basis. The emergency generator is automatically tested once a month by the Facilities Services Department and the equipment serviced on a regular schedule or as indicated during the monthly testing. The emergency generator is tested under full load during each monthly testing.

#### **81.3.3 Telephone system**

- I. The Kirkland Police Department has lines for non-emergency business.
- II. No employee will charge personal long distance phone calls to the City of Kirkland.

#### **81.3.4 Mobile and Portable Radio Communications**

- I. Mobile Radios
  - A. NORCOM maintains 24-hour radio communications with all on-duty Kirkland Police officers by providing dispatch/officer communications with the base station at NORCOM in Bellevue;
  - B. Most vehicles also have the capability of using MARS (Mutual Aid Radio System) monitored by the King County Sheriff's Department. Those vehicles that do not have that capability can communicate with other local law enforcement officers through NORCOM.
- II. Portable Radios
  - A. The Police Department assigns two-way radios for use by its personnel; with the capability of:
    - 1. Multi-channel
    - 2. Compatible with centralized dispatching
  - B. Each on-duty uniformed officer is issued a portable radio with multi-channel capability and compatibility with the NORCOM.
  - C. Each uniformed officer, when away from their car radio, will have their portable radio with them to give them the ability to call for assistance and to receive emergency calls for service. When an officer will be away from their vehicle, they must notify NORCOM of their location.



## **General Order No. 82.1**

### **SUBJECT: RECORDS ADMINISTRATION**

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This order consists of the following numbered sections:

- 82.1.1 Records Privacy and Security**
- 82.1.2 Records Retention Schedule**
- 82.1.3 Uniform Crime Reporting (UCR) - Participation**
- 82.1.4 Records Accessibility**
- 82.1.5 Report Control / Accounting**
- 82.1.6 Annual Audit of Central Records Computer**
- 82.1.7 Computer Software Policy**
- 82.1.8 Computer Backup and Storage**
- 82.1.9 Release of Criminal Histories**
- 82.1.10 Release of Department Information**
- 82.1.11 Information System Violations**

#### **82.1.1 Records Privacy and Security**

- I. The Kirkland Police Department follows established privacy and security precautions for department records, including the following:
  - A. Physical Security and Controlling access to agency files
  - B. Accessibility to operations personnel after hours; and
  - C. Criteria for the release of agency records
  - D. Guidelines for collecting, disseminating, and retaining juvenile records, to include:
    - 1. Methods to distinguish juvenile records;
    - 2. Fingerprints, photographs, and other forms of identification;
    - 3. Physical security and controlling access to juvenile confidential information;
    - 4. Disposition of juvenile records after reaching adult age; and
    - 5. Expungement, when ordered by the court.

- II. Standard Operating Procedure REC-005 and Standard Operating Procedure REC-011 provides procedures for these items.

### **82.1.2 Records Retention Schedule**

- I. The Kirkland Police Department uses the Law Enforcement Information and Records Association (LEIRA) General Records Retention Schedule.
- II. This retention schedule is in compliance with Revised Code of Washington 40.14.070 - Preservation.

### **82.1.3 Uniform Crime Reporting (UCR) – Participation**

- I. The Department participates in the national UCR program to promote the development of good record keeping and assist in establishing a database of crime statistics. See Standard Operating Procedure REC-007.
- II. The Kirkland Police Department participates in the statewide crime reporting system (WUCR - Washington Uniform Crime Reporting) as endorsed by the Washington Association of Sheriffs & Police Chiefs (WASPC). See Standard Operating Procedure REC-007.

### **82.1.4 Records Accessibility**

- I. Central records information is available to all Kirkland Police personnel on a 24-hour basis. Requests for information may be directed to Records.
  - A. Access to police records is restricted to sworn personnel and Records personnel. The Lead Police Support Associate is responsible for maintaining the integrity of police records. The records of the Kirkland Police Department reside on a server dedicated strictly to police use and are neither Internet accessible nor accessible to other city employees via the City of Kirkland's LAN system.
  - B. Only personnel that have an authorized access code to log into the computer system and have received the appropriate training shall be authorized access to the computer system. Information obtained from our records management system is for "Official Use" only.
- II. Requests for case information or records checks requests made by outside agencies or citizens will be processed only by Records personnel.
  - A. Dissemination of record information will be limited to authorized Criminal Justice user agencies. In the event that doubt exists as to the

requesting source, the request must be made in writing on official letterhead, or by teletype. Dissemination of record information shall be documented on a department records release form.

- B. Detectives and Officers may disseminate record information to law enforcement agencies or agencies requiring this information for immediate law enforcement purposes only (e.g., case report for Involuntary Commitment to attending hospital staff). Requests from media and citizens for record information shall be directed to Records Personnel during regular business hours.

### **82.1.5 Report Control / Accounting**

- I. The Kirkland Police Department accounts for the status of reports, to include the complaint control recording and field reporting systems. See Standard Operating Procedure REC-008.

### **82.1.6 Annual Audit of Central Records Computer**

- I. Members of the Kirkland Police Department have access to the department's computer system, through the city's intranet system which is maintained by the city's Information Technology Department. Each member is responsible for maintaining their own password. Information Technology provides support for the computer system and monitors its usage. The system and programs require passwords to be changed every 90 days. Information Technology is responsible for auditing its own system for verification of all passwords, access codes, or access violations.

### **82.1.7 Computer Software Policy**

- I. Computer Software Introduction
  - A. Members of the Kirkland Police Department will follow the City of Kirkland Administrative Policy, Chapter 7, Policy 7-4, in regards to the use of department owned computer systems and related equipment. The introduction of outside computer software and disks into these systems by an employee must be done with prior authorization by the employee's supervisor and Information Services.
    - 1. All products will be used in accordance with their licensing requirements and limitations.

- B. Any files to be introduced into department owned computer systems, on disk or received electronically, will be scanned for possible viruses before being introduced into the department owned computer system.
  - 1. The current anti-virus software is set to automatically scan files and disks introduced into the system from outside.

### **82.1.8 Computer Backup and Storage**

- I. The Kirkland Police Department provides for computer files through the records management system. The department also provides for the backup and storage of computer files. See Standard Operating Procedure REC-009 for procedures.

### **82.1.9 Release of Criminal Histories**

- I. Federal and State laws mandate which criminal history records may be released by the retaining agency to outside agencies and individuals.
- II. The Kirkland Police Department maintains "in house" records pertaining to criminal history regarding individuals involved in crimes investigated by the Kirkland Police Department.
  - A. In house information is available to employees through the records management system, which requires the requestor to log onto the system using a personal password.
  - B. In house information is available to outside criminal justice agencies by request. Requests from outside criminal justice agencies can be made by teletype, mail, or phone. Replies to phone requests are completed after the identity of the requestor is established. This can be done by confirming the call back number in the department's files or calling the requestor's agency.
  - C. If a case is still actively under investigation, the request for release will be forwarded to the investigating officer or detective.
  - D. All other persons/agencies requesting access to Kirkland Police records must make application through Records.
- III. Citizens may request to review, modify or delete information from their criminal history record information (CHRI) as maintained by this agency. See Standard Operating Procedure REC-006.

### **82.1.10 Release of Department Information**

- I. Confidentiality of Department Information
  - A. All employees must regard the official business operations and policies of the department as confidential. They may not release such information unless they are specifically permitted. Any person

requesting such information should be told to submit the request in writing to the Chief of Police.

- B. Refer requests for information from other law enforcement or criminal justice agencies to a supervisor.

## II. Release of Department Information

- A. No employee may communicate or release any information to anyone who would in any way hamper or compromise the department's operations or investigations.

### **82.1.11 Information System Violations**

- I. Criminal Justice Information Systems (CJIS) include systems such as; ACCESS, NCIC and WACIC. The data contained in these systems, and other systems of CJIS is sensitive information. Any unauthorized access, use, or dissemination of information from these systems will be grounds for disciplinary action.
- II. The Kirkland Police Department also has access to additional databases that contain information which is to be used for law enforcement purposes only. Any unauthorized access, use, or dissemination of information from these additional databases will be grounds for disciplinary action.



## **General Order No. 82.2**

### **SUBJECT: RECORDS OPERATIONS**

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This order consists of the following numbered sections:

- 82.2.1 Case Reporting System**
- 82.2.2 Reporting Requirements**
- 82.2.3 Case Numbering System**
- 82.2.4 Supervisory Review of Reports**
- 82.2.5 Report & Records Distribution**

#### **82.2.1 Case Reporting System**

- I. Members of the Kirkland Police Department will use the appropriate report form(s) as indicated by the nature of the incident being reported. The importance of having a well-written and complete report cannot be overemphasized. The Kirkland Police Department Records' system depends on the work product of the officer. An accurate flow of information is essential to the department's operations and all employees must accurately complete required reports and forms. The Kirkland Police Department has a field reporting system that includes the following:
  - A. Guidelines to indicate when reports must be written are outlined in General Order 82.2.2;
  - B. The current computerized reporting system includes the reports generally used in field reporting. Additional forms that are used include, but are not limited to the following.
    1. Fraudulent Check Report;
    2. DUI Report;
    3. WA State Traffic Collision Form;
    4. Vehicle Impound;
    5. Field Interview Report;
    6. Auto Theft Report.
  - C. All reports and records maintained to document police activity will contain at a minimum the following:

1. Date/Time of initial report;
  2. Name, if available, of the citizen requesting the service or victim's name;
  3. Nature of incident;
  4. Nature, date and time of action taken, if any, by law enforcement personnel;
  5. Crime analysis data.
- D. Procedures to be followed in completing field reports are included in Standard Operating Procedure PAT-022.
- E. Procedures for submitting and processing Incident Reports are outlined in Standard Operating Procedure PAT-022 and REC-004.

### **82.2.2 Reporting Requirements**

- I. The Kirkland Police Department prepares and maintains official records to document reported police activity, whether originated by a citizen or a Department member.
- II. It is Department policy to prepare documentation for the following incidents that occur within the city limits of Kirkland:
  - A. Citizen reports of crimes;
  - B. Citizen complaints;
  - C. Citizen requests for services when:
    1. An officer is dispatched;
    2. An employee is assigned to investigate;
    3. An employee is assigned to take action at a later time.
  - D. Criminal and non-criminal cases initiated by Department personnel;
  - E. Incidents involving arrests, citations or summons.

- III. This documentation of police activity should be in the appropriate form of; a completed incident report, citation, FIR (Field Interview Report) or Communications CAD (Computer Aided Dispatch) generated daily printout of calls for service.

### **82.2.3 Case Numbering System**

- I. The case numbering system used by the Kirkland Police Department requires the assignment of a unique case number to all incident reports, collision reports and arrests and is numbered in chronological order as received.
- II. The case numbering system begins with the current year, hyphen, followed by a five digit number beginning January 1 of each year.
- III. Assigned case numbers are generated by the Computer Assisted Dispatching system, thereby, eliminating duplicated or omitted case numbers.
- IV. All requests for service receive separate CAD incident numbers. Those incidents not receiving a case number or citation number can be located from the CAD daily printouts.

### **82.2.4 Supervisory Review of Reports**

- I. Every report submitted will be reviewed by the shift supervisor. The supervisor is responsible to check for accuracy, completeness and legibility. Reports not approved will be returned to the writer for necessary corrections. Officers shall resubmit a corrected report by the end of their shift on the day they received notice of corrections. See Standard Operating Procedure PAT-022 for procedures on supervisory review of reports. Upon approval the report will be forwarded to the Records Division.

### **82.2.5 Report & Records Distribution**

- I. Records is responsible for distributing copies of reports to authorized outside agencies or Departments (i.e., Juvenile Court, City Attorney, etc.), as necessary. See Standard Operating Procedure REC-004.
- II. Reports are also distributed to units/divisions within the Kirkland Police Department. See Standard Operating Procedure REC-004.
- III. Much of the information coming to the attention of the Kirkland Police Department is confidential. Employees may not divulge the content of reports, records, or other department information except as authorized.

- IV. No employee will falsify, destroy, alter, or remove any department report or record. Any employee having knowledge of such behavior will report it to their immediate supervisor.



## **General Order No. 82.3**

### **SUBJECT: RECORDS**

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This order consists of the following numbered sections:

- 82.3.1 Master Name Index**
- 82.3.2 Index Files**
- 82.3.3 Traffic Records System**
- 82.3.4 Traffic Citation Records Maintenance**
- 82.3.5 Records Maintenance**
- 82.3.6 Arrest Files - B/A Numbering System**
- 82.3.7 Recording Arrest Information**
- 82.3.8 Warrant File**

#### **82.3.1 Master Name Index**

- I. The Records Division maintains an alphabetical master name index established in a centralized records management system which is accessible on a 24-hour basis.
- II. The master name file includes persons and businesses entered into the computer system from case reports, citations, bookings, and FIRS.

#### **82.3.2 Index Files**

- I. The Kirkland Police Department maintains index files. The Records Division maintains records and we have access to this information for monthly reporting.
  - A. The Kirkland Police Department records management system has the capability of generating a printout of incidents by type and is available to department members upon request.
  - B. The Kirkland Police Department records management system has the capability of generating a printout of incidents by location and is available to Department members by computer inquiry.
  - C. The property/evidence technician maintains an index of property through the records management system. Property maintained in the index includes:
    - 1. All stolen property;

2. All found property;
  3. All recovered property;
  4. All lost property.
- D. All stolen property with a serial number or qualifying owner applied number will be entered into the state (WACIC) and/or national (NCIC) computer systems, in addition to checking it for stolen status.

### **82.3.3 Traffic Records System**

- I. The department maintains a traffic record system containing traffic accident data and traffic enforcement data as part of the overall records management system. Based on this data and data from city traffic engineering reports the Traffic Sergeant shall identify enforcement problems and deploy personnel and equipment in those areas with the goal of a reduction in accidents and accident causing violations in the targeted areas.
- II. A statistical report is generated by the Traffic Sergeant and Patrol Sergeants, summarizing the total traffic enforcement activity for each month.

### **82.3.4 Traffic Citation Records Maintenance**

- I. The Kirkland Police Department provides procedures for citations and infractions, under Standard Operating Procedures REC-010, in the following areas:
  - A. Issuing citation and infraction forms to officers;
  - B. Accounting for citations and infractions; and
  - C. Storing citations and infractions.

### **82.3.5 Records Maintenance**

- I. Most reports generated by the Kirkland Police Department are maintained by Records in files, computer or on microfilm.
  - A. Operational units forward original reports to Records on a daily basis and may retain copies for continuing follow-up use;

- B. Some records, usually of either an investigative nature or containing such information which renders them more appropriately stored in a specific unit or section, are maintained outside the Records unit;
- C. Other reports and records which are maintained by the various components within the Kirkland Police Department will be maintained in accordance with the Washington Secretary of State "General Retention Schedules for Law Enforcement". These components will include but are not limited to the following:
  - 1. Office of the Chief: Working files of the personnel records, Chief's correspondence file, overtime and leave requests;
  - 2. Investigations: Intelligence files, active case files, field interview reports, pawn files;
  - 3. Administrative Services: Training records, equipment inventory, Department forms, crime prevention activity records;
  - 4. Corrections: Jail blotter and activity logs, evidence and property logs;
  - 5. Patrol Operations/Services: Traffic collision open case investigations, confidential complaint files.

### **82.3.6 Arrest files - B/A Numbering System**

- I. An identification number is assigned to each person arrested and booked into the Kirkland City Jail.
  - A. Booking identification numbers are issued each time a subject is booked into jail.
  - B. In any instance that it is discovered that a person has been issued more than one arrest number, i.e., by use of an alias, maiden name, etc., appropriate cross-references will be made.
- II. An arrest record is made of all persons who are arrested and physically booked into the Kirkland Jail.
  - A. A numerical file by Kirkland Police arrest ID number is maintained by Staff Services in the Records files and storage area. These files may contain; copies of the booking and arrest report forms, ID photographs, extra fingerprint cards and State and FBI rap sheets;

- B. Previously, an alphabetical file of persons who had been booked was utilized, and is available on 3x5 cards maintained in the Records room and/or through the Jail computer. These manual and computer files list the person's Kirkland PD arrest record.

### **82.3.7 Recording Arrest Information**

#### **I. Reports**

- A. In accordance with General Order 82.21 and 82.2.2, a Booking and Arrest Report is to be filled out for every person physically arrested and booked into the Kirkland Jail;
- B. On all physical arrests, Kirkland Municipal Court commitments and warrant arrests by other agencies, transfer orders or holds for other agencies, the arresting officer will also complete an incident report for the Department's computer entry. This incident report will detail the circumstances which led to and surround the arrest.

#### **II. Fingerprints**

- A. Adults and Juveniles booked into the Kirkland Jail will be fingerprinted.
- B. Fingerprint cards and disposition sheets will be typed and submitted appropriately by Records with copies of the booking and arrest report, mug shots and any additional fingerprint cards filed in the arrest file.

#### **III. Photographs**

- A. Each time a person is booked into the Kirkland Jail he/she will be photographed (with the exception of a person being held on a transport order only).

#### **IV. Juveniles**

- A. Juveniles who are arrested will be booked, processed and transported in accordance with General Order 44.2.1 and 44.2.2.

#### **V. Additional Paperwork and Reports**

- A. The Booking Officer will complete the Jail records and Medical Receiving Screening computer screens (or forms) for each person booked into the jail.

### **82.3.8 Warrant File**

- I. The Corrections Division maintains an active warrant file. Procedures are provided under Standard Operating Procedure COR-015 for the following:
  - A. Criteria for entering notices in regional, state, and federal information systems;
  - B. Criteria for receiving information from other jurisdictions;
  - C. Recording the information in agency files;
  - D. Verifying information;
  - E. Canceling information; and
  - F. 24-hour access to the warrant section.



## **General Order No. 83.1**

### **SUBJECT: PROCESSING EVIDENCE AT THE SCENE**

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This order consists of the following numbered sections:

#### **83.1.1 Crime / Collision Scene Call-Out Availability**

#### **83.1.2 Collecting Control / Substrate Samples**

#### **83.1.1 Crime / Collision Scene Call-Out Availability**

- I. 24-hour crime/collision scene processing capability is available, to ensure the prompt collection and preservation of physical evidence. The Kirkland Police Department does not have a crime scene or collision investigator on duty 24-hours a day, but does maintain an Emergency Call-Out List.
- II. The purpose of the Emergency Call-Out list is to establish a notification list, and does not require these personnel to be on standby.
- III. The guidelines for Call-Outs for crime scenes and collisions are listed in the following:
  - A. Detectives – General Order 42.1.1
  - B. Traffic – Standard Operating Procedure TRF-009
  - C. MERT (Multi-agency Evidence Response Team) – Standard Operating Procedure INV-013.

#### **83.1.2 Collecting Control / Substrate Samples**

- I. When the following types of physical evidence/trace evidence are collected from a crime scene, a known standard sample must be collected for comparison by the Washington State Patrol Regional Laboratory:
  - A. Blood (control sample will come from the involved surface);
  - B. Hair;
  - C. Fibers / Textiles;
  - D. Paint;
  - E. Glass;

- F. Wood;
  - G. Metal;
  - H. Soil;
  - I. Tools / Tool marks;
  - J. Footwear;
  - K. Clothing / Fabrics;
  - L. Fingernails / Toenails;
  - M. Building Materials;
  - N. Buttons / Thread;
  - O. Cordage / Rope;
  - P. Cigarettes / Tobacco;
  - Q. Matches;
  - R. Paper;
  - S. Ash;
  - T. Plant Material;
  - U. Foodstuffs;
  - V. Cosmetics;
  - W. Electrical wire;
  - X. Tape;
  - Y. Headlamps.
- II. The location from which the samples are taken is critical for Washington State Patrol Regional Laboratory and should be documented on the lab report and/or the officer's report.
- III. All standards for comparison will be collected by the officer in accordance with procedures established by the Washington State Patrol Regional

Laboratory. See Washington State Crime Laboratory Physical Evidence Handbook and Standard Operating Procedure INV-016.



## **General Order No. 83.2**

### **SUBJECT: At-Scene Evidence Records**

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This order consists of the following numbered sections:

- 83.2.1 Crime Scene Processing**
- 83.2.2 Photographing / Video Taping Crime Scene**
- 83.2.3 Fingerprinting**
- 83.2.4 Crime Scene Resources**
- 83.2.5 Seizure of Computer & Data Storing Equipment**
- 83.2.6 Crime / Collision Scene Reports**
- 83.2.7 DNA Evidence & Collection**

#### **83.2.1 Crime Scene Processing**

- I. It is the responsibility of the first officer at a crime scene to secure that scene from all nonessential personnel to prevent the loss of evidence. The officer securing the scene should initiate a log listing the time, name and reason for all personnel who enter the crime scene. See Standard Operating Procedure INV-024, Crime Scene Sign-In Log. Personnel at the scene will not disturb, touch or handle physical evidence; unless a danger exists that the evidence will be lost or destroyed prior to processing. Should such a situation arise, it becomes the responsibility of the officer to mark, seal, tag and preserve the evidence. See Standard Operating Procedure INV-019, Evidence Packaging.
  - A. Crime scene investigators responding to a crime scene or incident will be responsible for photographing, collecting, preserving, transporting and submitting all evidence to the Property Room. See Standard Operating Procedure INV-016, Crime Scene Processing.
  - B. The "chain of custody" shall be maintained. Evidence shall pass through the control of as few persons as possible; and shall never be outside the control of properly designated persons. Any employee in control of evidence shall document that control. See Standard Operating Procedure INV-020, Submitting Evidence & Property.

#### **83.2.2 Photographing / Video Taping Crime Scene**

- I. Photography and/or videotaping of crime scenes, traffic collisions and other incidents are the responsibility of the responding officer, duty supervisor or crime scene investigator. The person taking pictures will photograph all aspects of the crime scene, traffic collision or incident using photography and/or videotaping equipment supplied by the Department. See Standard Operating Procedures INV-022 (Camera) and INV-023 (Video).

- II. Requests from complainants, legal firms, insurance companies or outside agencies for copies of photographs and/or video recordings taken shall be directed to the investigating officer and/or the prosecutor.

### **83.2.3 Fingerprinting**

- I. Investigators should process all crime scenes for latents whenever possible. This is to include processing witnesses, victims, and other involved persons for elimination prints when they may have touched the involved object at the crime scene and latents are recovered from that object.
- II. Standard Operating Procedure INV-016 outlines procedures for:
  - A. Processing crime scenes for latents; and
  - B. Processing elimination fingerprints from known persons.
- III. Fingerprinting procedures for booking persons into the Kirkland Jail are covered under Standard Operating Procedure COR-002 and COR-007.

### **83.2.4 Crime Scene Resources**

- I. The Police Department shall maintain special containers for specialized evidence gathering equipment which can easily be loaded into any Department vehicle and transported to a crime scene. The equipment in the containers shall be maintained for the following purposes:
  - A. Recovery of latent prints;
  - B. Photography;
  - C. Sketching of the scene;
  - D. Collection and preservation of physical evidence.

### **83.2.5 Seizure of Computer & Data Storing Equipment**

- I. Computer equipment can be severely damaged or data lost due to improper shut down or dismantling. Care should be taken during the process of seizing or taking computer equipment as evidence. See Standard Operating Procedure INV-017.

### **83.2.6 Crime / Collision Scene Reports**

- I. An accurate record of events that transpire at the scene of a crime in connection with the investigation is required at the time of trial. It is the responsibility of every detective or officer involved in processing the crime scene to submit detailed reports describing the sequence of events associated with a scene investigation as related to evidence on either detective follow-up or an incident/supplemental report.
- II. The crime scene investigator(s) report shall contain the following:
  - A. Date/time of response to and arrival at the scene;
  - B. Location of the scene;
  - C. Narrative of observations/action(s) at the scene;
  - D. Police incident/case;
  - E. Action taken at the scene, including photographs taken, measurements and sketches.
- III. If a specialist is called to the scene, the date/time of request and the requesting officer's name will be added to the investigation synopsis. A copy of the specialist's report of their actions will be included in the case file.

### **83.2.7 DNA Evidence & Collection**

- I. The Kirkland Police Department has DNA evidence collection capabilities and procedures listed under Standard Operating Procedure INV-016 & Standard Operating Procedure INV-018, Standard Operating Procedure INV-019, General Order 83.3.2, which include:
  - A. First responder responsibilities and precautions;
  - B. Procedures for the collection, storage, and transportation of DNA evidence;
  - C. DNA evidence collection training requirements for persons collecting evidence; and
  - D. Procedures for the submission of DNA evidence to accredited laboratories.



## **General Order No. 83.3**

### **SUBJECT: COLLECTION AND PRESERVATION OF EVIDENCE TRAINING**

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This order consists of the following numbered sections:

#### **83.3.1 Evidence Handling**

#### **83.3.2 Evidence Transfers to the Crime Lab**

#### **83.3.1 Evidence Handling**

- I. Employees are required to complete an evidence request form for the purposes of removing items from the property room for examination, investigation or court. Employees are also required to complete a property release form for the purposes of returning property to the owner. Items will not be released by the Property/Evidence Technician without these forms.
- II. Employees that receive evidence from the property room are personally responsible for that evidence until it is turned over to the court, returned to the owner or returned to the property room.
- III. See Standard Operating Procedure INV-021 for procedures on requesting evidence from the property room.

#### **83.3.2 Evidence to the Crime Lab Procedures**

- I. All evidence is to be submitted to the Property Room upon completion of packaging as specified by the Washington State Patrol Crime Laboratory standards to preserve the "chain of custody" as outlined in General Order 83.2.1.
- II. Procedures for submitting evidence to the Washington State Patrol Crime Laboratory or other forensic laboratory are listed under Standard Operating Procedure INV-018 and include the following:
  - A. Identification of the person responsible for submitting the evidence;
  - B. Methods for packaging and transmitting evidence to the laboratory;
  - C. Types of documentation to accompany evidence when transmitted;
  - D. Receipts to ensure maintenance of chain of evidence; and
  - E. Stipulation that laboratory results be submitted in writing.



## **General Order No. 84.1**

### **SUBJECT: Acquired and In-Custody Property**

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This order consists of the following numbered sections:

- 84.1.1 Evidence / Property Control System**
- 84.1.2 Storage and Security of Property**
- 84.1.3 Temporary Evidence / Property**
- 84.1.4 Restricted Access to Evidence Room**
- 84.1.5 Status of Property**
- 84.1.6 Property Room Inspections**
- 84.1.7 Disposition of Property**

#### **84.1.1 Evidence / Property Control**

- I. It is the responsibility of the Administrative Division's property management function to manage and control all property directed to them for safekeeping. This responsibility includes the maintenance of accurate record keeping. Property will be stored, released and disposed of in accordance with the Kirkland Police Department General Orders and Standard Operating Procedures INV-020. Procedures that are outlined in INV-020 include:
  - A. Requiring all property to be logged into agency records before the officer ends his/her tour of duty;
  - B. Requiring all property to be placed under the control of the property and evidence control function before the officer ends his/her tour of duty;
  - C. Requiring a written report detailing the circumstances by which the property came into the agency's possession and describing each item of property obtained;
  - D. Providing guidelines for packaging and labeling property prior to storage;
  - E. Establishing extra security measures for handling exceptional, valuable, or sensitive items of property;
  - F. Requiring an effort to identify and notify the owner or custodian of property in the agency's custody; and

- G. Establishing procedures for the temporary and final release of property items from the control of the property and evidence function.

### **84.1.2 Storage & Security of Property**

- I. All property stored by the Kirkland Police Department will be within designated secure areas. The Kirkland Police Department Evidence Room is equipped with a double locked entry and an alarm.
  - A. The doors to the property garage and to all property rooms will be kept locked. These areas are accessible only to assigned police personnel in the course of their duties.
- II. Security of Property Rooms
  - A. Only the Property/Evidence Technicians and Administrative Captain will have keys to the property rooms;
    - 1. A spare set, for emergency use only, will be secured in the office of the Administrative Captain.
    - 2. In the absence of the Property/Evidence Technician, the assistant Property/Evidence Technician or the Administrative Captain can access the Property Room.
  - B. Only the Property/Evidence Technicians and the Administrative Captain will have access to keys to the locked cabinets in the property rooms;
  - C. Only the Property/Evidence Technicians and Administrative Captain will have access to the combination to the safe in the property rooms;
  - D. The doors to the property rooms will be kept closed and double locked any time that the Property/Evidence Technicians are not physically in the rooms;
  - E. The locked cabinets and safe in the property rooms will only be unlocked or open when the Property/Evidence Technician is actually placing items in or taking items out of the cabinets or safe;
  - F. Property room keys will be secured at a location approved by the Administrative Captain whenever they are not in the immediate possession of an authorized key holder and whenever the authorized key holders are off duty;

- G. The secondary lock to the property rooms may be re-keyed whenever an authorized key holder is reassigned or leaves the employment of the Department;
- H. Only authorized persons may enter the property room areas and then, only when personally accompanied by the Property/Evidence Technician. All persons entering the property room will sign in and out indicating the name of the person, date, times and the purpose of entrance. Authorized persons are:
  - 1. Chief of Police;
  - 2. Administrative Captain;
  - 3. Administrative Lieutenant;
  - 4. Shift supervisor under appropriate circumstances;
  - 5. Property/Evidence Technicians;
  - 6. Inspection/audit team during the periodic inspection or audit;
  - 7. Other departmental personnel under appropriate circumstances.

### **84.1.3 Temporary Evidence / Property**

- I. Secure facilities are provided for the storage of in-custody or evidentiary property during periods when the Property Room is closed.
- II. Security of Property Room/Temporary Holding Areas
  - A. The Police Department maintains a secure location for property held as evidence, safe keeping, and/or other property.
  - B. The temporary property holding areas include:
    - 1. Lockers located adjacent to the Property Room inside of the Kirkland Police Department. These lockers are locked after the property is placed in them and keys are placed in the key slot to the Property Room.
    - 2. Property Room drop slot allows small pieces of evidence to be dropped directly into the secured Property Room.
    - 3. Specified lockers at the north property room.

4. Refrigerator and freezer located in the Crime lab. Each has a pad lock and latch for security.
  5. Entry to all property rooms are locked and secured by an alarm.
- III. See Standard Operating Procedure INV-020 for procedures on submitting property to the Property Room and Temporary Holding areas.

#### **84.1.4 Restricted Access to Evidence Room**

- I. Property Rooms
  - A. Property rooms are used for the indefinite storage of most found, recovered and evidentiary property. Access to property areas is restricted to authorized personnel who may enter Property Rooms only when accompanied by the Property/Evidence Tech, and upon signing in and out in the Sign-in Log.
  - B. Property rooms are located at:
    1. Kirkland Police Department - Primary Property Room
    2. Kirkland Municipal Court – North Property Room
- II. The property garage (North Property Room) and the temporary holding areas (Police Department) are restricted to police personnel only.
  - A. Authorized persons are Kirkland Police Department personnel engaged in official police duties;
  - B. Under no circumstances will unaccompanied non-Kirkland Police personnel be allowed access to the property garage or temporary holding areas;

#### **84.1.5 Status of Property**

- I. The Property/Evidence Technician maintains a records system which reflects the location of the property stored in the property room; date and time when the property was received or released; character, type and amount of property on hand; chain of custody of the property through its final disposition; and dates and results of all inspections and inventories of property and audits of records.
- II. The Property Room Log

- A. All found, recovered and evidentiary property submitted to the property room will be logged into the computerized records management system.
  - B. The property record will contain the following information on each item logged in:
    - 1. Property number;
    - 2. Item number;
    - 3. Case number;
    - 4. Property classification;
    - 5. Date received;
    - 6. Officer submitting;
    - 7. Description of property;
    - 8. Location;
    - 9. Disposition.
- III. Property Record
- A. A Property Record must be completed by the submitting officer prior to property being received by the Property/Evidence Technician. This is done in the current electronic records and reporting system.
  - B. The Property Record and Computer Report may contain the following information:
    - 1. Case number;
    - 2. Classification code;
    - 3. Location of occurrence/date/time;
    - 4. Property number;
    - 5. Submitting officer/ID number/date/time;
    - 6. WACIC/NCIC check/date/time;

7. Property Room custodian receipt - date/time;
  8. Location/Temporary Locker number;
  9. Suspect/owner-address/phone;
  10. Finder-address/phone;
  11. Property description;
  12. Property code;
  13. Analysis code;
  14. Weight and/or count, if controlled substance/narcotics.
- C. Upon receipt of the property the Property/Evidence Technician will note the property storage location in the computer property file
- IV. Evidence/Property Request form number KPD 87-227
- A. Temporary removal of property may be made by completing form KPD-87-227. See Standard Operating Procedure INV-021.
  - B. Firearms which have been recovered as evidence/property will not be used for training purposes until the firearm has been converted to department use in accordance with General Order 84.1.7 (IV), which requires the written authority of the Administrative Captain or the Chief of Police.
- V. Property Release form number KPD-84-226 or a Records Management System (RMS) generated receipt must be submitted prior to the release or final disposition of any property. See Standard Operating Procedure INV-021.

#### **84.1.6 Property Room Audit**

- I. Audits
  - A. Annually, an audit of property held in property rooms, including temporary holding areas, by the Kirkland Police Department is conducted by a supervisor not routinely or directly connected with control of property. Under no circumstances will the person assigned to inspect and audit be appointed by supervisory or command officers having the property function under their control. A complete report of

the findings of the audit team will be forwarded to the Chief of Police and Accreditation Files upon conclusion of the audit.

1. Annually the Operations Captain will form an audit team of personnel selected from various sections of the Department.
  - a. The Operations Captain will notify the Administrative Captain of the committee selection, and have the committee complete an audit of the property room(s).
2. The audit includes inspection of the property files, ensuring that controlled substances, money and weapons received have been properly logged; an examination of the property tag files and trace files to ensure that drugs, money or weapons have not been lost or checked out for an unreasonable length of time; an examination of the disposition files and master log to ensure that drugs, money and weapons have been properly disposed of.
3. The audit team is authorized to open controlled substances packages in the presence of the Property/Evidence Technicians to verify weight/count of drugs, and if necessary, conduct qualitative analysis by a chemist. These packages are then resealed in the presence of the Property/Evidence Technician. A notation will be made of the property tag and master log of the inspection, including the date opened and person inspecting.
4. The audit team is authorized to open in the presence of the Property/Evidence Technician packages containing money to verify contents and amount of cash. The package is to be resealed in the presence of the Property/Evidence Technician. A notation will be made on the property tag and master log of the inspection, including date opened and person inspecting.
5. The audit team will include a comparison of records with a significant representative sampling of physical property other than controlled substances, weapons and money.

- B. Whenever a new Property/Evidence Technician is appointed as the Officer in Charge (O.I.C.), an inventory of property will be conducted. This inventory will be conducted jointly by the newly designated Property/Evidence Technician O.I.C. and a designee of the Chief of Police to ensure that records are correct and properly annotated.
  - 1. Any discrepancies should be recorded prior to the assumption of property accountability by the newly appointed Property/Evidence Technician O.I.C.
  - 2. During the joint inventory; all money, precious metals, jewelry, firearms, and drugs, and a sufficient number of property records relative to the number of property and evidence items should be reviewed carefully with respect to proper documentation and accountability.

## II. Inspections or Audits

- A. No form is used for inspections or audits of property. All papers pertaining to audits are put in a folder, labeled and kept in a file cabinet in the property room.

### **84.1.7 Disposition of Property**

- I. Disposition of found, recovered and evidentiary property, other than firearms, will be accomplished within six months after legal requirements have been satisfied. Final disposition of firearms will be accomplished at least once annually.
  - A. Items come into the department as property or evidence. Evidence must be maintained until it is no longer needed to identify a criminal or establish that a crime occurred, and all appeal deadlines have passed. When the evidence is no longer necessary, it is considered property. Property may be disposed of in one of the following manners:
    - 1. By order of the Court or Prosecutor outlining the means of disposal.
    - 2. Released to owner.

3. The department must retain property for a minimum of 60 days. If property is still in the department's possession following this 60-day deadline, dispose of property in the following manner:
  - a. If the property has no substantial value, turn it over to a charitable organization, or use the easiest method of destruction.
  - b. If the property has substantial value, follow RCW 63.32:
    - i. Return it to the owner, if possible.
    - ii. Sell it at auction.
    - iii. Retain it for use by the department.

## II. Release of Property and Evidence

### A. To Rightful Owner

1. Property may be released to the rightful owner once all police use of the property is satisfied and the officer who submitted the property or the detective/investigator, to whom the case was assigned, has approved the property for release;
2. Weapons taken as evidence, found or for safekeeping will be released and disposed of according to the provisions of this order;
3. Once an item has been cleared for release by the responsible officer, the Property/Evidence Technician will make every reasonable effort to contact the owner and inform the owner when and where the property may be claimed;
  - a. The custodian will attempt to notify the owner by means of a letter;
  - b. If unable to contact by letter or telephone or if contact was accomplished but the property remains unclaimed for a period of 15 days following the contact, the Property/Evidence Technician will send a written notice to the owner, at the owner's last known address, which notice shall inform the owner of the disposition which may be made of the property, the location where the property may be claimed and the time that the owner has to claim the property;

- c. If the property remains unclaimed for a period of not less than 60 days from the date of the written notice to the owner, if known, the property will be considered unclaimed.
  4. Unclaimed property will be disposed of according to the provisions of RCW Chapter 63.32 and the disposition is to be marked on the Master Property Log.
- B. Release to Finder
  1. Property, except that which is illegal for the finder to possess, shall be released to the finder of the item if the rightful owner is unknown or cannot be located; PROVIDED, that the finder has complied with all the duties imposed by RCW Chapter 63.21 and the release has been approved by the property management supervisor;
    - a. The property shall be released to the finder 60 days after the find was reported to the police if the rightful owner is unknown;
    - b. If the rightful owner is known but cannot be found, the property shall be released to the finder 60 days following the required written notice to the owner;
    - c. When 90 days has passed after the found property was reported to the police or 90 days after the required written notice to the owner and the finder has not completed the requirement of RCW Chapter 63.21, the finder's claim shall be deemed to have expired and the found property may be disposed of as unclaimed property under RCW Chapter 63.32.
  2. A City employee who finds or acquires any property covered by RCW Chapter 63.21, while acting within the course of his or her employment, may not claim possession of the lost property as a finder;
  3. The disposition of the property will be entered in the property file in the case report.
- C. Contraband/Forfeited Property

1. Contraband or property that is forfeited to the City, the Police Department or any other government entity pursuant to RCW 69.5, 9.41 or 9.46 or any other municipal or county ordinance, state statute or court order, will not be released to its owner or finder;
2. The Investigations Division will submit all required documentation for the forfeiture of property. See Standard Operating Procedure INV-008;
3. Contraband will be disposed of in accordance with RCW 69.50, 9.41, 9.46 or any other applicable state statute.

D. Evidence

1. Evidence will not be released until cleared for release by the investigating officer, prosecutor or court.

E. Disposition

1. In every case where property is released, the final disposition of that property will be entered into the final Case Report property record.

F. Identity

1. In every case, the investigating officer will make every reasonable effort to verify rightful ownership to property. If no investigating officer was assigned, the Property/Evidence Technician will have this responsibility;
2. Any person releasing property will first verify the identity of the person to whom the property is being released;
3. Without exception, the person to whom the property is released will sign a property release form indicating he/she has received this property from the Kirkland Police Department.

G. Weapons and Firearms

1. Weapons held as evidence may only be released after the court case has been terminated and with permission of the investigating officer or prosecutor and the Administrative Captain;

2. Firearms must be checked in NCIC and WACIC for stolen prior to release;
3. If the weapon is a firearm, the owner must be checked through WACIC for felony warrant(s);
4. If the firearm is a pistol, the owner must be checked through WACIC Criminal History and the pistol cannot be released to the owner if any of the following is true:
  - a. The owner is under twenty-one years of age;
  - b. The owner is free on bond or personal recognizance pending trial, appeal or sentencing for a crime of violence;
  - c. The owner has previously been convicted in this state or elsewhere of a crime of violence or of a felony in which a firearm was used or displayed.
5. The owner will be notified in writing if release of the firearm is prohibited by this order;
6. In every case, the Property/Evidence Technician will make every reasonable effort to verify proper ownership of the weapon and the identity of the person to whom the weapon is being released;
7. In every case, the person receiving the weapon will sign a property release form indicating the weapon was released to that person;
8. If the owner is not known, the weapon will be declared unclaimed after a period of 60 days and disposed of according to Section III of this order;
9. If the owner is known, General Order 84.1.7 Section II (A) [3] of this order shall apply;
10. Weapons held for safekeeping may be retained for a period of up to 60 days;
  - a. At the conclusion of that time, the Property/Evidence Technician will notify the rightful owner that the weapon

may be claimed. Notation of the phone call will be made on the Property Record;

- b. If unable to locate the owner by phone, General Order 84.1.7 Section II A (3) [b] and [c] shall apply.

11. Final disposition of the weapon will be noted in the Case Report property files;

12. The Administrative Captain will approve the release of all weapons.

H. Weapons Used in Suicides/Attempted Suicides

1. Any weapon that has been used in the commission of a suicide will be seized as evidence and released to the King County Medical Examiner;

2. Unless a court order is issued to the contrary, any weapon that has been used in an attempted suicide will be seized and retained by the Police Department for a period of not less than 120 days, before release to its rightful owner.

I. Money and Negotiable Instruments

1. Money and negotiable instruments being held as evidence shall be released to the rightful owner upon completion of the court case, unless forfeited to the City of Kirkland or the Kirkland Police Department, upon approval of the investigating officer or the prosecutor and the Administrative Captain;

2. Money or negotiable instruments that are found will be released in accordance with the provisions of this order;

3. Upon releasing money or negotiable instruments, the Property/Evidence Technician will open the sealed package in the presence of the owner or finder and will count the contents together with the owner/finder. Any discrepancy shall be immediately reported to the Administrative Captain.

III. Property to Be Destroyed

A. Controlled Substances

1. The Property/Evidence Technician will notify the Administrative Lieutenant of controlled substances to be disposed of;
  2. An inventory of controlled substances to be destroyed will be taken by the Property/Evidence Technicians.
  3. Upon completion of the inventory, all substances to be destroyed shall be sealed in a container, marked by at least two of those conducting the inventory and subsequently transported to the incinerator by the Property/Evidence Technician and the Administrative Lieutenant, or their designee;
  4. Prior to personally witnessing the incineration of the containers, the package will be weighed, the seals will be examined, the containers opened and the contents viewed by all persons transporting same. Presumptive field analysis will be performed on any questioned contents.
- B. Firearms which are deemed to be unsafe by the Chief of Police shall be transported by the Property/Evidence Technician and the Administrative Captain or their designee, to a place of destruction where they will personally destroy each item;
- C. Obscene materials will be personally destroyed by the Property/Evidence Technician by shredding or incineration;
- D. Alcoholic beverages will be personally destroyed by the Property/Evidence Technician by pouring it down the drain;
- E. Miscellaneous property or property held for evidence but no longer needed, that is of little or no monetary value may be disposed of by the Property/Evidence Technician. This would include small parts of cars, glass, paint chips, clubs, clothing, etc.
- IV. Property Converted To City Use
- A. Property will be converted to Police Department use only by written authority of the Administrative Captain or the Chief of Police.
  - B. Property will be converted for use by any other City department only upon a written request of the Department head and with the approval of the Chief of Police.
  - C. In accordance with RCW Chapter 63, at the end of each calendar year, a list of all converted property shall be provided to the City's Mayor or

Council, along with an estimation of each item's replacement value. This list shall be retained for public inspection for a period of not less than one year.

V. Major Case Disposition

- A. At least once each calendar year, the Administrative /Property Sergeant will contact the Investigations Division Lieutenant and Detective Sergeant to discuss major cases.
- B. With the approval of an Investigations Division Lieutenant or Detective Sergeant, the Property/Evidence Technician may dispose of any property held as evidence in a major case.