

LAW ENFORCEMENT ROLE & AUTHORITY

1.1 LAW ENFORCEMENT AGENCY ROLE

PHILOSOPHY: The Lakewood Police Department is committed to providing services to the community in a manner governed by the Department's mission statement, guiding principles, and values: integrity – honor in word and deed; dedication – serving citizens and improving communities; teamwork – building strong partnerships internally and with others; competence – highly skilled tactically, technically, and as leaders; courage – going in harm's way, championing what's right; and respect – for all people at all times.

1.1.1 Oath of Office

Principle: All police officers of the Lakewood Police Department, prior to achieving sworn officer status, will take an oath of office to enforce the laws of the City of Lakewood, the State of Washington, and to uphold the Constitution of the United States and the State of Washington.

1.1.2 Code of Conduct

Principle: The members of the Lakewood Police Department adhere to guiding principles and base their conduct on these principles and values. Therefore it is expected that all members of the Police Department shall adhere with this Code of Conduct in all respects.

INTEGRITY: The Lakewood Police Department and its members strive to serve the community with veracity, reliability, and the utmost honor.

A. Obedience to Laws, Ordinances, and Rules

Members of the Lakewood Police Department will operate at all times in accordance with federal and state laws, and with full respect for the rights guaranteed by the Constitution of the United States and the State of Washington.

Members shall obey:

- All laws of the United States
- All laws of any state and local jurisdiction in which the employee is present
- All applicable rules or regulations having the force of law of any duly authorized board, office, or commission
- All City of Lakewood Personnel Policies
- All Lakewood Police Department directives and/or standards
- All other orders lawfully promulgated, either written or oral

B. Personal Conduct

Conduct unbecoming is defined as any conduct which adversely affects the morale, operations, or efficiency of the department or any conduct which has a tendency to adversely affect, lower, or destroy public respect and confidence in the department, or any officer or employee. Conduct unbecoming also includes any conduct which brings the department or any officer or employee into disrepute or brings discredit upon the department or any officer or employee. Officers and employees shall conduct themselves at all times, both on and off duty, in such a manner so as to reflect most favorably upon the department.

C. Truthfulness

Members of the Lakewood Police Department shall be forthright and truthful at all times on all matters which pertain to their duties, conduct, observations, or any other area pertaining to the official business of the Lakewood Police Department. Officers will not misrepresent facts, either by omission or commission, when in

the performance of official duties. No portion of this section shall be interpreted to imply that members are prohibited from using deception to accomplish an official investigative purpose.

D. Personal Business Conducted While On-Duty

Members of the Lakewood Police Department shall not conduct personal business while on duty that takes an excessive amount of time or interferes with the effective operations of the department without the specific approval of their immediate supervisor.

E. Attention to Duty

Members of the Lakewood Police Department shall be attentive and alert at all times while on duty and shall devote their entire duty time and energy to the services of the department.

1. Failure to competently perform the duties of their assignment as required, either through carelessness, laziness, or inattention, shall be considered cause for the member to be charged with a violation of this section.
2. Members shall report for duty at the time and place required by department order or supervisor, unless he/she has been approved for leave.
3. Members shall remain alert and awake during their duty hours and if unable to do so shall report to a supervisor who will determine the proper course of action.
4. No member may relieve another member from duty without the permission of, or order by a supervisor.

F. Alcohol – Use Of

No on-duty member of the Lakewood Police Department shall consume any alcoholic beverage without the express consent of a supervisor when necessary to accomplish a lawful police purpose.

1. Under no circumstances shall an on-duty member consume any alcoholic beverage to the point of intoxication.
2. Members in uniform shall not consume any alcoholic beverages.
3. Members who report for duty, or who are on duty, showing evidence of having consumed an alcoholic beverage, except as provided by this section, shall be immediately relieved of their duty and may be subject to disciplinary action. Also refer to collective bargaining agreements and the City of Lakewood Employee Disciplinary Guidelines.
4. Members shall not bring alcoholic beverages into any police building or vehicle except that which has been seized as evidence, or which is the property of a person in custody.

G. Association with Criminals

Members of the Lakewood Police Department shall not knowingly enter into or maintain a social or business relationship with any person whom the member knows, or reasonably should have known, is involved or suspected of being involved in on-going criminal activity; because such an affiliation may compromise the member's relationship with the department. When an association as described in this section is necessary to accomplish an official police purpose, the involved member shall first obtain approval from his/her supervisor, which will be documented.

H. Limits to Intervention

Members of the Lakewood Police Department, whether on or off duty, shall not interfere in any manner designed to influence or alter the outcome of any police operations involving family, friends, or neighborhood disputes unless there is an imminent danger of loss of life, great bodily harm, or the occurrence of a serious crime.

I. Civil Cases

Members of the Lakewood Police Department shall not involve themselves in an official capacity in civil cases to which neither they nor the City are a party. An officer's responsibility in civil cases is only to preserve the peace and prevent the commission of, or to affect an arrest for, a criminal act.

1. Members shall not testify in an official capacity in civil cases, except those involving the City or one in which they are a party to the action, unless legally summoned or served with civil processes.
2. Members shall not institute civil action arising out of their official duties without first notifying the Chief of Police.
3. No member shall use his/her official position in a civil action to influence or attempt to influence a settlement in favor of himself/herself or any other party to the action.
4. Members shall immediately notify the Chief of Police via the chain of command if they are to be called as a witness in any civil or administrative hearing by any party other than the City of Lakewood because of their employment status as a police officer.

J. Publishing Police Information

Members of the Lakewood Police Department shall not submit for publication or broadcast, nor permit to be published or broadcasted any story, article, official information, audio recording, photograph, or videotape concerning crimes or other official department matters, without permission from the Chief of Police.

This includes the posting of Lakewood Police insignia, uniforms, vehicles or other identifiable equipment on personal or commercial internet sites.

K. Recreation and Place of Amusement

Members of the Lakewood Police Department shall not enter any place of entertainment, recreation, or amusement while in uniform, except when necessary in the lawful performance of their duty.

DEDICATION: The Lakewood Police Department and its members understand that dedication to the department and throughout the community increases our ability to achieve our core functions of law enforcement, protection, and education.

L. Reports and Records

Members of the Lakewood Police Department shall prepare, maintain, and complete all reports or records necessary for the performance of their assigned duties. This standard pertains to all oral, written, and electronic media reports or records.

1. Members shall complete all reports before going off-duty, unless otherwise authorized by a supervisor.
2. No member shall knowingly or through neglect prepare or maintain a report or record that contains any inaccurate, false, improper, or incomplete information.
3. No member shall disseminate, alter, or remove a Police Department record or information without specific authorization from a supervisor.

M. Positive Police Action

On-duty officers shall act promptly, with energy, firmness, and decisiveness at crime scenes, disorders, accidents, or other situations requiring immediate police attention.

TEAMWORK: The Lakewood Police Department and its members rely on effective use of teams and partnerships to achieve department and community goals. It is important not to compromise these trust based relationships.

N. Assistance to Other Members

Members of the Lakewood Police Department shall immediately take appropriate action to aid a fellow member in pursuit of their official duties if the fellow member is exposed to danger or is in a situation where danger might

be reasonably expected.

O. Interfering with Prosecution

No members of the Lakewood Police Department shall use his/her official capacity to interfere with any case under investigation or being prosecuted with the intention of delaying or preventing the case from reaching a successful conclusion in accordance with lawful procedure.

1. No member shall in any way attempt to delay or prevent a lawfully issued citation from going through the court in a manner prescribed by law.
2. No portion of this section shall be interpreted to imply that members should not comply with the lawful instruction of the prosecuting entity.

P. Official Influence

Members of the Lakewood Police Department shall not use their official position to obtain the cooperation of any other person for their personal benefit or for the benefit of another without the prior approval of the Chief of Police.

Q. Soliciting

Members of the Lakewood Police Department shall not, while on duty or purporting to act in an official capacity, solicit contributions, sell tickets, or receive money for any purpose without the knowledge and consent of the Chief of Police.

R. Gratuities

Members shall not accept a reward or any gift, gratuity, loan, fee, discount, rebate, or special consideration arising from or offered because of police employment or any activity connected with such employment.

S. Associations

No officer shall become a member of any organization, association, movement, or group which advocates or approves the commission of acts of force or violence to deny others their rights under the Constitution of the United States, or which seeks to alter the form of government of the United States by unconstitutional means.

T. Endorsements, Referrals, and Solicitations

Members of the Lakewood Police Department acting in official capacity shall maintain a neutral stance regarding the recommendation of a particular product, or professional or commercial service.

Members shall not authorize the use of their names, photographs, or official titles which identify them as affiliates of the police department in connection with testimonials, advertisements or solicitations on behalf of any commodity, commercial enterprise, or charity without the specific written approval of the Chief of Police.

Members shall not use official titles, department letterhead, or any other method of affiliation to the Police Department when providing testimonials, recommendations, or references for individuals without prior written approval of the Chief of Police.

U. Political Endorsements

Members of the Lakewood Police Department shall maintain a neutral stance with regard to political campaigns or endorsements while on duty or acting in an official capacity.

V. Employee Speech, Expression and Social Networking

PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal

constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Lakewood Police Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of the Lakewood Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety of any employee, an employee's family or associates.

Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Lakewood Police Department or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Lakewood Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Lakewood Police Department or its employees. Examples may include:
 - 1. Statements that indicate disregard for the law or the state or U.S. Constitution.
 - 2. Expression that demonstrates support for criminal activity.
 - 3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.

- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Lakewood Police Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee (RCW 9A.68.020).
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Lakewood Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.
- (h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:
 1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
 2. During authorized breaks; such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, Instagram) that is accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

COMPETENCE: The Lakewood Police Department and its members expect individuals to be accountable for their successes and failures. The department intends to recognize successes, treat failures with consistency, and when possible build on setbacks as a learning experience.

W. Accountability to Public and to Department Authority

Members of the Lakewood Police Department shall perform their duties in full recognition that they are accountable for their actions to the public and to departmental and City Manager authority.

X. Conduct Violations – Responsibility to Act

Members of the Lakewood Police Department, who witnesses or who has a good faith belief that another Officer has committed a potential violation of this code of conduct, or any department written directive or standard, shall ensure that the first available supervisor not involved with the conduct in question is notified.

Potential Violation means conduct that is contrary to law or contrary to the policies of the witnessing officer's agency, provided that the conduct is not de minimis or technical in nature.

Y. Criminal Complaints against Members of the Police Department

Members of the Lakewood Police Department shall provide written notification to their supervisor within 24 hours of their arrest for a criminal violation or learning that application for a criminal complaint or indictment has been sought or issued against them. Such notification shall contain a summary of the complaint sought or issued and the projected date of the hearing or trial.

Z. Identification / Badges

Members of the Lakewood Police Department shall only use their official identification cards, badges, and/or business cards in the performance of their duty. Sworn officers shall carry their identification cards and badges on their person at all times while on duty (in the field) or while carrying a firearm off-duty under color of authority. While in uniform, Officers shall wear Department approved identification so as to be reasonably identifiable.

1. No portion of this section shall be interpreted as to require carrying any form of police identification when the circumstances of a criminal investigation make it impractical or hazardous to do so.
2. Members shall furnish their name and unit number to any person requesting that information when they are on duty or while acting in the official capacity of a Lakewood police officer. Officers working in an undercover capacity are exempt to maintain their cover.
3. Members that lose their badge or identification card shall immediately notify the on-duty supervisor and shall, within 24 hours of discovery of the loss, submit a written memorandum to the Chief of Police detailing the circumstances of the loss.

COURAGE: Going in harm's way, championing what's right.

RESPECT: The Lakewood Police Department and its members value providing fair, courteous, responsive, and efficient service to all people equally, which observes each individual's dignity and worth.

AA. Respect for All Individuals

Members of the Lakewood Police Department shall respect the dignity of all individuals, with recognition and sensitivity to the traditions of the diverse cultures that comprise our community.

BB. Courtesy to Department Members

It is a core value of the Lakewood Police Department that members of the Lakewood Police Department shall be courteous and respectful to all people at all times. They shall be considerate in their interactions with each other and City staff, and shall control their tempers, exercising the utmost patience and discretion.

They shall avoid engaging in any altercations, physical or otherwise, with any other staff member whether on duty or not, or whether in uniform or not.

CC. Respect for Supervisors / Insubordination

Members of the Lakewood Police Department shall be respectful and supportive of supervisors, recognizing their authority and obeying their lawful orders.

DD. Harassment

Harassment is unsolicited and unwelcome verbal or nonverbal conduct that has the purpose or effect of creating an offensive, intimidating, degrading, or hostile environment, or interferes with or adversely affects a person's work performance. Continuing offensive behavior after a co-worker has objected to that behavior constitutes harassment. An employee may object directly to the harassing co-worker, a Police Department supervisor or manager, and/or Human Resources.

EE. Use of Epithets

Members of the Lakewood Police Department shall not use language, epithets, or terms that tend to denigrate any person or group unless required in police reports or testimony.

FF. Personal Contacts

The chewing of tobacco or gum and/or smoking are deemed as disrespectful and discourteous by a large portion of society. Therefore members shall not partake in these activities when making personal contact with citizens in

the performance of their duties.

1.2 LIMITS OF AUTHORITY

PHILOSOPHY: The Lakewood Police Department recognizes the need to balance the enforcement of laws with the protection of individual rights. Police Department members endeavor to maintain the confidence of the community they serve and understand that the trust provided to each member must be earned through fair and consistent treatment of the public. Members of the Police Department attempt to educate the public and gain their trust during police contacts by explaining to individuals the reasons why he/she has been contacted, stopped, detained, and/or searched. When situations prohibit this during an initial contact, members of the police department will make reasonable attempts at such education prior to ending the contact or, if reasonable, in a follow-up meeting. The Police Department prohibits the detention and/or search of any individual based solely on the person's race, color, ethnicity, age, gender, or sexual orientation.

1.2.1 Enforcement Authority

Principle: The United States Constitution, the Washington State Constitution and the Revised Code of Washington define the scope and limits as it pertains to the enforcement of laws and ordinances. The Washington State Constitution, Article 11, Section 11, 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 as are not in conflict with general laws.

Categories of Commissioned Status:

- A. Fully Commissioned Police Officer: Fully commissioned police officers operate under the authority granted under Lakewood Municipal Code (LMC) 2.14.060.
- B. Limited Commissioned Personnel: Limited commissioned personnel operate under the authority granted by LMC and state law.
 - 1. Community Service Officers: LMC 2.14.110 and LMC 2.14.080
 - 2. Animal Control Officers: LMC 2.14.110
 - 3. Disabled Parking Enforcement Volunteers: RCW 46.16.381 (12)
- C. Reserve Officers: Reserve Officers operate under the authority granted by LMC 2.14.130.
- D. Court Compliance Officers: Court Compliance Officers operate under the authority granted by LMC 2.14.110.

1.2.2 Authority to Carry and Use Weapons

Principle: Law enforcement officers are authorized to carry firearms under RCW 9A.16.060. In addition, RCW 9A.16.020 and 10.31.050 authorizes the use of force and RCW 9A.16.040 authorizes the use of deadly or lethal force. Other weapons are authorized under MOS 1.3.4. Refer to Standard 1.3 for specific information regarding the use of force and less than lethal weapons.

1.2.3 Constitutional Requirements

Principle: It is the policy of the Lakewood Police Department to protect the constitutional rights of persons suspected of criminal activity during any questioning. Officers will remain current on the continual evolution of case law in the area of questioning and follow the below listed general guidelines in order to protect the rights of persons suspected of criminal activity.

Practices:

- A. Interviews: Generally, an interview is considered to be questioning about a specific crime that is performed while a possible suspect is not in custody and has volunteered to cooperate with an officer. It is not required that a person be advised of their Miranda warnings during an interview. In order to ensure that a person understands

the voluntary nature of an interview, the officer should consider the below listed practices.

- Perform the interview in an area that is not perceived to be a temporary detention area
- Inform the person that they are free to leave at any point during the questioning
- Limit the length of the interview to an amount of time reasonable to gather the necessary information
- Avoid conduct that would cause the person to reasonably believe that his/her freedom is restricted or that he/she is required to answer.

If in doubt about a person being in “custody” and an officer is planning to question about a specific crime, then the officer shall advise the person of their full constitutional rights per the Miranda warnings.

B. Interrogations: Generally, an interrogation is considered to be questioning and/or actions designed to illicit an incriminating response from a possible suspect in relation to a specific crime and conducted while the person is in custody. Interrogations should only be conducted by police officers. All interrogations shall comply with the following practices:

1. No officer shall coerce or obtain involuntary statements from a suspect.
2. An officer shall advise the person of their constitutional rights per the Miranda warnings.
 - a. When advising a person of the Miranda warnings, the officer should read them from a Department issued Miranda card whenever possible.
 - b. If the person is a juvenile, he/she must be read the additional warning to juveniles. Refer to Standard 20.2.3 for additional non-constitutionally required practices for custodial interrogations of juveniles.
 - c. The person must waive their rights, either orally or in writing, prior to performing an interrogation.
 - d. Whenever a suspect requests an attorney (counsel) or invokes their Miranda rights, no interrogation may take place. Once the suspect has requested counsel and the suspect reinitiates contact for questioning with an officer, an officer may question the person.

C. Custodial Interrogation Recording

Definitions:

Custodial Interrogation: express questioning or other actions or words by a law enforcement officer which are reasonably likely to elicit an incriminating response from an individual and occurs when reasonable individuals in the same circumstances would consider themselves in custody.

Place of detention: a fixed location under the control of a law enforcement agency where individuals are questioned about alleged crimes or status offenses. This includes the jail, police station, holding cells, police vehicles, BAC room, and in the case of juveniles, schools.

Certificate of Authenticity: a statement made by the Officer on the recording indicating, under penalty of perjury, the video is what it purports to be.

Practices:

- 1 Recording Requirement: A Custodial Interrogation, including the giving of any required warning, advisement of the rights of the individual being questioned, and the waiver of any rights by the individual, must be recorded electronically in its entirety if the subject being interrogated is a juvenile or if the interrogation relates to a felony crime.

- a. Custodial Interrogation of a juvenile or if the interrogation relates to a felony crime that occurs outside of a Place of Detention must be recorded by audio means at minimum.

- 2 Reporting Statement without Recording: If an officer conducts a Custodial Interrogation for which this chapter applies without electronically recording it in its entirety due to one of the exceptions listed below, the Officer shall include in their general report the reason(s) for not complying with this chapter and summarizing the custodial interrogation process and the individual's statements.

If a Custodial Interrogation, for which this chapter applies, is conducted outside of a Place of Detention, the officer shall document why this decision was made in the General Report.

- 3 Warning and consent: As soon as practicable an officer shall give a verbal warning to the individual being questioned that the Custodial Interrogation is being audio and visually recorded. Consent is not required. An officer may not encourage an individual to waive recording of a Custodial Interrogation.

Exceptions:

- a. Spontaneous Statements: A statement made outside the course of a Custodial Interrogation or a routine question required for processing an arrestee.
 - b. Exigent circumstances: If a recording is not feasible due to exigent circumstances, the Officer shall electronically record the exigent circumstances as soon as practicable and document in their General Report.
 - c. Refusal to be recorded: An individual may refuse to be recorded during their Custodial Interrogation. The officer should attempt to record this refusal, if feasible. An individual may terminate their willingness to be recorded at any time during their Custodial Interrogation. In this case, the individual's agreement to further interrogation without recording should be recorded, if feasible. Further recording should be stopped. This decision and details of the rest of the interrogation will be included in the General Report.
 - d. Exception for Interrogation Conducted by Other Jurisdiction: If a Custodial Interrogation occurs in another state and is consistent with their state laws, or conducted by a federal agency in compliance with federal law, the interrogation does not need to be recorded and may be used in an investigation.
 - e. Exception Based on Belief Recording not required: Questioning an individual does not need to be recorded if the officer has no knowledge of facts or circumstances that would lead them to reasonably believe that a Custodial Interrogation is warranted.
 - i. If during questioning the individual being interrogated reveals facts or circumstances giving the officer reason to believe that an act has been committed which requires a Custodial Interrogation, then the remainder of the interrogation must be recorded electronically, if feasible.
 - f. Exception for safety of individual or protection of identity: A Custodial Interrogation does not need to be recorded if the officer conducting the interrogation, or the officer's superior, reasonably believes that electronic recording would disclose the identity of a confidential informant or jeopardize the safety of an officer, the individual being interrogated, or another individual. If feasible and consistent with the safety of a confidential informant, an explanation of the basis for the belief that electronic recording would disclose the informant's identity must be recorded electronically at the time of the interrogation. If contemporaneous recording of the basis for the belief is not feasible, the recording must be made as soon as practicable after the interrogation is completed.
 - g. Equipment malfunction: A Custodial Interrogation does not need to be recorded if there is an equipment failure and a timely repair or replacement is not feasible.
4. Handling and Preserving Recordings

- a. Recording Custodial Interrogations: Custodial Interrogations shall be recorded using the audio and video equipment installed in the Interview Rooms, BAC Room, In Car Video (ICV) system, Body Worn Camera (BWC) system, or by Department issued cell phone or audio recording device (if audio only).
- b. Recording Storage: All recordings shall be uploaded to either the ICV or video evidence server systems at the Station in accordance with our ICV/video evidence procedures. All recordings shall be maintained per our evidence storage procedures. (See MOS Chapter 31)
- c. Supervisor Responsibilities: Supervisors approving General or Supplemental Reports shall ensure that Officers have appropriately documented the recording of Custodial Interrogations or reasons why they were not recorded.
- d. Professional Standards Responsibilities: PSS shall ensure adequate staffing, education, training, and material resources to properly conduct Custodial Interrogation recordings;
- e. Video Recording Standards: The technical standards related to angle, focus, and field of vision of all devices used to record a custodial interrogation shall be such that the recording device will reasonably promote accurate recording and allow reliable assessment of its accuracy and completeness. All recordings shall be conducted in a manner that strives to meet the standard of court admissibility.
- f. Self-Authentication Certificate: All recordings of Custodial Interrogation are to be accompanied by a Certificate of Authenticity sworn under oath or affirmation by the recording Officer. The following statement, recorded at the beginning or end of the recording, shall meet this requirement:

"This is Officer _____ with the Lakewood Police Department. It is [Date] and [time]. This video contains a recorded custodial interrogation between [suspect name] and myself in regards to case number _____. I have checked my video equipment before my shift to ensure it is working properly in accordance with department policy and training. I declare under penalty of perjury under the laws of the State of Washington the included recording is what it purports to be."

D. Field Interviews

Principle: Police officers often encounter persons who may be acting in a suspicious manner. Police officers are encouraged to perform any necessary investigation in order to establish possible involvement in criminal activity or to ensure community care-taking responsibilities. Officers should document these contacts in an Enforcer report. The Field Interview reports in Enforcer serve as valuable tools in identifying or eliminating suspects in crimes. The Field Interview report shall be filled out completely and submitted via Enforcer. There are three instances when persons may be contacted and the following practices shall apply during these contacts.

Practices:

1. "Terry Stop"/Detention Based on Reasonable Suspicion: A police officer who has specific facts supporting a reasonable suspicion that a person has committed or is about to commit a crime may stop the person briefly, ask for identification, and ask questions related to the suspected criminal activity. The police officer may detain the person for a reasonable time. The police officer may use reasonable force to exercise control, if it is necessary. Refer to Standard 1.2.4 for guidelines regarding searches.
 - a. Photographs: A photograph of the person may be taken when the individual closely matches the description of a suspect in a crime. No force may be used in order to obtain a photograph of the individual.
2. Social Contacts: An officer who is lawfully present may approach a person and engage him/her voluntarily in conversation, including asking for the person's name and some identification so long as the person need not answer and may walk away. The officer shall not exert any authority over the person that would lead a reasonable person to believe he/she was not free to leave, such as a command that the person stop and talk to the officer.

3. Welfare Check: An officer is encouraged to provide a care-taking function to those an officer believes may be in need of assistance.

1.2.4 Search and Seizure

Principle: All persons are protected against unreasonable seizure by the police. The Constitution of the United States and the State of Washington require an officer to obtain a warrant prior to any search and/or seizure of a person's property. There are exceptions to this requirement and officers may conduct searches and seize evidence or contraband under these exceptions. Officers will remain current on the procedures and practices in the area of search and seizure. Officers will not conduct "no knock" service of search warrants. Officers must announce their office and purpose while executing a search warrant.

Practices:

- A. Consent: A subject may provide consent for an officer to search their person or their property. An officer must ensure that the consent is knowingly, intelligently, and voluntarily (with no actual or implied coercion) made. Officers must demonstrate clear and convincing evidence to meet their burden of proof. Therefore, officers should use either written or recorded consent.
 1. Prior to conducting a "consent search", officers must inform the person of the Ferrier warnings:
 - His/her lawful right to refuse the search
 - His/her lawful right and ability to revoke the consent at any time
 - His/her lawful right to limit the scope of the search
 2. Officers must verify that the person giving consent to search has the authority to do so.
- B. Stop and Frisk: An officer may frisk a person, only if the officer has specific facts supporting a reasonable belief that the person may be armed or a danger to the officer or others. The scope of the frisk is limited to a "pat down / frisk" of the person's outer clothing. If the officer feels an object that may be a weapon, then the officer may remove the object. Officers may extend a "frisk" to a vehicle if reasonable suspicion exists that a weapon may be located in the vehicle.
- C. Vehicle Search: If there is probable cause to believe a vehicle contains property subject to seizure, the vehicle may be impounded pending the prompt application for a search warrant. Refer to Standard 24.4.3 for impoundment practices.
- D. Crime Scene: There is no exception to the warrant requirement for a crime scene. Officers may make entry if the situation requires entry based on the exigent circumstances exception described in Section E of this Standard. An officer who has probable cause to search a premise may secure the premise to prevent evidence from being removed or destroyed while a search warrant is being requested. There must be a prompt effort to obtain a search warrant.
- E. Exigent Circumstances: A warrant is not required for an officer to enter private premises, if the officer has probable cause to believe that immediate entry is necessary to respond to an emergency. The police may not create the emergency. A lawful entry and search in response to an emergency is limited to the emergency itself and must end when the emergency is over. Emergencies include:
 - Danger to life or property
 - Hot (fresh) pursuit
 - Destruction of evidence
- F. Vehicle inventories: When the police are impounding a vehicle, an inventory of the vehicle may be performed to document the current condition of the vehicle and the items contained within the vehicle. An inventory is not a search for evidence or contraband and shall not be used as a pretext for a search. Refer to Standard 24.4.3 for specific information regarding vehicle inventories.

G. Other Searches and Seizures Authorized Without a Warrant:

1. Plain View: An officer who is lawfully in a private place, either as a member of the public or while performing official duties, and who comes across property immediately recognizable as contraband and in plain view may seize the property, whether or not the officer was looking for the property or expected to find it.
2. Open View: An officer who is lawfully in a public place, either as a member of the public or while performing official duties, and who comes across property immediately recognizable as contraband and in open view may seek a search warrant to seize the property, whether or not the officer was looking for the property or expected to find it.
3. Abandoned and Lost Property: Property is abandoned if the owner or person entitled to possession leaves the property in a public place or a private location open to the public in circumstances indicating that he/she no longer intends to retain any interest in the property. Abandoned property may be searched without a warrant. In the State of Washington curbside garbage is not considered abandoned, and therefore cannot be searched absent consent or a search warrant, until the garbage has been disposed of in a landfill, etc. Lost Property may be searched for the purpose of identifying the owner.
4. Incident to Arrest: If a subject has been placed under arrest, limited searches for weapons or contraband may occur without a warrant.
 - a. The Person: The arrested person may be searched incident to arrest only if the search is performed at the same time and place as the arrest. The scope of the search is as follows:
 1. The person and clothing of the arrestee.
 2. Personal effects in the arrestee's possession at the time of arrest.
 3. The area immediately surrounding the arrestee at the time of arrest from which the arrestee might obtain a weapon or means of escape or remove and destroy evidence. This area is commonly referred to as the "lunging area" or "wingspan and lunge" area.
 - b. The Vehicle: If the occupant of a vehicle is arrested, the passenger compartment of the vehicle may be searched ONLY with a warrant or with consent of the arrestee.

1.2.5 Arrest Practices

Principle: An arrest is the seizure of a person by the use of some physical force or by the display of official authority, to which the person submits, with the result that he/she is taken into custody. A person's freedom of movement must be significantly restricted and he/she must not be free to leave in order for an arrest to occur. An investigative detention is not an arrest. An arrest without a warrant shall be based on probable cause that an officer reasonably believes the person to be arrested is committing a crime or has committed a crime. No employee shall willfully mistreat or give inhumane treatment to any person in custody.

Persons placed in handcuffs will only remain in handcuffs for a reasonable amount of time. If circumstances exist that deem it necessary for the person to remain handcuffed for an excessive amount of time, they will be provided a short break out of the handcuffs to provide proper circulation to their extremities. The arresting/detaining officer or on scene supervisor will make the determination as to the length and necessity of break. The break may be denied if the handcuffed person's actions deem it unsafe to remove the handcuffs.

Practices: Authority to Arrest

- A. Warrant Arrest: RCW 10.31.030 authorizes a police officer to make an arrest pursuant to an arrest warrant. Refer to Standard 28.3.1 for additional information regarding warrant arrests.

- B. Warrant-less Arrest: RCW 10.31.100 and RCW 10.31.110 authorizes a police officer to make an arrest without an arrest warrant in several circumstances.
- C. Private Premises: Entry into a private premise to make a warrant or warrant-less arrest should not occur without a search warrant unless an officer has valid consent or exigent circumstance exist. If an officer has reason to believe the person listed on an arrest warrant is currently present and it is their residence or they have control over the premise, a search warrant is not required.

Practices: Arrest Procedures

- A. Securing Hands: Officers will secure the person's hands by using handcuffs, flex-cuffs, or another approved department practice. The suspect's hands will be secured behind their back. Exceptions may occur due to medical reasons, age, or other circumstances. In these instances the person's hands will be secured in an alternative manner such as waist chains, restraints applied in front, or another method approved by a supervisor.
- B. Search Incident to Arrest: In all arrests, an officer will perform a thorough search of the person arrested incident to the arrest at a time and place contemporaneous to the arrest, when feasible, and according to Standard 1.2.4(G). Any item that could be used as a weapon against the officer shall be removed from the possession of the person arrested prior to transport.
- C. Constitutional Rights Advisement: Whenever a person is placed under arrest, the officer shall advise the person of their basic constitutional right to counsel as soon as possible.
- D. Arrest of Foreign Nationals: The Lakewood Police Department follows the guidelines set by The US State Department when foreign nationals are subjected to custodial arrest. Arresting officers will advise foreign nationals in their custody of their right to obtain assistance from their consulate. Treaty obligations between the U.S. and certain countries mandate notification of consular representatives regardless of the wishes of the arrestee. Specific practices for notification and a list of countries that mandate notification are maintained online at www.travel.state.gov. Foreign nationals are defined as anyone born outside of the United States who has not renounced citizenship in his or her country of origin or become a naturalized immigrant in the U.S. This includes – visitors, migrant workers, persons with temporary work permits, alien residents, illegal aliens, asylum-seekers, or persons in transit.
- E. Reporting:
 - 1. All arrests shall be documented by General Report or Criminal Citation.
- F. Fingerprints and Photographs: The practices shall comply with RCW 43.43.735 at an approved booking facility by that facility's staff.

1.2.6 Alternatives to Physical Arrest and Continued Physical Custody

Principle: Control increasing jail costs by providing alternatives to bookings in identified situations. The Lakewood Police Department authorizes the use of alternatives to physical arrest and/or continued physical custody for adults under certain circumstances. The practices provided in this Standard shall be adhered to whenever an alternative to physical arrest and/or continued physical custody is used.

Practice:

- A. Alternatives: For non-violent misdemeanors, Officers will write a General Report and refer to the municipal court prosecutor for charging or issue a criminal citation.
- B. Officer Discretion: Officers may book offenders into an approved jail facility if the non-violent misdemeanors are not the primary offense. Officers may administratively book offenders if they reasonably believe the offender is not fully disclosing his/her identity and/or may have outstanding arrest warrants for assault. Officers may also

administratively book offenders if the individual is a chronic criminal and the officer feels it appropriate to get an updated booking photograph.

- C. Discretion is defined as the freedom to make decisions or latitude of choice within certain legal bounds. When exercising discretion, it is imperative that officers take into consideration the best interests of the public, any mitigating circumstances, the severity of the situation at hand, and the goals and objectives of the department.

1.2.7 Strip and Body Cavity Searches

Principle: It is the policy of the Lakewood Police Department to prevent unnecessary infringements of personal privacy by limiting strip and body cavity searches in compliance with RCW 10.79. Body cavity searches will not be conducted by LPD personnel at any time.

Definitions / RCW 10.79.070

Strip Search: Means having a person remove or arrange some or all of his or her clothing so as to permit an inspection of the genitals, buttocks, anus, or undergarments of the person or breasts of a female.

Body Cavity Search: Means the touching or probing of a person's body cavity, whether or not there is actual penetration of the body cavity.

Body Cavity: Means the stomach or rectum of a person and the vagina of a female.

Practices: Strip searches shall be performed in accordance with RCW 10.79. Nothing in this section shall be interpreted to prohibit the consensual search of confidential informants pursuant to Standard 18.2.7. References to "officer" refer to fully commissioned police officers.

1.2.8 Bias-Based Profiling

Principle: This policy is intended to reaffirm the commitment of the Lakewood Police Department to non-biased policing, to clarify the circumstances in which officers can consider race or ethnicity when making law enforcement decisions, and to reinforce procedures that serve to assure the public that we are providing service and enforcing laws in an equitable way.

Practice: In order to be effective we must be trusted and deal with both the reality of the difficult and complex job of policing and the perception of police work.

- A. Bias based profiling is prohibited. Investigative detentions, field contacts, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause. Race or ethnicity can never be used as the sole basis for probable cause or reasonable suspicion. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause. Race or ethnicity shall not be motivating factors in making law enforcement decisions and officers shall not consider race or ethnicity in establishing either reasonable suspicion or probable cause. Furthermore, officers shall not consider race or ethnicity in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search. The practice of motorcycle profiling is prohibited (per RCW 43.101.419). This is the illegal use of the fact that a person rides a motorcycle or wears motorcycle-related paraphernalia as a factor in deciding to stop and question, take enforcement action, arrest, or search a person or vehicle with or without a legal basis under the United States Constitution or Washington State Constitution. Officers may take into account the reported race or ethnicity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race or ethnicity to a particular unlawful incident.
- B. All enforcement personnel will receive training to ensure they understand Department policies on non-biased policing and receive base-line training on procedures to avoid perceptions of biased policing.

1.3 FORCE RESPONSE BY OFFICERS

PHILOSOPHY: The Lakewood Police Department strives to deliver police services as efficiently and unobtrusively as possible. Police Department members attempt to obtain voluntary compliance if the situation permits, recognizing that a subject's decisions cannot be controlled. It is recognized that officers are expected to make split-second decisions and that the amount of time available to evaluate and respond to changing circumstances may impact an officer's decision. While various degrees of force exist, each officer is expected to use only that degree of force reasonable under the circumstances perceived by the officer at the time of the event to successfully accomplish the legitimate law enforcement purpose and bring the incident under control.

1.3.1 Force Response

Principle: Authorization by Law

- A. An Officer may use physical force against a person when necessary to;
 - 1. Protect against criminal conduct where there is probable cause to make an arrest; or,
 - 2. Protect against a criminal offense when there is probable cause that the person has committed, is committing, or is about to commit the offense; or,
 - 3. Effect an arrest; or,
 - 4. Prevent an Escape under RCW 9A.76; or,
 - 5. Prevent a person from fleeing or stop a person who is actively fleeing a lawful temporary investigative detention, PROVIDED that the person has been given notice that he/she is being detained and not free to leave; or,
 - 6. Take a person into custody, transport a person for evaluation or treatment, or provide other assistance under chapter 10.77, 71.05, 35 or 71.34 RCW; or,
 - 7. Take a minor into protective custody when authorized or directed by statute; or,
 - 8. Execute or enforce a court order authorizing or directing a peace officer to take a person into custody; or,
 - 9. Execute a search warrant; or,
 - 10. Take a person into custody when authorized or directed by statute; or
 - 11. Protect against an imminent threat of bodily injury to the peace Officer, another person, or the person against whom force is being used.
- B. *Tennessee v. Garner*, 471 U.S. 1 (1985): This Supreme Court decision states that apprehension by use of deadly force is a seizure and must meet Fourth Amendment reasonableness requirements. See Standard 1.3.2 in this Chapter.
- C. *Graham v. Connor*, 490 U.S. 386 (1989): The Supreme Court explained what standard courts should apply to determine if the use of force was reasonable.

Definitions: The below listed definitions will apply to Standard 1.3.

Force: Any physical action taken by a department member to gain compliance by an unwilling subject.

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

Necessary: under the totality of the circumstances, a reasonably effective alternative to the use of physical force or deadly force does not appear to exist, and the type and amount of physical force or deadly force used is a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the officer or others.

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

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

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

Reasonable Belief: Facts, circumstances or knowledge presented to the officer are sufficient to justify a thought or feeling they or another person was in danger at the time the force was used.

Great Bodily Harm: As described in RCW 9A.04.110 great bodily harm is bodily injury that creates a probability of death or which causes significant serious permanent disfigurement, or which causes a significant permanent loss or impairment of the function of any bodily part or organ.

Practice:

- A. **Force Factors:** When determining whether or not to apply any level of force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration. When using physical force, use the least amount of physical force necessary to overcome resistance under the circumstances. These factors may include, but are not limited to:
1. The conduct of the individual being confronted (as reasonably perceived by the officer at the time) including whether the suspect is attempting to evade arrest by flight or whether the suspect is actively resisting arrest.
 2. Officer / subject factors (age, size, relative strength, skill level, injury/exhaustion, and number of officers vs. subjects).
 3. Influence of drugs/alcohol and/or the suspect's mental or psychiatric history known by the officer at the time of the incident.
 4. Proximity of weapons.
 5. Availability of other options (what resources are reasonably available to the officer under the circumstances).
 6. Seriousness of the suspected offense or reason for contact with the individual.
 7. Training and experience of the officer.
 8. Potential for injury to citizens, officers, and suspects.
 9. Risk of escape.
 10. Previous violent history of suspect known by officer at the time, or other exigent circumstances.
 11. Is visibly pregnant or states that they are pregnant;
 12. Is known to be a minor, objectively appears to be a minor or states that they are a minor;
 13. is known to be a vulnerable adult, or objectively appears to be a vulnerable adult as defined in RCW 74.34.020;
 14. displays signs of mental, behavioral, or physical impairments or disabilities;
 15. is experiencing perceptual or cognitive impairments typically related to the use of alcohol, narcotics, hallucinogens, or other drugs;
 16. is suicidal;
 17. has limited English proficiency;

18. is in the presence of children;

B. **Alternatives to the Use of Force.** While protecting life is the highest priority in all situations, decisive action may be required in some situations in order to protect life and perform a legal duty. Nothing in this policy requires an Officer to sustain physical injury before applying reasonable force. However, as time and the situation allow, alternatives to the use of force should be considered. These alternatives may include, but are not limited to:

- De-escalation
- Using Clear instructions and verbal persuasion to calm an agitated subject and promote rational decision making
- Attempting to slow down or stabilize the situation so more time, options, and resources are available to resolve the incident
- Creating physical distance by employing tactical repositioning to maintain the benefit of time, distance and cover
- When there are multiple Officers, designating one Officer to communicate in order to avoid competing commands
- Requesting and using available support and resources, such as:
 - CIT trained Officers
 - Designated Crisis Responder (DCR) or Behavioral Health Contact Team
 - Back-up Officers
 - Officers equipped with less-lethal tools
 - Crisis Negotiator
 - Specially trained tactical Officers and the use of specialty equipment and vehicles
- Containing a threat
- Any other tactics and approaches that attempt to achieve law enforcement objectives by gaining the compliance of the subject through less intrusive or innovative means.

C. **Reasonable Care:** Officers shall use reasonable care when determining whether to use physical force or deadly force and when using physical force or deadly force against another person. To that end, Officers shall:

- a. When possible, use all de-escalation tactics that are available and appropriate under the circumstances before using physical force;
- b. When using physical force, use the least amount of force necessary to overcome resistance under the circumstances;
- c. Terminate the use of physical force as soon as the necessity for such force ends.
- d. When possible, use less lethal alternatives that are available and appropriate under the circumstances before using deadly force; And,
- e. Make less lethal alternatives issued to the Officer reasonably available for his/her use.

D. **Excessive Force**

DEFINITIONS (for purposes of this section):

Excessive Use of Force: force that exceeds the force permitted by law or policy of the witnessing peace officer's agency.

Peace Officer: refers to any general authority Washington state peace officer.

Wrongdoing: conduct that is contrary to law or contrary to the policies of the witnessing officer's agency, provided that the conduct is not de minimis or technical in nature.

Practices

Any identifiable on-duty peace officer who witnesses another peace officer engaging or attempting to engage in the use of excessive force against another person shall intervene when in a position to do so, in accordance with RCW 10.93.190, to end the use of excessive force or attempted use of force, or to prevent the further use of excessive force.

Any identifiable on-duty peace officer who witnesses any wrongdoing committed by another peace officer or has a good faith reasonable belief that another peace officer committed wrongdoing, shall report such wrongdoing to the witnessing officer's supervisor or other supervisory peace officer in accordance with the witnessing peace officer's employing agency's policies and procedures for reporting such acts committed by a peace officer.

Peace officers must intervene if witnessing a fellow officer engaging in any act that is unethical, violates law or policy, or when force is being inappropriately applied or applied when it is no longer required.

A peace officer who is present and visually observes another peace officer using force that is excessive per department policy shall intervene and attempt to prevent and/or stop the use of excessive force or other wrongdoing as soon as it is safe and feasible. A peace officer's duty to intervene and report will be reviewed under an objectively reasonable officer standard. A peace officer who visually observes another peace officer use force that is excessive under this policy, or who otherwise witnesses clear wrongdoing or has a good faith belief that another peace officer committed wrongdoing, shall promptly report those observations and actions to their immediate supervisor. These actions and observations shall be documented in an official report.

Retaliation will not be tolerated against any peace officer who complies with their duty to intervene or those that engage in good faith intervention. A member of a law enforcement agency shall not discipline or retaliate against a peace officer in any way for intervening in good faith or reporting wrongdoing in good faith.

RENDER AID

A peace officer shall provide or facilitate first aid to the injured person at the earliest and safest opportunity at the scene in accordance with RCW 36.28A.445.

REPORTING

Peace Officers shall report to a supervisor immediately and/or when feasible if the following occurs:

- Peace Officer is involved in an intervention
- Peace Officer witnesses excessive force by another peace officer
- Peace Officer witnesses any wrongdoing committed by another peace officer
- Has good faith belief that wrongdoing was committed by another peace officer

Law enforcement agencies shall send notice to the criminal justice training commission of any disciplinary decision resulting from a peace officer's failure to intervene or failure to report as required by this section to determine whether the officer's conduct may be grounds for suspension or revocation of certification under RCW 43.101.105.

D. Subject Armed with a Weapon

Notification and Command: In situations where a subject is armed with a deadly weapon and threatening themselves or others, supervisors should, if feasible:

- a. Notify Dispatch they are responding, monitor radio communications, and respond to the incident;
- b. While enroute, monitor and manage the situation, and call for appropriate resources;
- c. Upon arrival, where appropriate, the supervisor shall assume command, and ensure appropriate resources are on-scene or are responding.

1.3.2 Deadly Force

Principle: The Lakewood Police Department, in adherence to U.S. Supreme Court rulings, has further limited the use of deadly force.

- A. When Deadly Force is Authorized: A peace officer may use deadly force against another person only when necessary to protect against an immediate threat of serious physical injury or death to the officer or another person.
- B. Shooting at Moving Vehicles: Due to the difficulty of incapacitating the driver and causing the vehicle to stop in a safe manner and location, Officers should not shoot at a moving vehicle unless necessary to protect against immediate threat of serious physical harm resulting from the operator's or passenger's use of a deadly weapon or:
 - (a) A person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or
 - (b) The vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle.

A vehicle is not considered a deadly weapon unless the operator is using the vehicle as a deadly weapon and no other reasonable means to avoid potential serious harm are immediately available to the Officer.

- C. Authorized Discharge of Firearm: In addition to the instances when deadly force is authorized, officers may discharge a firearm in the following instances.
 - 1. To kill an animal that is so seriously injured that humanity requires its removal from further suffering and no other disposition is practical. The officer must have prior approval from a supervisor, but may act humanely if a supervisor does not respond in a reasonable amount of time. SOUTHSOUND 911 Communications shall always be given advance notice, either by telephone or radio contact, of the pending firearm discharge. A General Report shall be written to document the action.
 - 2. To perform firearms training or qualifications at an approved shooting range or for lawful recreational purposes.
 - 3. To perform forensic testing.

1.3.3 Warning Shots

Principle: Due to the extreme hazards warning shots pose to bystanders and citizens, warning shots are not authorized.

1.3.4 Less Lethal Force

Principle: When less lethal force is appropriate officers should assess the incident in order to determine which less lethal technique or weapon will best de-escalate the incident and bring it under control in a safe manner. Officers shall adhere to the same standards when applying "less lethal force" as required upon use of force pursuant to this chapter.

Practice:

- A. Physical Force: All physical force employed by an officer must conform to the standards set by the RCW and Graham v. Connor (109 S.Ct.1865 (1989)). Officers must articulate in a report the specific facts relied upon to justify the use of force, not the conclusion. The reasonableness of the use of force will be judged by the perspective of a reasonable officer on the scene, as to whether the force used was objectively reasonable in light of the circumstances. Use of force decisions are recognized to be split second judgments, in tense, uncertain, rapidly evolving circumstances.
1. Authorized less lethal force tools: The carrying of ranged less lethal force tools by uniformed LPD personnel is mandatory. All uniformed personnel shall carry an impact weapon (either ASP or straight baton) while in uniform. In addition, all uniformed personnel shall carry either OC10 or a Taser while in uniform. Officers may choose to carry both OC10 and a Taser while in uniform. Officers shall be authorized to carry only Tasers or OC10 issued by the department. The carrying of impact weapons, OC10, and Tasers by plain clothes personnel is optional.
- B. Use of Oleoresin Capsicum (OC): The carrying of OC by fully commissioned officers in a non-uniform assignment and command staff is optional.
1. The reasonable employment of OC spray for defense or control is permitted only when there is some level of articulable threat to the officer or others. The use of OC spray is not inconsequential, and must be justified by the circumstances known to the officer at the time.
 2. Cool water should be used to rinse the contaminated area of the persons who have come in contact with OC as soon as is practicable.
- C. Impact Weapons: The carrying of the department-approved baton is mandatory for fully commissioned uniformed officers and optional for fully commissioned officers in a non-uniform assignment and command staff.
1. When the baton is being carried, it must be readily accessible to the officer at all times.
 2. It is the intent of the department that an authorized baton be used as an impact weapon when such force is objectively reasonable. In situations when an impact weapon is the objectively reasonable tool to use, other items immediately accessible to the officer may be used as impact weapons in the manner prescribed in this Standard.
 3. An impact weapon will not be used, as a weapon, against non-combative persons or against persons in handcuffs or restraints.
 4. When using impact weapons, blows shall not be intentionally delivered to a person's head, neck or throat areas unless the use of deadly force is justified. Intentional strikes to the head, neck, or throat with an impact weapon are considered to be deadly force and shall only be used in compliance to Standard 1.3.2.
 5. The standard issue impact weapon of the Lakewood Police Department is the ASP expandable baton. Officers may carry a personally owned impact weapon. If an officer chooses to carry a personal impact weapon the purchase, care and maintenance of the impact weapon shall be at the officer's expense. Officers may choose an expandable straight baton or a fixed straight baton. No other types of batons are authorized for duty. Officers choosing to carry a personally owned impact weapon shall follow the following guidelines.
 - Only batons professionally manufactured for use as police impact weapons may be carried.
 - Officers choosing to carry a personal baton shall have the baton inspected by PSS and a member of the DT Cadre.
 - Any modifications to the baton, including caps, nubs, or other modifications shall be approved by PSS and a member of the DT Cadre.
 - Duty batons shall not exceed 28 inches when fully extended.
- D. Taser: Fully commissioned police officers, reserve officers, court compliance officers, and Animal Control Officers

may carry or use Tasers. Community Service Officers (CSOs) are not authorized to carry or deploy Tasers. The Taser is considered a non-lethal weapon, highly unlikely to cause death or serious physical injury and intended only to temporarily incapacitate a violent or potentially violent subject. It is anticipated the appropriate use of the Taser will result in fewer serious injuries to both officers and subjects. Tasers are intended to provide officers with a force response option that may be appropriately used when necessary to confront any of the following circumstances:

- To overcome a subject's combative intent, physical resistance, and/or assaultive behavior, or
- To control, disable or subdue persons bent on harming themselves or others, or
- To provide self-defense.

At the same time, Tasers may not be used where statutory requirements for use of force cannot be satisfied. Examples include use of the Taser against passive subjects, or for the purpose of recovering evidence or, absent suspect resistance justifying the legal application of necessary force. In no situation are officers required to use less force than is being threatened by a subject.

Personnel must successfully complete a Department authorized training and certification course before they may use a Taser. Officers may only use a Taser issued by the Department.

Tasers will not be carried near the officer's firearm or in a manner that could reasonably lead the officer to inadvertently use their firearm when the intended tool was the Taser.

Applications of the Taser are expected to conform to the principles outlined in the Departments' training and certification course, and be consistent with Department policy on the use of force. In deciding to deploy a Taser, officers should carefully evaluate conditions or factors they know or have reason to believe about subjects that may affect responses to the deployment or increase the indirect risks (such as injuries caused by a fall) of the deployment. Such conditions or factors include subjects who are: very old or very young; known to be pregnant; physically disabled; subjects in wheelchairs or other personal mobility devices; subjects known to have neuromuscular disorders such as multiple sclerosis, muscular dystrophy, or epilepsy; subjects known to be wearing pacemakers or other biomedical devices sensitive to electrical current; subjects suffering from a debilitating illness or medical condition; or drug users. In such cases the need to stop the behavior should clearly justify the potential for additional risks.

Animal Control Officers should consider that the use of a Taser against a human subject is for self-defense only. Lacking other means and authority to control an aggressive subject, the officer should plan an avenue of retreat and/or means to create distance for safety when the Taser is no longer deployed on the subject. In all cases of self-defense against a human subject, the Animal Control Officer shall disengage as soon as it is safe to do so and request back-up.

Furthermore, in deciding to deploy a Taser, officers should carefully evaluate the environmental conditions and physical settings in which they confront subjects. These may include a subject's exposure to flammables such as gasoline, gunpowder, explosives, or alcohol-based pepper spray that may be ignited from a spark; or the subject's position near a fire, stairwell, or swimming pool where the risks of secondary injuries from incapacitation or falls may be increased.

At the earliest practical opportunity, an LPD supervisor shall be notified of a potential for, or completed, less lethal Taser application and shall determine if it is necessary to respond to the scene. Where the above- noted conditions or factors are involved, a supervisor shall respond to the scene, documenting the on-site presence in the use of force packet.

After deploying a Taser against a subject, officers shall adhere to the practices described in Manual of Standards section 1.3.5 Post Use of Force Practices.

Tasers may be used in two modes: probe mode and drive stun mode. Tasers are designed to cause neuromuscular incapacitation (NMI) when used in probe mode. Probe mode may only be used to counter aggressive resistance or aggravated aggressive resistance. Tasers are designed to cause sensory nerve pain when used in drive stun mode. Drive stun mode may be used to counter active (static) resistance, active (egressive) resistance, aggressive resistance or aggravated aggressive resistance.

- E. Vascular Neck Restraint (VNR): Officers may not use the VNR or any other type of neck restraint except to protect his or her life or the life of another person from an imminent threat.
- F. Police Service Dog (PSD): Refer to Standard 17.1.3 for practices regarding applying a PSD as a use of force.
- G. Specialty Munitions: Only fully commissioned personnel who have successfully completed departmentally approved training courses in the proper use and deployment of specialty munitions shall be authorized to use or deploy them.
- H. CS/CN (tear gas)
 - (1) Officers may not use tear gas unless necessary to alleviate a present risk of serious harm posed by a:
 - (a) Riot;
 - (b) Barricaded subject; or
 - (c) Hostage situation.
 - (2) Prior to using tear gas, the officer shall:
 - (a) Exhaust alternatives to the use of tear gas that are available and appropriate under the circumstances;
 - (b) Obtain authorization to use tear gas from a supervising officer, who must determine whether the present circumstances warrant the use of tear gas and whether available and appropriate alternatives have been exhausted as provided under this section;
 - (c) Announce to the subject or subjects the intent to use tear gas; and
 - (d) Allow sufficient time and space for the subject or subjects to comply with the officer's directives.
 - (3) In the case of a riot, the officer or employee may use tear gas only after:
 - (a) Receiving authorization from the Mayor and
 - (b) Meeting the requirements of subsection (2) of this section.
- I. Duty Knives: The Lakewood Police Department authorizes all commissioned officers to carry and use knives and other edged weapons in the course of their duties. The department recognizes that knives and other edged weapons have both utility and defensive uses. Defensive knife/edged weapon applications are covered in Section 1.3 Use of Force. The department recognizes that specialty units have unique job functions that may require utility applications beyond the scope of this policy.

The use of a knife or edged weapon in a use of force incident shall be considered deadly force. The display of a knife or edged weapon by an officer shall not in and of itself be considered a use of force. All defensive uses of knives or edged weapons shall be documented in BLUE TEAM and post use of force practices followed per 1.3.5, 1.3.6, 1.3.7, and 1.3.8.

The carrying and use of duty knives and edged weapons by officers shall be done as inconspicuously as possible so as not to alarm the public. It is the individual officer's responsibility to use duty knives and edged weapons in a safe and professional manner so as to avoid injury and property damage. Carry and use of duty knives and edged weapons is optional for commissioned officers.

KNIVES AUTHORIZED FOR UNIFORM DUTY

Lakewood Police Officers may carry fixed blade, manual opening or automatic knives or edged weapons as defined in RCW 9.41.250 and 9.41.251 while on duty. Authorized duty knives/weapons (either issued or personally owned) must meet the following specifications:

- The blade length of any duty knife or weapon must not exceed five inches.
- The appearance of the knife or weapon must not interfere with or detract from the uniform, professional appearance of the officer.
- Duty folding or automatic knives may be carried in a conspicuous manner provided they have a retention clip or attachment to the officer's uniform.

- Duty folding knives or Duty automatic knives must have an opening mechanism allowing one handed opening and must have a locking mechanism sufficiently robust so as to prevent injury to the officer during use.
- Fixed blade knives must be carried in an inconspicuous manner so as to avoid alarming the public or detracting from the uniform and professional appearance of the officer and to minimize the potential for suspects and others to gain control of the knife.
- Fixed blade knives must be carried in such a way that the weapon remains secure in a scabbard or sheath during vigorous movement.
- Any/all duty knives or edged weapons must have a utilitarian appearance that will not detract from the uniform and professional appearance of the officer.
- "Fantasy" weapons and historical replicas are prohibited for duty use

DUTY KNIFE TRAINING

- Officers who elect to carry a knife or edged weapon on duty must attend mandatory in service training for defensive knife applications.

1.3.5 Post Use of Force Practices (Also Refer to Standard 1.3.6 & 1.3.7)

Principle: The force response may cause injury to citizens and/or officers. Officers are obligated to render medical aid to any person who is under arrest and in medical need. In addition, a force response must be justified by the officer employing the force. The review of incidents involving the use of force allows the Police Department to ensure that force is being used appropriately and to identify organizational needs (training, equipment, etc.) in this area. Officers should err on the side of caution and when in doubt, document the use of force.

Practice: Whenever an officer uses the below listed force, the following practices shall apply:

- Any use of physical strength, skill, or pain compliance techniques that results in a visible injury or complaint of injury
 - Any use of physical strikes (blows)
 - Any use of a less lethal weapon as identified in Standard 1.3.4
 - Any discharge of a firearm – except during departmental training or off-duty recreation
 - Any time multiple officers are required to overcome resistance
 - Any technique used to take the person to the ground
- A. Medical Assistance: Officers must provide or facilitate first aid such that it is rendered at the earliest safe opportunity to injured persons at a scene controlled by law enforcement. If the person has received minor injuries or is complaining of injury, the officer shall offer to have medical aid respond for the subject or transport them to an appropriate medical facility. Officers shall make every effort to facilitate the rendering of aid to an injured person while maintaining necessary control of the person for safety reasons.
1. Taser Dart Removal:
- a. By Officers: Officers may remove the Taser darts from the person or his/her clothing when the darts have not struck sensitive areas. The darts shall be treated as contaminated bio-hazardous sharps.
 - b. By Medical Staff: If a dart(s) strike a suspect in a sensitive area (face, breast, genitals) the suspect shall be transported to a medical facility for the dart(s) to be removed. The darts will be collected as evidence and photographs of the injuries will be taken.
- B. Report to Supervisor: The officer shall report the incident to the on-duty patrol supervisor as soon as is practicable after the incident has been controlled. A supervisor shall respond to the scene whenever practicable, to ensure that the proper practices are followed, and evaluate the necessity for additional resources and/or investigation. Some circumstances warrant a supervisory presence and on-scene medical evaluation at the site of a Taser application. Such circumstances can include uses of the Taser on a very young or very old subject; where the officer has credible information on a subject's preexisting medical condition; on a subject found to have a special medical condition (for example, pregnancy or epilepsy) or a debilitating illness; or on a subject

whose demeanor and response required repeated applications of the Taser and/or other uses of force. In situations where three or more Taser applications were required or where the noted factors or conditions of the Tased subject are found to be present, a supervisor shall be called to the scene. When a supervisor cannot respond, as soon as possible they will conduct a thorough review of the force response.

- C. Written Report: Involved officers will be responsible for completing a Force Response Review. The review will include documentation of the events resulting in the force response, the type of force used, and the results of that force. Supervisors will review the report to ensure compliance with applicable policies and procedures and forward it up the chain. This should occur before the involved officer ends his/her shift. PSS retains the review to conduct its annual Force Response analysis.
 - 1. Officers: All officers involved in an incident resulting in a force response shall complete a supplement to the police report regarding their involvement in the incident.
 - 2. Supervisors:
 - a. A more thorough investigation into the force response may be requested. Supervisors should collect the necessary information at the time of the incident to complete such an investigation.
 - b. The command staff should be notified of incidents where either the suspect or officer is seriously injured. Refer to Standard 4.1.2 to ensure proper Command Notification.
- D. Use of Firearm or Taser on an Animal: If an officer fires on an animal with his/her firearm or Taser a General Report is required. Additionally a department Force Response review is required. Following this procedure will ensure that discharges of firearms are reviewed and that Taser applications are documented. This is especially important in the case of the Taser applications, so that Taser data downloads (by serial number) are accurate.

1.3.6 Law Enforcement Officer Use of Deadly Force Investigations Policy (Also Refer to Standard 1.3.5 & 1.3.7)

Principle: The Lakewood Police Department recognizes an increased need for transparency and scrutiny of officers' use of deadly force.

WAC 139-12 outlines the requirements for Independent Investigation Teams (IITs) for the investigation of deadly force. In order to comply with these requirements the Lakewood Police Department has entered into a cooperative agreement with all law enforcement agencies in Pierce County to form the Pierce County Force Investigation Team (PCFIT). As per the WAC, PCFIT is activated when there is a use of deadly force and it results in death or serious bodily injury. If there is a question as to whether or not the use of force meets the criteria, the CDO will consult with the Chief and PCFIT Commander(s). The following practices are intended to meet the laws governing the investigation of uses of deadly force and the protocols established for PCFIT.

Practices:

- A. Location of incident will dictate who conducts the investigation
 - 1. If the deadly force incident occurs in Pierce County, PCFIT will investigate.
 - 2. If the deadly force investigation occurs outside of Pierce County, that jurisdiction's IIT will conduct the investigation.
- B. Involved officer(s)' responsibilities:
 - 1. Notify South Sound 911 that a deadly force incident has occurred and ask for a supervisor and medical aid (if necessary).

2. Secure the scene to ensure no threats to public safety are present.
3. Locate any people in need of medical aid.
4. When safe to do so, immediately render medical aid to anyone in need.

C. Field Supervisor's Responsibilities:

1. Respond to the scene and ensure it is secure, safe and any medical aid needed is being provided.
2. Ask the involved officer(s) to provide a voluntary public safety statement to determine the following:
 - Location of all suspects, direction of escape, continuing threats, types of weapons
 - Injuries to any persons involved
 - Location of potential evidence that can be lost, destroyed, stolen, or contaminated
 - Identification or location of potential witnesses
3. If the involved officer works for Lakewood, the on scene supervisor will ask neighboring, uninvolved jurisdictions to provide scene security
4. Notify CDO for PCFIT activation.
5. Transport officer to the Lakewood Police station or other location as requested by PCFIT personnel. The firearm used and all other equipment and uniforms will remain in the possession of the involved officer until documented and taken by PCFIT personnel.
6. Ensure a department assigned Peer Support member is contacted for response to the officer's location.
7. Assign an uninvolved person to be present with the involved officer(s) until relieved by PCFIT personnel.
 - The purpose of the accompanying officer is to both provide assistance to the involved officer and also ensure there are no conversations about the incident with anyone other than PCFIT personnel or the designated Peer Support member.
8. In cases where the officer is injured, a supervisor will respond to the hospital to control the situation there. If the officer is unconscious or deceased, the officer's immediate chain of command will ensure that emergency notifications are made (usually through the use of a chaplain). The supervisor will provide support to the officer and their family and maintain the integrity of the emergency room. The supervisor will insure that any clothing or evidence (including the officer's weapons) is secured at the hospital for PCFIT personnel.
9. The supervisor will transfer incident command to PCFIT personnel as soon as possible.

D. Command Duty Officer (CDO) Responsibilities:

1. Contact PCFIT Commander for activation.
2. Notify command staff.
3. Begin process for placing involved officer on administrative leave.
4. Ensure replacement firearm is issued to the involved officer, if appropriate.
5. Provide department liaison for PCFIT personnel

- E. Statements: Formal statements from the involved officer(s) and witnesses will only be taken by PCFIT personnel. Under no circumstances will the involved officer(s) be ordered or compelled to give a statement for the criminal investigation.
- F. Deadly Force Incidents Occurring Out-side of Pierce County: Any Lakewood Police Department officer involved in a deadly force incident while acting as a law enforcement officer outside of Pierce County will immediately notify the agency of jurisdiction and the on- duty Lakewood Police Department Patrol Supervisor. The on-duty Lakewood Police Department supervisor, in turn, will notify the CDO.
- G. Psychological Evaluations:
 - 1. The Department will arrange an appointment with a psychologist or psychiatrist of the Department's choosing for a mandatory evaluation prior to the officer's return to duty. Though the choice of the psychiatrist or psychologist will be the Department's, the person chosen will have verified experience assisting law enforcement personnel and their families to recognize and cope with the natural response to an officer involved traumatic incident. The psychologist or psychiatrist will be the officer's health care professional and all conversations between the psychologist or psychiatrist are confidential and will be subject to the doctor patient privilege, other than section 2 below.
 - 2. This will be a confidential evaluation. Even though it will be paid for by the City of Lakewood, the only communication to the City of Lakewood and/or the Lakewood Police Department by the psychologist or psychiatrist will be the recommendation of whether or not the officer(s) can perform the essential functions of the job with or without reasonable accommodation. If accommodations are necessary, the nature and duration of the accommodation and whether the officer poses a direct threat to himself/herself or others in the performance of his/her duties shall be disclosed.
 - 3. If it is determined that the officer(s) is/are not recommended for duty by the chosen psychiatrist or psychologist, they will be placed on leave in accordance with the Department guidelines.
 - 4. If it is determined that the officer(s) is/are fit for duty, the officer(s) may be returned to duty. The officer(s) will not return to duty until approved by the department psychologist or psychiatrist and the chief.

H. Returning to Duty:

Upon approval by the Chief for return to duty (see 1.3.6.H.3. above) and prior to the officer's actual return to duty, the officer(s) directly involved in the officer-involved traumatic incident will be offered Post-Traumatic Incident Confidence Training. Such training may include:

- 1. Firearms Confidence Training. This training will not be conducted for scoring or weapons qualification purposes (the officer's basic qualifications are unaffected by their involvement in the traumatic incident); rather, the sole purpose of the Firearms Confidence Training is to re-acclimate the officer(s) to the feel and sounds of the weapon being discharged.
- 2. Other Confidence Training such as Tactical Driver Training and/or Defensive Tactics Training which is related to the circumstances of the Officer-involved traumatic incident. Such training will be conducted for the sole purpose of re-acclimating the officer to aspects of his/her training and/or duty environment which are designed to reinforce the officer's self-confidence prior to returning to duty.
- 3. Supplemental orientation regarding common aspects of post-shooting or other post-lethal force trauma.

1.3.7 Force Response Reports and Shooting Reviews (Also Refer to Standard 1.3.5 & 1.3.6)

- A. Composition of Shooting Review Board: The shooting review board will consist of fully commissioned Lakewood Police Personnel including a department state certified firearms instructor.
- B. Authority of Board: The Chief of Police shall convene a Professional Standards Shooting Review Board for the following instances:

1. To review any on duty shooting by a Lakewood Police Officer, excluding the discharge of firearms for intentionally fired shots at an approved range for training purposes and for the dispatch of seriously injured animals. (1.3.2.B.1) Discharge of firearms related to dispatch of seriously injured animals or a negligent discharge related to firearms training with no resulting injury shall be subject to an administrative review by the Professional Standards Section Lieutenant.
 2. If facts indicate that an inquest will be held or criminal charges may be filed against an officer as a result of a discharge of a firearm, the Firearms Review Board shall delay final recommendations until after such court actions are concluded.
- C. Report: The Professional Standards Shooting Review Board will report in writing to the Chief of Police the following information:
1. If violations of current policies and procedures or State statute concerning the use of firearms are found, the Board may recommend that the violation be assigned to another agency for investigation.
 2. Circumstances contributing to the discharge of the firearm.
 3. In the event of an accidental discharge, recommendation to the Chief of Police and firearms instructor to assist in preventing future accidental discharges.
 4. A written summary of the Board's finding shall be presented to the Chief of Police within 14 business days of convening. The results shall be ratified and reviewed with the Chief of Police.
- D. Force Response Review:
1. All Force Response Reports will be forwarded to the Assistant Chief of Police per Standard 1.3.5, via the chain of command. The Force Response Reports will be reviewed to determine if there are any policy, training, weapon/equipment, or discipline issues which should be addressed on an individual or department-wide level. The report may be returned down the chain of command for further review at any time.
 2. The reviewed Force Response Report will be forwarded to the Professional Standards Section to be included in ongoing analysis of the department's force response written directives and trends. The Professional Standards Section shall prepare an annual report regarding the department's force response incidents and practices.

1.3.8 Administrative Leave

- A. Administrative Leave: Any employee directly involved in the death or serious physical injury of a person, whether by the use of force or other means, shall be placed on administrative leave upon completion of the preliminary investigation. This leave shall be without loss of pay or benefits, pending the results of the investigation. Administrative leave shall not be interpreted to imply or indicate that the employee acted improperly. If the death or serious injury is a result of a use of force, the CIU supervisor responsible for the investigation will submit a Force Response Review and preliminary analysis of the use of deadly force prior to the employee's return to full duty.
1. Availability: While on administrative leave the employee(s) shall remain available for official departmental interviews and statements regarding the incident during normally scheduled work shifts or an alternative shift with four days' notice.
 2. Return to Duty: The employee(s) will be required to complete a "Fitness for Duty" exam prior to return to full duty. Upon returning to duty, the employee may be assigned to perform an administrative task for a period of time deemed appropriate by the employee, the psychologist, and the Chief of Police.
- B. Psychological Debriefing, Counseling and Support: Studies have shown that psychological trauma may occur when an employee is directly involved in the death or serious injury of another person. It is the goal of the Police

Department to provide the necessary assistance to employees if they find themselves experiencing such a situation.

1. Individual Debriefing with Psychologist: The Assistant Chief will make arrangements for all employees directly involved in the use of force to attend a mandatory psychological debriefing as soon as practicable after the incident. Additionally the department provides mandatory quarterly follow up psychological debriefings for the first year after the incident. The purpose of these debriefings will be to allow the employee to express feelings and to deal with the moral, ethical and/or psychological after effects of the incident. These sessions will be kept confidential, but the department will receive a suitability-for-duty status report.
2. Group Debriefing: A critical incident group debriefing for all persons involved in the incident shall also be provided when determined necessary by the Chief of Police. Attendance at a group debriefing is mandatory.

1.3.9 Authorized Weapons and Ammunition

Principle: The Lakewood Police Department recognizes that an officer's firearms accuracy performance may be directly connected to the type of weapon he/she uses. The Lakewood Police Department also has a need to control the numbers and types of weapons deployed by its members in order to ensure proper training and maintenance of the weapons. Therefore only weapons and ammunition meeting Lakewood Police Department authorized standards shall be used by department officers in the performance of law enforcement responsibilities both on and off duty.

Practice:

A. Authorized Weapons:

1. Less Lethal: Only less lethal weapons issued by the department are authorized to be carried. The exception is noted in 1.3.4.C.5 of this manual.
2. Firearms:
 - a. Primary Handgun: An authorized primary handgun shall be carried by all general authority, commissioned police officers while on duty. The primary handgun shall be carried on the officer's person and in service ready condition. Officers not in uniform are not required to carry a handgun while inside Lakewood Police Department buildings.
 - b. Secondary Handgun: A second handgun may be carried while on duty in addition to the officer's primary handgun. It is intended for self-defense of the officer when his/her primary handgun is unavailable or non-functional. A secondary handgun must be carried in a concealed manner.
 - c. Off Duty Handguns: General authority, commissioned police officers may elect to carry their primary handgun or secondary handgun while off duty. Any officer electing to carry any other off duty handgun shall first comply with the practices in Section C of this Standard.
 1. If a police officer elects to carry a handgun off-duty, he/she must also carry the Lakewood Police Department badge and his/her department identification at all times while armed in public. The weapon shall be concealed from view.
 2. An officer is prohibited from carrying a department owned firearm off-duty when he/she has consumed alcoholic beverages or is otherwise impaired.
 - d. Long Guns: An officer, who has a long gun issued and is qualified to carry, in a uniformed assignment (excluding bicycle and motorcycle officers) shall carry a long gun in the police vehicle while on-duty.
 - e. Specialty Weapons: SWAT team members are issued and authorized to use additional weapons.
 - f. Department employees who have no peace officer authority to make arrests are not authorized to carry

or use a firearm while on duty, nor off-duty under the color of authority of the Lakewood Police Department.

- B. Authorized Ammunition: Only that ammunition approved and issued by the department shall be carried or used in firearms.
1. Off Duty: When carrying a handgun under the authority granted by the Lakewood Police Department, only that ammunition approved and issued by the department shall be carried or used in a handgun.
- C. Approval Process: Any officer that wishes to carry a privately owned firearm on-duty, or secondary handgun on duty, or other than their primary/secondary handgun while off duty and under department authority must complete all the below listed practices prior to carrying the handgun. The standard qualification form documents this process.
1. Inspection: The officer shall permit the department Range Master or designee to inspect the handgun for safety and caliber specifications.
2. Certification: The department Range Master or designee must certify that the officer has demonstrated the required proficiency with the handgun.
- D. Unsafe Firearm - Practices: Maintaining authorized firearms in a safe and ready condition is the responsibility of the officer authorized to carry/use that firearm. Whenever an officer determines a firearm to be unsafe, the officer will immediately report the circumstances to a supervisor and the firearm will be removed from service.
- E. Records: The Quartermaster shall maintain records for all department issued lethal and less lethal weapons. The records shall include:
- Type of weapon – description, model, and serial number
 - Identity of owner and/or assignee
- F. Weapons Security: All authorized weapons must be locked in a department locker or other locked secure locations when being stored at a Lakewood Police Department facility. When off-duty, weapons left in a car must be secured in a locking rack or safe, or the vehicle must be secured in a residential garage, or the weapons must be removed from the vehicle.
- G. Privately Owned Firearms: Officers who choose to carry an authorized, personally owned firearm will pay for and retain ownership of the weapon and all accessories. In addition, the officer is responsible for arranging and paying for any armorer repairs or maintenance required for the gun. For any weapon that is damaged in the line of duty, the Chief of Police may review exceptions to personal expense. In any case, the Lakewood Police Department will not be responsible for normal wear and tear to personally owned weapons, nor for any total loss or damage exceeding \$1,000 to any handgun or \$1,500 for any long gun. Weapons used for service that are valued beyond those amounts are used at the officer's own risk, unless specifically authorized.
- Officers shall adhere to all procedures and practices the Department has in place regarding the safety, maintenance, and use of firearms whether the firearms are personally owned or provided by the Lakewood Police Department.
- H. Holsters: All uniformed commissioned personnel are issued and will use a Level III retention Safariland ALS holster for their duty weapon. Any personnel wishing to use something different must have authorization and approval in writing from the PSS lieutenant.

1.3.10 Weapon Proficiency

Principle: No officer shall be allowed to carry a firearm or any other department weapon prior to completing the department approved qualification and being trained in the use of deadly force.

- A. Initial Training: Before carrying or using any department weapon, an officer shall be trained by an instructor who is currently certified to give instruction with that weapon. Training will include laws concerning the use of force, lethal force, and department policy regarding the same. The training will include familiarization with the weapon, its operation, and safe-handling procedures.
- B. Demonstrating Proficiency: Before carrying any weapon on duty, or off duty under the color of Lakewood Police Department authority, an officer will demonstrate proficiency in the use of the weapon to an instructor certified to instruct in the use of that particular type of weapon. This may include, but not be limited to, achieving minimum qualifying scores on prescribed courses of weapon handling and demonstration of knowledge of the laws and department policy regarding use of force and lethal force.
- C. Notice of Non-Authorization: Any officer not having the above required initial training or who does not pass the proficiency examination for a specific weapon shall not be authorized to carry or use that weapon in any capacity.

Documentation: The instructor conducting the training will forward supporting documentation for all training completed to the Professional Standards Section. The weapons training documentation will be kept on file for at least six (6) years after the officer's separation from the department.

1.3.11 Training and Qualification (6.3.6)

Principle: At least annually, all fully commissioned officers, court compliance officers, and Reserve Officers, authorized to carry firearms, or electronic controlled weapons are required to receive in-service training on the department's force response policies. The training may be in conjunction with firearms qualifications, defensive tactics training, in shift briefings, or other training forums. In-service training for less lethal weapons shall occur at least biennially.

- A. Proficiency Training: Proficiency training and qualifications will be conducted by a certified instructor.
- B. Documentation: All training and qualifications will be documented and forwarded to the Professional Standards Section to be retained as described in Standard 1.3.10.
- C. Remedial Training / Failing to Qualify: An officer is not authorized to carry or use any department-owned weapon, or to carry or use any personally owned weapon under the color of department authority when he/she fails to meet the standards set forth in this chapter.
 - 1. For any officer who demonstrates weapon performance below the established proficiency standard, if time allows, the instructor will immediately give remedial training specific to the substandard performance. If time allows following the immediate remedial training, the instructor will give the officer subsequent opportunities to qualify. If the officer's performance meets or exceeds the proficiency standard, it shall be considered as passed.
 - 2. If circumstances do not allow for immediate remedial training and/or subsequent qualification attempts, or if the officer continues to fail subsequent qualification attempts, the instructor will notify the officer's direct supervisor. The officer's chain of command may suspend the officer's authorization to carry the specific weapon until the officer demonstrates successful proficiency with the weapon. This may require a temporary job reassignment that doesn't require the officer to have access to the specific weapon. In consultation with the Professional Standards Section, the officer's chain of command will determine what further actions are appropriate.
- D. Range Conduct: The Range master or designated Firearms Instructors shall have authority over all personnel during firearms training. Instructors have supervisory authority over department members and may terminate training for any department member who exhibits tardiness, absenteeism, or inappropriate behavior. Such incidents shall be reported to the department member's chain of command.
- E. Retired Law Enforcement Officers must qualify: In compliance with Title 18 USC 926C "Law Enforcement Safety Act, 2004"; specifically Section C – relating to qualified retired law enforcement officers:

1. The Lakewood Police Department may, at the direction of the Chief of Police or designee, provide the opportunity for retired members of the police department meeting the requirements as listed under section 926 C, to qualify with the weapon the retiree intends to carry and provide the retiree with documentation of the same, as required by sub-section (D)(1).
 - a. Lakewood Police range staff shall provide the opportunity for firearm qualification to retirees two (2) times each year, or as directed by the Chief of Police.
 - b. Qualification curriculum will be the course used and proficiency standards in place during that year. Each participant will have no more than three (3) attempts at qualification. Participants not able to meet the minimum standards will be allowed to attend the next scheduled qualification day.
 - c. Documentation shall be forwarded to the Chief of Police denoting the course and standards used and the scores of the attendees.
 - d. Qualified retirees shall receive an identification card under the signature of the Chief of Police. Such identification card shall be separate than the retired commission card and shall expire twelve (12) months after the date of issue.
 - e. It shall be the responsibility of the individual retiree to provide a current address or contact information to allow for notification of firearms qualification dates and times.
 - f. In the event of non-qualification, it shall be the responsibility of the retiree to seek out and obtain any needed remedial training prior to the next scheduled qualification day.