

# TRAFFIC

## 24.1 TRAFFIC ENFORCEMENT

**PHILOSOPHY:** The enforcement of traffic laws is one of the most common contacts that the community has with its law enforcement agency. All law enforcement officers are encouraged to actively enforce the traffic laws. It is important that this type of enforcement is conducted in a fair and professional manner. The guidelines provided in this section are intended to assist officers in providing consistent, lawful, and exemplary enforcement of the traffic laws.

### 24.1.1 Directed Traffic Enforcement

**Principle:** Directed traffic enforcement is an activity assigned to the Traffic Section and the Patrol Operations Unit, yet every officer is responsible for enforcing traffic laws. The goal of directed traffic enforcement is to reduce traffic collisions and traffic violations that contribute to collisions. Directed traffic enforcement functions include the following practices:

**Practices:**

- A. Analysis of Traffic Collision Reports: An annual analysis of traffic collisions will be compiled by the Traffic Section supervisor, in conjunction/cooperation with the City.
- B. Analysis of Traffic Enforcement Activities: A documented analysis of traffic enforcement activities will be performed by the Traffic Section on a quarterly basis. The traffic complaints received and citations written during the quarter will be reviewed to determine if adequate enforcement is being applied to the identified/designated directed enforcement locations.
- C. Comparison of Collision Data and Enforcement Activities: A comparison is necessary to determine if there are revealing patterns in the data that may steer enforcement activities or the need to improve the safety of the roadways.
- D. Directed Enforcement: Directed enforcement shall be undertaken in those areas where analysis indicates that special attention is needed. Patterns of causes and/or sudden increases in the number and severity of collisions or violations are reasons for extra enforcement activity at a given location. When the Police Department becomes aware of a particular problem that may or may not be reflected in collision report data, communication with the City will occur and steps will be taken to correct the problem. Some of the steps may include:
  - 1. Citizen Speed RADAR Team: The Citizen Speed RADAR Team volunteers may be utilized in order to verify the existence of a speed-related problem and deter speed violations by their presence.
    - a. The Citizen Speed RADAR Team volunteers utilize handheld radars to document the speeds of vehicles traveling on the roadway.
    - b. Teams are comprised of at least two volunteers. One member operates the radar and another records the vehicle description, license plate, speed as measured, and the location.
    - c. The Citizen Speed RADAR Team sends letters to the registered owners of the speeding vehicles notifying them that their vehicle was observed traveling well above the posted speed limit.
    - d. Citizen Speed RADAR Team notification letters will take the tone of a “friendly reminder” to drive carefully and observe the posted speed limits.
    - e. Citizen Speed RADAR Team volunteers must complete a limited background check and informal training in the use of the radar before participating in the program. Citizen Speed RADAR Team volunteers have no commissioned authority.

2. Speed Trailer: May be placed in an effort to educate the public and encourage compliance with the posted speed limits; or to evaluate citizen complaints of speeding at a specified location.
  3. Use of Traffic Counters: May be used to gauge the actual quantity and time window of speeding violations after receiving citizen complaints. Use will be coordinated with the City.
  4. Use of Red Light Enforcement Cameras: Will be used to deter red light violations at selected intersections.
  5. Use of Photo Enforcement Cameras: Will be used to deter speeding violations at selected locations.
  6. Enforcement: Traffic and patrol officers will enforce traffic laws. The Traffic Section will notify the Patrol Operations Unit of those locations where patrol officers should concentrate their directed enforcement efforts.
- E. Deployment: Deployment will be based on the analysis of collision data and traffic enforcement activities; feedback obtained from the Citizen Speed RADAR Team; feedback and complaints from the community. Traffic complaints will be addressed through the coordinated efforts of the City and the traffic unit. Consideration will be given to the use of the speed radar trailer, traffic counters, citizen speed radar patrol, traffic officer patrol, signage changes, speed humps, roundabouts or other traffic calming measures as options to resolve citizen concerns.

#### **24.1.2 Traffic Enforcement Practices**

**Principle:** Police officers should take appropriate enforcement action for each violation of traffic law witnessed or reported to them. All enforcement action will be accomplished in a fair, impartial and courteous manner, using one of the following three methods.

##### **Practices:**

- A. Physical Arrest: Physical arrest may occur for criminal traffic violations authorized by RCW 10.31.100.
- B. Issuance of Citations: The issuance of a traffic citation/infraction is applicable, in most cases, for those violators who commit minor misdemeanor/infraction traffic offenses that jeopardize the safe and efficient flow of vehicular and pedestrian traffic.
  1. Criminal Citations: May be issued for criminal traffic violations. Violator's appearance will be set according to the appropriate court's appearance protocols.
  2. Notice of Infractions (NOI): The NOI may be issued for non-traffic and traffic related infractions. Traffic and non-traffic infractions shall not be combined on the same NOI. All issued NOIs should be complete and legible.
- C. Verbal Warnings: A verbal warning is a proper alternative for police officers in response to minor traffic infractions committed in those areas where traffic collision potential is minimal. The intent behind the warning is educational rather than punitive.

#### **24.1.3 Special Processing Requirements**

**Principle:** Contained within this Standard are methods of handling particular situations that by legislative mandate require a law enforcement response of a different nature than would be required under normal circumstances.

- A. Nonresident Traffic Violator: Police officers will follow the same enforcement practices provided in Standard 24.1.2 of this Chapter for residents of any other U.S. state. No immunity provision applies.
- B. Juveniles: Juveniles 16 years of age or older will be cited into the Lakewood Municipal Court for traffic infractions. Juveniles under age 16 will be cited into the Juvenile Court system for either court or diversion.

adjudication. All felonies, traffic or otherwise, committed by juveniles will be referred to Juvenile Court.

- C. State Legislators: (See The Washington State Constitution, Article II, Section 16)
- D. Foreign Diplomats/Consular Officials: (See the Chart provided by the Diplomatic and Consular Immunity: Guidance for Law Enforcement and Judicial Authorities)
- E. Military Personnel: (See RCW 46.20.025 and 46.20.27)

#### **24.1.4 Information Relative to Charges**

**Principle:** The City of Lakewood uses the Washington Uniform Court Docket or SECTOR for all infraction and criminal citations. The violator's copy of the infraction/ citation contains the following information:

- A. Information relating to court appearances.
- B. Information regarding the optional or mandatory nature of court appearances, and payment of fines.
- C. The officer will advise the violator to read the information entirely and respond within fifteen (15) days.

#### **24.1.5 Uniform Enforcement for Traffic Violations**

**Principle:** The manner in which traffic violations are enforced is normally left up to the police officer observing the violation(s). However, in an effort to achieve consistency, fairness, and voluntary compliance with the traffic laws and regulations, the following guidelines have been adopted.

- A. Driving Under the Influence of Alcohol/Drugs: Violations involving driving while under the influence of alcohol and/or drugs will be actively enforced. Violators will normally be arrested, if in the officer's opinion, based on his/her experience, training and observations of the offender's driving and general demeanor, the officer believes the offender to be under the influence of alcohol and/or drugs. All DUI/Physical Control suspects arrested by LPD Officers will be booked or cited and released to someone capable of ensuring adequate care and cessation of driving. Violators will be advised of the Implied Consent Law as required by RCW 46.20.308.
- B. Suspended or Revoked Driver's License: When a police officer discovers a driver operating a motor vehicle on a public highway/roadway with a Suspended or Revoked driver's license status the officer should cite the violator, or send the City Prosecutor a General Report, or make a physical arrest, as appropriate. Officers will forward a General Report, without issuing a citation or making a physical arrest, to the Lakewood Municipal Court Prosecutor for drivers found to be driving with their license suspended prior to July 1, 2005. At the discretion of the officer, violators found to be driving while DWLS 3rd may be ticketed for NVOL with ID if they have valid identification. Such violators will not be permitted to continue driving upon completion of the contact.
- C. Speed Violations: Speeding violations can be determined by use of a speed-measuring device or by pacing. Speed measuring devices shall only be used by police officers that have received training in the operation of the device they intend to use. Speeding violations may be enforced by verbal warnings or by notices of infraction.
- D. Other Hazardous Violations: Hazardous violations that are not misdemeanors may be enforced by verbal warnings or by the issuance of a notice of infraction. Hazardous violations deemed to be misdemeanors will be enforced by criminal citation.
- E. Off-road Vehicle Violations: The laws governing the licensing, registration, and operation of off-road vehicles are primarily contained in Title 46.09 of the RCW. Violations may be enforced by verbal warning, notice of infraction, or criminal citations depending on the actual violation.
- F. Equipment Violations: When a vehicle is found to be in violation of several equipment requirements, a notice of infraction should usually be issued for the most serious violation. This action should be taken even when each

violation independently is worthy of only a warning. For single, non-hazardous equipment violations, a verbal warning may be given.

- G. Commercial Carriers: Commercial carriers must comply with additional safety laws contained in Title 46 of the RCW. Police Officers, with training or experience enforcing these specific laws, may enforce the laws in Lakewood. In general, violations by commercial carriers will be enforced in the same manner as the general motor vehicle enforcement.
- H. Non-Hazardous Violations: Minor traffic infractions may be resolved by a verbal warning. Subsequent violations may warrant the issuance of an NOI.
- I. Multiple Violations: Traffic infractions and criminal traffic charges shall not be written on the same citation form
- J. Newly Enacted Laws: It is the policy of the Lakewood Police Department to issue warnings for a period of 30 days after a new traffic law becomes effective, in lieu of special orders to the contrary.
- K. Traffic Collisions: In all cases where the investigating officer has reason to believe that a violation or violations of the law have caused or contributed to a traffic collision, appropriate enforcement actions will be taken.
  - 1. Officers may elect to not issue citations or infraction notices at the collision scene. Officers will later complete the appropriate citation or NOI, mark "Investigation" on the violator signature line and will not enter a date in the "Date Issued" box.
  - 2. Officers will write "See attached collision report re: (case number#)" on the reverse side of the first (court) copy of the citation or infraction, to ensure witnesses are subpoenaed into court. This form will then be forwarded to the prosecutor.
- L. Pedestrian/Bicycle Enforcement: Enforcement action involving violations by pedestrians and bicyclists should receive enforcement emphasis equal to that of regular traffic enforcement.

#### **24.1.6 Traffic Enforcement Practices**

**Principle:** The primary mission of traffic law enforcement is to reduce the frequency of collisions. Therefore it is important for the Lakewood Police Department to maintain visibility on and near the roadways to encourage compliance and enforce violations.

**Practices:**

- A. Visible Traffic Patrol: Traffic officers will emphasize enforcement of collision-causing violations during high collision hours and locations. Directed enforcement action by the Patrol Operations Unit will be taken when appropriate. All uniformed police officers should practice random enforcement action against violators as a matter of routine. All officers must strive to maintain high visibility while working general enforcement and at high collision locations. The Citizen RADAR Team and Speed Trailer will be used to increase speed awareness in the community, increase the visibility of the Lakewood Police Department in specific areas experiencing speed-related violations, and verify the severity of actual violations.
- B. Stationary Observation: In those areas where fixed-post observation is necessary to maximize the effectiveness of a selective enforcement effort, officers will park in such a manner that traffic flow is not impeded and their position is not completely concealed from view.
- C. Use of Unmarked Vehicles: Enforcement vehicles shall be equipped with emergency lights and siren. They may be marked or unmarked.
- D. Roadside Safety Checks: The Traffic Section may conduct commercial vehicle roadside safety checks in accordance with RCW 46.32.080 and in conjunction with the Washington State Patrol. Any use of roadside safety checks will be pre-planned. The safety check area will be well marked and will not impact the normal flow of vehicular traffic.

#### **24.1.7 Traffic Stop Practices**

**Principle:** Traffic stops are a function of law enforcement. In order to provide for the safety of police officers and citizens, Lakewood Police Department police officers shall adhere to the following guidelines when conducting traffic stops.

- A. Routine Enforcement/Low Risk/ Unknown Risk Traffic Stops: Stops that are conducted for traffic violations and low risk criminal violations.
  - 1. Radio Practices: Prior to conducting a low risk stop, the officer should provide dispatch with the violator's vehicle license plate and the location in which the stop will occur. After the stop, if the location that was provided to dispatch is incorrect, the officer shall update dispatch with the correct location prior to approaching the vehicle.
  - 2. Location of Traffic Stops: Officers should attempt to select the safest location possible for the traffic stop. Consideration should be given to traffic flow/density, available roadway shoulder space, visibility, and available light when appropriate.
  - 3. Vehicle Positioning: Officers should attempt to position their vehicle approximately 10 to 15 feet from the rear of the violator's vehicle. The police vehicle should be offset 2 to 3 feet to the side of the violator's vehicle. This offset should be to the side on which traffic will be passing (normally the left) and is intended to provide the officer with a "safe lane" in which to approach the vehicle. Officers should also consider approaching the violator's vehicle on the passenger's side when it is safe and tactically advantageous to do so.
  - 4. Emergency Lights: When the police vehicle or violator's vehicle is obstructing any portion of the roadway the emergency lights on the police vehicle will be activated. If both vehicles are entirely off the roadway then the emergency lights may be deactivated.
  - 5. Approach of Violator's Vehicle: Officers should approach a vehicle as soon as possible after the traffic stop has been made. Officers should approach in a cautious manner and be aware of suspicious movements made by the driver and/or passengers. If the officer feels his/her safety is in jeopardy, the officer should give the vehicle occupants verbal instructions to reduce the risk or retreat to the police vehicle and request additional police assistance before approaching the violator vehicle.
  - 6. Light: When appropriate, officers will use spotlights and flashlights to assist in providing light during the traffic stop. Spotlights will not normally be activated until the violator's vehicle has come to a stop.
  - 7. Violator Vehicle Occupants: If an officer has reasonable suspicion to believe their safety may be at risk the officer may request that the occupants of the vehicle either remain in the vehicle or exit the vehicle. Officers should avoid having multiple occupants exit the vehicle without additional police assistance.
  - 8. Violator Vehicle Observation: Officers will maintain constant observation of the violator vehicle and the occupants during the entire vehicle stop.
  - 9. Conclusion of Traffic Stop: Officers should allow the violator to re-enter the roadway first at the conclusion of the traffic stop. Once the officer has cleared the traffic stop, he/she will advise dispatch.
- B. High Risk Stops: If a police officer has reasonable suspicion to believe that an occupant of a vehicle may be armed, a high-risk stop should be conducted. High-risk stops should only be conducted when two or more police vehicles (officers) are in position to participate in the stop.
  - 1. Radio Practices: Prior to conducting a high-risk stop, the officer shall, if reasonable, provide dispatch with the violator's vehicle license plate, a short description of the vehicle and the occupants, and the location in which the stop will occur. After the stop, if the location that was provided to dispatch is incorrect, the officer will update dispatch as soon as possible.

2. **Location of Traffic Stops:** Officers should attempt to select the safest location possible for high-risk stops. Consideration should be given to traffic flow/density, available roadway shoulder space, visibility, surrounding area, and available light when appropriate. Additional police officers should be requested to stop or divert vehicle and/or pedestrian traffic when necessary in order to limit exposure to the line of fire.
3. **Vehicle Positioning:** Officers should attempt to position the police vehicles approximately 20 to 30 feet from the rear of the violator's vehicle. The police vehicles should be positioned in a manner to provide cover and concealment from the violator's vehicle. Officers should be aware of crossfire when positioning their vehicles. Officers should also consider other positions of cover and/or concealment in order to reduce crossfire and increase their ability to observe the vehicle and its occupants. Officers should not leave their positions of cover until they believe all the occupants have been removed from the vehicle.
4. **Emergency Lights:** The use of emergency lights should be limited to police vehicles positioned where they will not backlight the officers conducting the stop.
5. **Verbal Instructions:** Only one officer at a time will provide verbal instructions to the occupants, unless an additional cover officer must give emergency instructions. Occupants will be instructed to exit the vehicle one at a time upon command and in a manner that provides the most consistent observation of hands. Occupants will be given verbal instructions regarding a visual search of the person prior to being directed to move toward the handcuffing officers.
6. **Handcuffing of Occupants:** Each occupant will be handcuffed and detained in a safe place until the investigation is completed. Officers will handcuff occupants from positions of cover and concealment from the violator's vehicle. A pat-down search of each occupant will be conducted prior to placing the occupant in a safe location.
7. **Violator Vehicle Check:** Once officers believe the violator's vehicle is no longer occupied, a team of two or more officers will conduct a check of the vehicle.
8. **Conclusion of High Risk Stop:** Once the officers have determined all occupants have been safely detained; steps should be taken to return to normal traffic patterns as soon as possible.

#### **24.1.8 Conduct toward Traffic Violators**

**Principle:** Traffic law enforcement is one of the frequent tasks performed by a police officer. Police officers should strive to make each contact educational, and leave the violator with the impression the officer has performed a necessary task in a professional manner. Officers should:

- Greet traffic violators in a courteous manner.
- Advise the citizen of the reason for the stop or detention.
- Explain the infraction/citation judicial process.
- Attempt to calm violators who display signs of emotional distress as a result of the contact.

#### **24.1.9 Speed Measuring Devices (SMD)**

**Principle:** The Lakewood Police Department uses RADAR and LIDAR devices in order to determine speed. The following guidelines shall apply to the use of a SMD.

**Practices:**

- A. **Equipment Specifications:** Only a department approved SMD will be used. All SMD equipment will comply with all local, state, and federal regulations.
- B. **Operational Practices:** Only police officers that have received training on a specific SMD may use that device for

speed enforcement purposes. The Professional Standards Section maintains training records.

- C. Care and Upkeep: Each operator shall test the SMD prior to and after use. If the SMD does not test correctly, or if the operator discovers a defect, the operator shall discontinue use and return the device to the Traffic Section Sergeant. Operators will use appropriate care with the SMD and attempt to avoid dropping the device or excessive sliding of the device causing contact with other objects during the operation of the police vehicle.
- D. Maintenance: The Traffic Section Sergeant shall ensure that the devices receive routine maintenance and will make arrangements for necessary repair. The Traffic Section shall maintain records of maintenance and calibration.
- E. Affidavits: An Affidavit of Speed must accompany all infractions issued for speeding when speed measuring devices are used.

#### **24.1.10 Driving Under the Influence (DUI) Enforcement**

**Principle:** Police officers will actively enforce DUI laws. Police officers will assist in education, enforcement, adjudication, and will participate in periodic DUI emphasis programs. Emphasis locations and/or times will be identified via analysis of alcohol/drug-related collisions, violations, and sightings. The Washington State Liquor Control Board will be consulted when circumstances permit to assist in both education and enforcement of DUI-related programs. Notice of planned DUI emphasis programs will be utilized as a deterrent effort.

#### **24.1.11 DUI Arrest Practices**

**Principle:** The Implied Consent Law, RCW 46.20.308, requires several practices when a person is arrested for DUI. The Washington State Patrol DUI Arrest Report shall be completed for all DUI arrests.

**Practices:**

- A. Breath Test Procedures: Officers shall use discretion when determining whether or not an un-cooperative/combatative persons arrested for DUI is provided the opportunity to provide an evidential breath test. Cooperative/non-combatative persons arrested for DUI shall be provided the opportunity to take a breath test in order to determine the degree of intoxication. This does not include situations where a "bright line refusal" has been received by the officer. Procedures for administering a breath test are as follows:
  - 1. In traffic related arrests, the suspect shall be advised of both their "Miranda" rights and Implied Consent Warnings under RCW 46.20.308.
  - 2. Operation of the breath test instrument shall be restricted to employees who have been trained in its use and hold a current breath test instrument operator permit card.
  - 3. When breath tests are administered, all applicable reports shall be completed.
  - 4. In traffic related arrests, justification for the arrest is normally based on observations of driving, personal contact, observations made during the administration of the Standardized Field Sobriety Tests and the statements of witnesses. Results of the breath test shall be used for additional evidence to support the case.
  - 5. Pursuant to National Safety Council recommendations, additional breath tests shall be offered if either breath sample from the evidentiary breath test is .25 or higher. If the suspect agrees to an additional test, it shall be administered after a 30 minute waiting period. Whenever either breath sample in the subsequent test results in a higher reading, the subject shall be transported to the hospital to obtain medical attention.
  - 6. If a subject is wearing jewelry or ornamentation pierced through their tongue, lips, cheek, or other soft tissues in the oral cavity, they will be required to remove items prior to conducting the breath test. If the subject declines, they will be deemed to have a physical limitation rendering them incapable of providing a valid breath sample, the officer will apply for a warrant to obtain blood samples. Implied consent no longer

applies to blood tests per the ruling in McNeely.

- B. Blood Samples – Exigent circumstances: Blood samples may be obtained without a warrant in situations where probable cause for arrest exists and where exigent circumstances are present. Primary consideration for exigency should be the need to immediately preserve time sensitive evidence that could reasonably dissipate in the time it takes to obtain the warrant.

- C. Blood Samples – Pursuant to Search Warrant: Absent exigent circumstances, officers must obtain a warrant for blood.

A blood sample may be taken to determine alcohol concentration or the presence of any drug from an incapacitated or an injured person; a person being treated in a hospital, clinic, emergency vehicle, or similar location where a breath test instrument is not available following warrant authorization pursuant to state law, or where the officer has reasonable grounds to believe the person is under the influence of drugs.

- D. Blood Sample Retrieval: The following procedures will be followed when obtaining blood samples:

1. Blood must be drawn in the presence of an officer by a physician, registered nurse, or qualified technician. The officer shall record the name, position, address and telephone number of the person performing the blood draw.
2. An officer having personal knowledge of the facts creating probable cause for an arrest should, whenever possible, be present during the blood draw. If this is not feasible, the officer who is present must be advised probable cause exists to take the blood sample. A person having direct, personal knowledge of the probable cause must communicate all elements of probable cause. If this does not occur, the officer present during the blood draw must independently determine probable cause prior to the blood draw.
3. Prior to a blood draw pursuant to search warrant or exigent circumstances, the suspect **MUST BE PLACED UNDER ARREST**, whether unconscious or not, for one of the crimes listed on the Washington State DUI Arrest Report form under “Blood drawn pursuant to search warrant or exigent circumstances” section. **DO NOT** advise them of their Implied Consent Warnings. Under these conditions, they do not have the right to refuse to give a sample. Officers are strongly encouraged to read directly from this section of the DUI Arrest Report form when executing these types of blood draws.
4. Verbally identify yourself to the person, giving your rank, name, and agency. Read the “Blood drawn pursuant to search warrant or exigent circumstances” section exactly as written on the form. Read these out loud, regardless of the level of consciousness of the suspect. If the suspect cannot sign the forms or otherwise acknowledge they were read, record the time this section was read in the appropriate space.
5. Blood must be placed into the gray-topped vials as provided by the State Toxicology Office. These vials are available in the Evidence/Property Processing Room.

- E. DUI - Drugs and Drug Recognition Expert (DRE) call-out protocol: When a DRE is on duty, Officers contacting a driver suspected of being under the influence of drugs or a combination of drugs and alcohol are recommended to request the assistance of a DRE to evaluate the driver’s impairment. An officer investigating serious injury or fatality collisions where drug use is suspected shall utilize a DRE to determine if drugs or drugs and alcohol use is a factor in the collision.

1. If a DRE is not on duty, an Officer who is requesting a DRE evaluation shall first attempt to contact an on-duty DRE officer from another department. If an outside agency DRE is not available, the officer may, with the permission of a supervisor, request a DRE to be called out for an evaluation.
2. It is recognized that the DRE program is designed to be a shared resource with other agencies. If other jurisdictions request the use of an on-duty Lakewood DRE and if such a request does not interfere with staffing, the supervisor will authorize the use of a Lakewood DRE.



3. Any evaluation by a DRE will be done at his/her discretion and in accordance with the prescribed standard of the International Association of Chiefs of Police and the National Highway Traffic Safety Administration. The DRE shall have the authority to determine if an evaluation is warranted under the circumstances present.
4. Prior to a DRE being requested, Officers should determine several factors:
  - a. Probable cause to arrest the driver for DUI should be present. Without probable cause for arrest, a DRE is not necessary.
  - b. A Portable Breath Test instrument (if possible and if the equipment is available) should be utilized to determine if alcohol is the primary factor of impairment. BAC readings above 0.08 are to be processed as an alcohol DUI regardless of any other drugs that may be suspected.
  - c. Exceptions to these criteria may be determined on a case by case basis by the DRE.
- F. Suspects to be Arrested: All DUI/Physical Control suspects arrested by LPD Officers will be booked or released to someone capable of ensuring adequate care and cessation of driving.

#### **24.1.12 Phlebotomy Program**

**Purpose and Scope:** This policy establishes the protocols for the performance of those trained in law enforcement phlebotomy ("Phlebotomist(s)") to ensure that a uniform approach is utilized in the execution of all blood draws conducted for law enforcement-related blood draws. Lakewood Police Department ("Department") Phlebotomy Program blood draws are limited to blood draws collected pursuant to written consent or search warrant. A written record of phlebotomy training shall be maintained by the Lakewood Police Department.

**Qualifications:** Only those officers trained through a Department-approved phlebotomy program are permitted to draw blood for law enforcement purposes. Qualified medical personnel can be used to draw blood when a qualified officer is not available for the blood draw.

**Certifications:** Officers must complete a Department-approved phlebotomy program and receive their Medical Assistant – Phlebotomist Certification from the Washington State Department of Health.

Phlebotomists must complete the following on an annual basis, as well as any other requirements established by the Department Phlebotomy Coordinator ("Coordinator"):

- a. A minimum of twelve (12) blood draws per year; and
- b. Attend bi-annual refresher training. This training shall include, but is not limited to, four (4) hours of instruction in a classroom or clinical setting. The training should include venipuncture proficiency and a written examination.

#### **Standard Procedures**

- A. Blood draws shall be conducted in the Lakewood Police Department Phlebotomy Room unless otherwise authorized by the City of Lakewood Police Department Chief or Assistant Chief.
- B. All blood draws at the Lakewood Police Department shall be conducted using the Department Audio and Video Surveillance System. All recordings shall be entered into evidence.
- C. Department Phlebotomists shall not attempt to conduct blood draws on any subject who is physically resistive or combative. Resistive or combative subjects shall be taken to the nearest hospital or equivalent medical facility for the blood draw by qualified medical personnel.

- D. A Phlebotomy Blood Draw Report shall be completed for each blood sample drawn from a subject.

Each report shall contain:

1. Physical location of the blood draw (i.e., Department, hospital, etc.);
2. Whether the blood draw was done pursuant to written consent (using Lakewood Police Department Form Patrol/002) or obtained pursuant to a search warrant.

- E. Distribution of Phlebotomy Blood Draw Reports shall be as follows:

1. The Department Phlebotomist shall ensure there are three (3) copies of the Phlebotomy Blood Draw Report.
2. The Phlebotomist shall ensure that one copy of the Phlebotomy Blood Draw report is included with the report related to the investigation;
3. One copy of the Phlebotomy Blood Draw Report shall be retained by the Phlebotomist; and
4. One copy of the Phlebotomy Blood Draw Report shall be forwarded to the Department Phlebotomy Coordinator.

- F. A Phlebotomist can draw blood on a suspect they have personally arrested for Driving Under the Influence ("DUI") and/or other impaired driving criminal offenses. A Phlebotomist who is also the arresting officer may have a second Phlebotomist - whether a law enforcement officer or qualified medical professional – perform the blood draw.

### **Essential Tasks**

- A. The Phlebotomist shall advise the suspect of their qualifications and number of tubes of blood that will be extracted.
- B. The Phlebotomist shall inquire if blood thinners or any other similar medications have been taken (for example, Coumadin, Warfarin, aspirin or steroids).
- C. Protective gloves, lab coat and face shield or protective glasses shall be worn by the Phlebotomist during the blood draw.
- D. Phlebotomists shall use the standard blood collection kit obtained from the Washington State Patrol Crime Laboratories.
- E. Only a non-alcohol swab shall be used to disinfect the suspect blood draw site.
- F. If the first attempt to draw blood is unsuccessful, an alternative site shall be chosen if necessary. The following protocols will be utilized:
  1. The Phlebotomist shall not exceed two (2) attempts at a successful blood draw on a cooperative suspect;
  2. If the second attempt on the cooperative suspect is not successful, another Phlebotomist may be used who is then subject to the same number of attempts.
- G. The Phlebotomist shall ensure that the puncture site has clotted by placing a gauze square and tape over it. Normal clotting time is 1-2 minutes. Assistance from West Pierce Fire and Rescue shall be requested if complications occur.
- H. Used needles and hubs shall be disposed of in a sharps disposal container and shall not be separated prior to disposal.

- I. The Phlebotomist shall label and package the blood by filling out labels provided with the collection kit. The collection kit shall be retained in the Phlebotomist's possession until it can be booked into evidence or turned over to the arresting officer.
- J. Blood collection kits shall be refrigerated as soon as possible.

### **Equipment**

All phlebotomy equipment must be approved by the Coordinator. All appropriate medical supplies may be obtained from a hospital or paramedics in emergencies.

The Phlebotomy Room shall be equipped with a phlebotomy chair, hand sanitizer, protective gloves, lab coats, face shields or medical protective glasses, blood draw supplies, gauze squares, tape, and blood collection kits.

Blood spills shall be cleaned according to Department training and procedures.

### **Phlebotomy Coordinator**

The Phlebotomy Program Coordinator shall be designated by the City of Lakewood Chief of Police.

The Coordinator shall be familiar with the protocols and training as contained in these Protocols and Procedures.

The Coordinator is responsible for:

- A. Securing equipment, maintaining call-out lists, and maintaining the Phlebotomy Room;
- B. Monitoring annual proficiency requirements;
- C. Providing training for Phlebotomists;
- D. Maintaining records;
- E. Ensuring quality control of the Department Phlebotomy Program; and
- F. Updating any changes to the Phlebotomy Program protocols and/or procedures.

### **Medical Supervision**

All Department Phlebotomists are subject to supervision by a qualified medical professional as required by law and regulation, including, but not limited to, RCW 18.360.050 and WAC 246-827-0420(1). The current medical supervisor is Dr. Stephen Friedrich, M.D. (Washington State Medical License No. 00037567).

### **Admissibility**

Failure to comply with these protocols and procedures does not render resulting evidence inadmissible at trial or hearing.

#### **24.1.13 Driver's License Reexamination Referrals**

**Principle:** Upon suspecting a violator/licensed driver suffers from incompetence, physical or mental disability, disease, or other condition that might prevent a person from exercising reasonable or normal care in the operation of a motor vehicle, police officers shall submit the subject's name for driver license reexamination to the Washington State Department of Licensing (DOL). A copy of the referral will be maintained by the Traffic Section.

#### **24.1.14 Parking Enforcement**

**Principle:** The Lakewood Police Department will enforce existing state and local parking regulations. Enforcement action will generally be initiated when complaints are received, where a traffic hazard exists, or at locations of continued violations.

**Practices:**

- A. Enforcement actions will be taken only for violations upon the city streets, except for violations of RCW 46.19.050 regarding the unauthorized use of a disabled parking space, and violations of RCW 46.61.570 regarding properly marked fire lanes.
- B. Enforcement of parking violations can be handled in three manners:
  - Written notice of infraction (NOI)
  - Written notice of 24 hour impound
  - Verbal Warning
- C. Disabled Parking Enforcement (DPE): DPE Volunteers, working in teams, conduct weekly patrols of the parking lots of local businesses looking for violations. If they find violations they have the choice of issuing an NOI or of educating the driver of the vehicle as to the disabled parking laws of the State of Washington.
  - DPE Volunteers must undergo a limited background check and then receive training in disabled parking laws and the proper completion of NOIs before they are granted a limited commission to issue NOIs for violations of RCW 46.19.050. See Chapter 6 Auxiliaries.

## **24.2 TRAFFIC COLLISION INVESTIGATION**

**PHILOSOPHY:** Traffic collision investigations can be resource intensive and complicated investigations requiring special knowledge and training. Successful investigations rely on many of the same concepts and practices used by the Criminal Investigations Section. Traffic collision investigations can result in serious criminal charges and must be conducted in a manner to support those charges. To ensure that traffic collision investigations are completed in a safe, consistent, and thorough fashion the following guidelines have been established.

### **24.2.1 Traffic Collision Reporting and Investigation**

**Principle:** The reporting and investigation of serious injury and/or technical collisions will be a primary responsibility of the Traffic Section. The reporting and investigation of property damage only or minor injury collisions will be the responsibility of Patrol. Reporting and investigation practices and responsibilities are as follows.

**Practices:**

- A. Death or Serious Injury: If a collision results in any death or a serious injury that may cause death at a later time, the Traffic Section Sergeant will be notified by the on-duty patrol supervisor. The Traffic Section Sergeant will determine the level of response by his/her unit and what specialized equipment to be utilized. The Traffic Section will assume responsibility for the investigation and any necessary follow-up investigation.
- B. Minor Injury or Property Damage: If a collision results in minor injuries, complaints of pain, or property damage in excess of \$1,500 dollars to any single vehicle or other property, or an involved driver is suspected to be impaired by alcohol or drugs, an investigation shall be conducted and a collision report will be completed. Primary responsibility for collision investigation will be with the Traffic Section. If a traffic section member is not available a patrol officer will perform the investigation. If a traffic collision involves damage less than \$1500 dollars, and is non-injury, and is not alcohol related, then a Washington State Citizen Collision Report Form will be given to all parties involved.
- C. Hit and Run: The Traffic Section normally conducts property damage and minor injury hit and run investigations. Such incidents shall be investigated even if the vehicle has been moved or if there has been a delay in the

incident being reported. The Traffic Section will investigate highly technical, serious injury, and fatality hit and runs.

- D. **DUI Related Collisions:** Traffic officers and/or patrol officers will investigate DUI related collisions. Practices provided in Standard 24.1.11 will be followed.
- E. **Hazardous Materials:** If a collision involves hazardous materials, the West Pierce Fire & Rescue shall be notified to respond and contain any spills and evaluate possible exposure danger. Once the collision scene is contained and determined to be safe by the Fire Department, a traffic officer will conduct an investigation into the collision. If a traffic officer is not on-duty, the Traffic Section Sergeant will be notified of the collision and he/she will determine if a response by the Traffic Section is appropriate.
- F. **Private Property:** The Lakewood Police Department does not investigate non-injury collisions that occur on private property. Injury private property collisions, or those where an involved driver is suspected to be impaired by alcohol or drugs, will be investigated as described above.
- G. **City Vehicle Involved:** The reporting and investigation of collisions involving City of Lakewood vehicles will be performed as outlined in Sections A-E of this Standard.
- H. **Police Department Vehicle Involved:** If a Lakewood Police Department vehicle is involved in a traffic collision, the operator of the vehicle shall immediately notify the on-duty patrol supervisor who will respond to the scene of the collision. A traffic officer will conduct the investigation. No involved vehicles are to be moved prior to the arrival of the investigating traffic officer. If no traffic officer is on-duty, the Traffic Section Sergeant will be contacted and will determine if a traffic officer will respond to conduct the investigation. Also refer to Standard 4.1.2 for possible additional notification requirements.

The collision report is completed by the officer investigating the collision. In addition, the operator's supervisor must complete the City of Lakewood risk management forms. The collision report and the City risk management forms will be forwarded to the Traffic Section supervisor and subsequently to the Collision Review Board. Refer to Chapter 16 for information regarding the Collision Review Board.

Reports of collisions involving Department vehicles shall be marked "For Internal Use Only" in bold at the top and shall display only the last name, Department address, and Department phone number for involved employees. No Officer DOB, SS # or home address or phone number will be provided on the report. Such reports shall be submitted to SOUTHSOUND 911 Records, but will not be reported to the Department of Licensing.

- 1. **Chief's Discretion:** At the discretion of the Chief of Police, an outside agency may be requested to assist with or conduct the investigation.
- 2. **Outside Lakewood Jurisdiction:** If the collision occurs outside the City of Lakewood, the operator shall immediately notify the police agency with jurisdiction and the Lakewood Police Department on-duty patrol supervisor. If the collision is serious in nature the on-duty supervisor will respond or make arrangements for another department supervisor to respond. Also refer to Standard 4.1.2 for possible additional notification requirements.

#### **24.2.2 Traffic Collision Response:**

**Principle:** The Lakewood Police Department will respond to the reported traffic collisions identified in Standard 24.2.1 except as provided in Section A of this Standard. The below listed collisions shall receive priority position for service response:

- Death or serious injury.
- Hit and run collisions that have just occurred.
- DUI related collisions.
- Damage to public vehicles or property.
- Hazardous materials involved.
- Disturbance between principal operators.

- Major traffic congestion as result of the collision.
  - Damage to vehicles to the extent towing is required and the vehicles are blocking the roadway. Officers should refer to Standard 17.2.1 regarding the actual driving response that is authorized.
- A. Suspension of Collision Response: Some circumstances may require response to minor injury/complaint of pain or property damage-only collisions are suspended for a period of time. Examples of circumstances that would require such a suspension of response may include extreme weather conditions (snow) or other major incidents requiring substantial department response. The Patrol supervisor shall approve a suspension of collision response and will notify SOUTHSOUND 911 Communications. Persons reporting these collisions during a suspension of response shall be instructed to exchange information.

### 24.2.3 Collision Scene Responsibilities

**Principle:** The management of a collision scene and the corresponding investigation often requires the effective completion of several responsibilities. The first officer on the scene may or may not be the actual collision investigator, but he/she will play a key role in the successful management of the scene and the investigation of the collision. In all instances, the first officer on the scene shall ensure for the safety of and care for any injured persons. Scene responsibilities and guidelines for assuring that each is completed are listed below.

- A. Scene Management and Reporting: The first officer to arrive at the scene of a collision is responsible for determining what additional resources are necessary and if additional personnel will be required. Once the initial assessment of the scene has been completed and addressed, additional responsibilities fall to the officer assigned to the investigation. This will be determined by Standard 24.2.1.
- B. Assessment of Injuries: The first officer on scene shall assess whether any of the involved persons have been injured. If there are any injuries, the officer shall determine if medical aid is necessary and if so, request it. The officer may provide care and assistance based upon, and not to exceed, the officer's level of training.
- C. Assessment of Hazards: The first officer on scene shall assess whether there are any immediate life-threatening hazards. Hazards may include; those created by additional traffic and the lack of warning to drivers, those created by fire or the potential of fire, those created by hazardous material spills or potential spills. The officer shall request resources necessary to eliminate or reduce these and other hazards.
- D. Collecting Information: The investigating officer will collect all the necessary information and statements from involved parties and witnesses. If more than one officer will be completing this responsibility, it should be coordinated by the investigating officer. In serious injury or fatality collisions, or in any other instance where there is the possibility of felony criminal charges being brought against one or more parties, every attempt should be made to hold material witnesses at the scene until the arrival of the Traffic Section investigator.
- E. Protecting the Collision Scene: The first officer on scene shall ensure the necessary steps are taken to protect the collision scene from hazards and preserve evidence. If additional equipment or personnel is needed to perform this responsibility, he/she will request the necessary assistance.
1. Death or Serious Injury Collision Investigations: In most collisions of this nature, a roadway or portion of it will have to be closed for the investigation. This should be accomplished as soon as possible in order to preserve evidence. Consideration should be given to the entry and exit paths for other emergency vehicles in order to preserve evidence and efficiently manage ingress and egress from the scene.
  2. Roadway Closures: When a roadway is closed, consideration should be given to the use of alternate routes. The Public Works Department may be requested to assist in major roadway closures or the implementation of alternative routes. The Patrol supervisor or designee shall approve the request for assistance from the Public Works Department
- F. Property of Collision Victims: The investigating officer will ensure that property belonging to a collision victim is protected from theft or pilferage. The officer shall determine if there is any property of value (in excess of \$20 dollars) in an involved vehicle when the owner is unable to protect due to injuries. Property of apparent value or removable locked containers that are located will be protected in the following manner:

1. Release to Approved Individual: If the owner is able to communicate and wishes the property be released to a subject at the scene of the collision, the officer will release the property to this person and document their identity and the property released to him/her.
2. Impound/Inventory of Vehicles: Prior to a vehicle being impounded based on police authority, a complete inventory of the vehicle and its contents outside of locked containers will be conducted. The inventory list on the back of the Vehicle Report shall be completed. Property that is valued at approximately \$20 dollars or more shall be left in the vehicle and recorded in the "other" area of the inventory form. If, during an inventory of the vehicle, an officer discovers any possible evidence to a crime, the officer shall immediately terminate the inventory and proceed with a search authorized in Standard 1.2.4.

#### **24.2.4 Collision Follow-up Investigations**

**Principle:** The collection of off-scene information/data will be the responsibility of the investigating officer on a case-by-case evaluation. It can include, but is not limited to; medical records, intoxication test results, contacting witnesses not on-scene at the time of police arrival, and information regarding operator physical disabilities or limitations. In addition, there may be investigations that require more technical follow-up investigations such as collision reconstruction, vehicle mechanical inspections, and laboratory requests for physical evidence. In such instances, the Traffic Section will conduct or direct these investigative tasks.

### **24.3 TRAFFIC DIRECTION AND CONTROL**

**PHILOSOPHY:** The smooth and efficient flow of traffic is a continuous concern of the City of Lakewood and the Lakewood Police Department. Often situations requiring employees of the Police Department to provide some type of traffic control and/or direction can be dangerous to the officer and motorist. The guidelines provided in this section are intended to facilitate the flow of traffic and assist officers in conducting traffic control and/or direction in a safe manner.

#### **24.3.1 Activities Related to Traffic Engineering**

**Principle:** The Lakewood Police Department seeks to reduce and/or remedy the hazards related to traffic collisions and congestion by cooperating closely with the City of Lakewood Traffic Engineer. Representatives from the Traffic Section meet regularly with City Department of Public Works traffic engineers regarding specific identified issues and for a routine exchange of information. Specific activities are listed below:

**Practice:**

- A. Exchange of Complaint Information: Complaints or suggestions regarding traffic conditions made by citizens may be received by either Department. If a complaint is received by the Police Department it will be forwarded to the Traffic Section. The Traffic Section Sergeant will assign an officer to verify the nature of the complaint. Complaints that may be solved by traffic education and enforcement will be handled internally by the Police Department. The Traffic Section Sergeant will forward traffic complaints to DPW, coordinate the efforts of the DPW traffic engineering section and the traffic unit, address consideration of the speed radar trailer, traffic counters, citizen speed radar patrol, traffic officer patrol, signage changes, speed humps, roundabouts or other traffic calming measures as options to resolve the concern.
- B. Transmission of Enforcement and Collision Data: The summaries completed by the Traffic Section Sergeant regarding collision and enforcement data will be forwarded to the DPW and the City's Risk Manager. Whenever a collision which results in a death or serious injury occurs, a copy of the report related to the collision will be forwarded to Public Works.

#### **24.3.2 Traffic Direction and Control Practices**

**Principle:** In order to provide for the safety of personnel directing or controlling traffic and the safety of motorists, the

following practices will be used when directing or controlling traffic.

**Practices:**

- A. Traffic Collisions: The first officer on the scene will assess the need for traffic control and direction. The officer may request additional assistance if necessary to ensure for the safety of persons at the scene, protect the scene, and provide adequate control/direction to other motorists and pedestrians. The use of flares, cones, and other emergency equipment should be considered and deployed when necessary.
- B. Uniform Hand Signals and Gestures: Police officers are taught to use the “point and control” method instructed by the Washington State Criminal Justice Training Center and provided in the Uniform Traffic Control Manual.
- C. Fire Scenes and other Critical Incidents: If requested by the Fire Department, Police Department personnel will provide traffic control assistance at the scenes of fires or other incidents requiring numerous fire apparatuses to respond.
- D. Adverse Weather Conditions: Lakewood Police Department personnel will monitor the status of roadways during adverse weather conditions. Standing water, ice and snow related hazards, and wires down across roadways are examples of hazards to be aware of during adverse weather conditions. If a uniformed officer discovers a roadway condition which creates an extreme hazard they should perform any necessary traffic control and directions and report the problem immediately. The patrol supervisor may make arrangements for additional resources to respond if necessary.
- E. Signal Malfunctions: Police Department personnel may provide traffic control and direction at large intersections when there is a signal malfunction or power outage. Requests for assistance during planned maintenance or repair of traffic control signals should be routed to the Traffic Section Sergeant. When the need for traffic control and direction is going to be prolonged for several hours and/or days, the use of temporary traffic control devices should be considered. The on-duty patrol supervisor will approve the request for deployment of these devices.
- F. Temporary Traffic Control Devices: May be utilized at the direction of the on-duty patrol supervisor.
- G. Reflective Clothing: In order to increase the visibility of personnel conducting traffic direction or control, reflective vests have been assigned to each department vehicle. Police personnel directing or controlling traffic, or at the scene of a collision shall wear the reflective vests while in the roadway. Officers are allowed to perform momentary tasks in the roadway, such as removing an item or briefly stopping traffic, without the vest if it is impractical to do so.

### **24.3.3 Law Enforcement Escorts**

**Principle:** The Lakewood Police Department recognizes there are legitimate requests for law enforcement escorts. In order to ensure escorts are performed in a safe manner, the following practices will apply.

- A. Scheduled Escorts: Scheduled escorts may include motorcades, movement of unusual or oversized cargo, or parades. All requests for scheduled escorts will be forwarded to a Lieutenant for approval and assignment. Escort requests without required permits or sufficient notice will not be provided.
- B. Emergency Medical Escorts: No officer of the Lakewood Police Department shall provide an emergency escort to another non-emergency vehicle. Medical assistance should be summoned to the officer's location. In cases where there is a medical emergency and a person must be transported to the nearest hospital immediately, the person will be transferred to a marked patrol vehicle and transported by the officer. This will only occur with prior approval from the on-duty patrol supervisor.

## **24.4 ANCILLARY SERVICES**

**PHILOSOPHY:** Services that are normally considered as secondary by law enforcement agencies may be considered by



some citizens to be the most important service or enforcement that we provide. The police officer that stopped to help a stranded motorist or towed a person's vehicle leaves a significant impression on those individuals. Therefore it is important to provide guidelines ensuring that department members perform these tasks with dedication.

#### **24.4.1 Stranded Motorist Assistance**

**Principle:** The Lakewood Police Department provides assistance to motorists, to include the following activities:

- A. General Assistance: Lakewood Police Department officers should stop and provide assistance to stranded motorists whenever possible. If they are unable to stop due to a call for service, because they are transporting a prisoner, or because they are operating an unmarked vehicle without rear emergency lighting, dispatch should be notified so that another officer may be sent.
  - 1. Citizen Transports: When it is necessary to transport a citizen, the officer will notify dispatch of the point of origin, destination, beginning, and ending mileage. If it is necessary to transport outside the city limits, the on-duty supervisor shall be contacted for approval.
- B. Mechanical Assistance and Towing Services: When reasonable, officers are encouraged to assist disabled motorists in changing tires, obtaining fuel, or making minor repairs of which they are knowledgeable. Officers should not become so involved in such activities that they become unavailable to respond to emergencies.
  - 1. Towing Services: If a stranded motorist requests a tow truck, the officer will communicate this request to dispatch. Should the motorist have a preference of tow companies, the preferred company will be contacted. If the motorist has no preference, or the preferred company is not a reasonable option, a standard rotation tow will be contacted.
- C. Protection of Stranded Motorist: Uniformed police officers are expected to assist stranded motorists and take reasonable steps to ensure their safety. In order to accomplish this expectation, officers will perform the following activities.
  - 1. Disabled Vehicles in the Roadway: Officers will remove disabled vehicles from the roadway whenever possible. Patrol vehicles with push-bars may be used to accomplish this task. Officers are not expected to manually push vehicles from the roadway. If a disabled vehicle cannot be pushed from the roadway, a tow company will be requested and the officer will remain with the disabled vehicle to provide traffic control and direction until the vehicle can be removed. However, in areas of light traffic congestion, when a disabled vehicle is clearly visible to approaching traffic, an officer may set out traffic flares to provide traffic control and direction. In these instances, once a tow company is responding, an officer may leave the disabled vehicle if the owner/driver is present and the officer determines the location and conditions to be safe.
  - 2. Transportation of Vehicle Occupants: Officers will ensure that the motorist and vehicle occupants obtain transportation or are driven to a safe location. This includes passengers of vehicles that are being towed by police authority.
- D. Emergency Assistance:
  - 1. Medical Emergencies: Officers responding to medical emergencies occurring on the roadway may provide first aid and shall request medical aid. Officers may also need to request additional assistance for traffic control/direction.
  - 2. Vehicle Fires: Patrol vehicles are equipped with fire extinguishers that may be used on small vehicle fires. Officers shall request a response from the Fire Department even if they believe they have extinguished the fire.

#### **24.4.2 Hazardous Roadway Conditions**

**Principle:** Roadway hazards, roadway defects, debris in the roadway, defective lighting equipment, abandoned vehicles, and damaged or missing street/traffic signs can all become conditions that lead to collisions or vehicle damage.

**Practice:** Officers observing debris in the roadway should attempt to clear it to the shoulder. When an officer observes other roadway or roadside hazards, he/she will notify dispatch, who will contact the appropriate resources. Officers should assess the continuing risk and remain at the location of the hazard, if necessary, to provide necessary traffic control/direction.

#### **24.4.3 Vehicle Impoundments**

**Principle:** The purpose of this Standard is to guide the proper exercise of authority regarding the towing and/or impoundment of vehicles. Whenever a motor vehicle is towed/removed at the direction of a Lakewood Police Department employee, such removal will comply with the law and a written record shall be made.

**Practices:**

A. Abandoned Vehicles:

1. Unauthorized Vehicles: Follow the procedures outlined in RCW 46.55.085
2. Junk Vehicles: Follow the procedures outlined in RCW 46.55.230.

B. Removal and Towing from Public and Private Property:

1. Public Property: RCW 46.55.113 provides authority to police officers to remove vehicles in several types of situations. In addition to the situations outlined in RCW 46.55.113, a police officer may impound a vehicle in the following situations:
  - a. Evidence: When an officer has probable cause to believe that the vehicle may contain evidence related to a crime or is itself evidence related to a crime. After removal a search warrant for the vehicle will be sought. This impoundment may only occur with prior approval from the on-duty patrol supervisor.
  - b. Unsafe Vehicle: Follow the procedures outlined in RCW 46.32.060.
2. Private Property: Vehicles may be left on private property belonging to the driver or registered owner of the vehicle, or with the permission of the owner of the property.
  - a. When a vehicle is to be impounded for the purpose of collecting evidence and is located on private property, a search warrant may be necessary to enter that property and remove the vehicle. If it is unclear whether a search warrant is required, the on-call CIU supervisor will be contacted.

C. Impoundment Practices:

1. Authority: Law enforcement officers are authorized to impound vehicles pursuant to RCW 46.55.113 and RCW 46.55.360. Washington courts require police impoundments, performed per authority granted in RCW 46.55.113, meet a general reasonableness inquiry while impounds performed pursuant to RCW are mandatory whenever the driver is arrested. Additionally, officers will attempt to notify the owner of recovered stolen vehicles, and allow the owner a reasonable amount of time to retrieve their vehicle prior to impounding it. Police officers shall document in their report any factors supporting the decision to impound. Factors may include:
  - Driver refuses to sign impound waiver or was not authorized to sign
  - Driver's intoxication level prevents him/her from intelligently waiving impoundment
  - No licensed driver promptly available to take charge of vehicle
  - Vehicle itself not licensed or legally insured to travel on public roadways
  - Vehicle could not be secured
  - Adverse weather conditions would make the vehicle a hazard if left on the roadway
  - Vehicle abandoned or junked
  - Vehicle itself unsafe

- Vehicle a hazard to traffic, Police, or public convenience
- Vehicle at risk of vandalism or theft

Factors which support a decision not to impound may include:

- Licensed driver promptly available and authorized by the registered owner (RO) to take charge of vehicle
  - Vehicle safely parked on RO's property or property where RO has permission to leave the vehicle
  - Concerns for safety or health of driver or passengers exist if vehicle was impounded
  - Concerns for liability of City if vehicle was impounded
2. Inventory of Vehicles: Prior to a vehicle being impounded based on police authority, a complete inventory of the vehicle and its contents outside of locked containers will be conducted. The results of the inventory will be documented on the Uniform Washington State Tow/Impound and Inventory Record. Property that is valued at approximately \$20.00 dollars or more shall be left in the vehicle and recorded in the inventory area of the form. If, during an inventory of the vehicle, an officer discovers any possible evidence to a crime, the officer shall immediately terminate the inventory and proceed with a search authorized by Standard 1.2.4.
    - a. Location of Inventory: The inventory should be conducted at the location where the impound is occurring, unless limited by reasons of officer safety. To address officer safety issues, the vehicle will be removed to a place of safety and the inventory immediately conducted.
    - b. Scope: The inventory may extend to all areas of the passenger compartment where personal property or hazardous materials may be found. Closed containers and/or trunks will not be opened for inventory purposes, unless the employee can articulate a "manifest necessity" based on public safety. The presence and description of closed containers will be documented on the inventory list.
    - c. Stolen Vehicles: When the owner of a stolen vehicle responds to take possession of the vehicle, a visual sweep will be completed in their presence prior to the vehicle's release.
    - d. Evidence Exception: If a vehicle is being impounded per Section B.1.a. of this Standard an inventory shall not be initiated prior to the removal of the vehicle. The officer should ensure the vehicle and its contents are disturbed as little as possible. The officer will seal the vehicle at each entrance to the vehicle, including the hood and trunk.
    - e. Notification of CIU: Whenever a vehicle is impounded in order to collect evidence of a crime, a CIU supervisor shall be notified within 24 hours.
    - f. Written Record: The appropriate report shall be completed whenever a vehicle is impounded or a stolen vehicle is recovered. The officer responsible for the impoundment or stolen vehicle recovery shall also immediately notify SOUTHSOUND 911 Records of the vehicle's status. Where a driver is charged with Driving While License Suspended, the officer should indicate in the report whether the vehicle was impounded or not and what the reasons were that supported the impoundment or release of the vehicle
  3. The City of Lakewood adopted a municipal code (LMC 10.28) specific to impoundments and holds of vehicles where drivers were arrested for driving under the influence or driving while license suspended violations.