

# Coeur d'Alene Police Department

Coeur d Alene PD Policy Manual

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## **MESSAGE FROM THE CHIEF OF POLICE**

Law enforcement agencies throughout the United States are expected to carry out their missions successfully 24 hours a day, 7 days a week, even while members are faced with constant challenges and a myriad of tasks in one of the most complex and high liability jobs in America. Our sworn members are charged with life and death decisions; with collecting and identifying criminal information and evidence which require special training and handling; with exercising the necessary use of force; with lawfully depriving citizens of their freedom; and with treating victims with compassion and care.

In order to guide our sworn and non-sworn members through such a complex responsibility, our department has a written Policy Manual to assure updated, safe, professional, and legal procedures are in place consistent with best practices. The purpose of this manual is to provide a guideline for our members in carrying out their responsibilities in a professional, ethical, and legal manner.

This manual is important to our overall success. The contents of the manual reflect how the department conducts business by documenting rules and establishing guidelines for consistent, efficient, proper and best practices. By closely following the directives herein, members are enabled to provide reliable, and effective service to our community.

It is important to our success that this manual be read, understood, and accepted by all members. However, this manual should not be regarded as the creation of a higher legal standard. Additionally, while this manual attempts to give guidance for a variety of situations, policy cannot be written to cover every circumstance and common sense should prevail.

While our department is obligated to adhere to the contents of this manual, it is understood that change is both constant and imminent. Whether this change occurs in statutory mandates, technological advancements, or the needs of the community we serve, we will strive to ensure our Policy Manual remains modern and subject to updates and revisions.

# Coeur d'Alene Police Department

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## *Message from the Chief of Police*

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A handwritten signature in blue ink, appearing to read "Lee White". The signature is stylized and cursive.

**Lee White** , Chief of Police

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## **LAW ENFORCEMENT CODE OF ETHICS**

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all; and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities, or friendships to influence my decisions. With no compromise for crime and the relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of law enforcement service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other law enforcement officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

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## **MISSION STATEMENT AND MOTTO**

**Mission Statement:** Partnering with the community to prevent, detect and solve criminal activity in order to provide a safe city to live, work and play.

**Motto:** Protect and Serve with Excellence

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## **Chapter 1 - General Provisions**

## Law Enforcement Authority

### 100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Coeur d'Alene Police Department to perform their functions based on established legal authority.

### 100.2 PEACE OFFICER AUTHORITY

The authority of certified full-time peace officers of the Coeur d'Alene Police Department whose duties include and primarily consist of the prevention, investigation and detection of crime have the same authority when performing their assigned functions and duties outside the City when any of the following exist (Idaho Code 67-2337):

- (a) When a request for law enforcement assistance is made by another law enforcement agency.
- (b) When the officer has probable cause to believe a crime is occurring involving a felony or an immediate threat of serious bodily injury or death to any person.
- (c) When the officer is in fresh pursuit as defined in and pursuant to Chapter 7, Title 19, Idaho Code.
- (d) As authorized by this department pursuant to an existing mutual assistance compact with an outside jurisdiction.

Officers of this department will not routinely perform law enforcement duties outside of the City limits.

#### 100.2.1 PEACE OFFICER POWERS OF ARREST

An officer may make an arrest in obedience to a warrant, or may, without a warrant, make an arrest under any of the following circumstances (Idaho Code 19-603):

- (a) For a misdemeanor or felony committed or attempted in his/her presence.
- (b) When probable cause exists to believe that a person has committed a felony not in his/her presence.

#### 100.2.2 PROCEDURE

Prior to conducting any law enforcement activity, other than those exceptions provided for in I.C. 67-2337 (above), officers must adhere to the following procedure:

- A. Notify the division commander through the chain of command.
- B. Build a call for service through Central Dispatch requesting an agency assist listing, at a minimum, the address, the activity to be performed, and the member's contact information.
- C. Request that the outside agency handle the activity, if practicable. If the request is refused, the outside agency must request that our agency handle the activity, pursuant to IC 67-2337.2.a (as above) prior to conducting the activity.

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- D. Once the call has been handled either by the outside jurisdiction or our agency, notify the division commander.

### **100.3 CONSTITUTIONAL REQUIREMENTS**

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

### **100.4 PEACE OFFICER CERTIFICATION**

The Idaho Peace Officer Standards and Training Council (POST) mandates that all peace officers employed within the State of Idaho receive and maintain certification by POST within the prescribed time periods (Idaho Code 19-5109).

It shall also be each sworn member's responsibility to ensure he is familiar with the Idaho POST requirements pertaining to obtaining and maintaining his POST certification. It shall further be each sworn member's responsibility to maintain his POST certification per these requirements.

<http://adminrules.idaho.gov/rules/current/11/1101.pdf>

### **100.5 OATH OF HONOR**

The Chief of Police, or his designee, shall administer an Oath of Honor to all sworn members after beginning their employment with the Department.

The official oath is as follows:

*"I (State Your Name), do so solemnly swear (or affirm) that I will support the Constitution of the United States, the Constitution and Laws of the State of Idaho, the Ordinances of the City of Coeur d'Alene, and I will faithfully discharge all the duties of Police Officer according to the best of my ability."*

### **100.6 POLICY**

It is the policy of the Coeur d'Alene Police Department to limit its members to only exercise the authority granted to them by law.

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

### **100.7 INTERSTATE PEACE OFFICER POWERS**

Peace officer powers may be extended to other states:

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

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- (b) When an officer enters the following states while in pursuit of a person who the officer has probable cause to believe has committed a felony:
  - 1. Utah (Utah Code 77-9-1)
  - 2. Nevada (NRS 171.158)
  - 3. Oregon (ORS 133.430)
- (c) When an officer enters Montana while in pursuit of a person who the pursuing officer has probable cause to believe committed a crime (§ 46-6-411, MCA).
- (d) When an officer enters Washington while in pursuit of a person who the pursuing officer has probable cause to believe has committed a felony; or a violation related to driving while intoxicated, driving while under the influence of drugs or alcohol, driving while impaired, or reckless driving (RCW 10.89.010).

Whenever an officer makes an arrest in Montana, Utah, Nevada, Oregon, or Washington, the officer shall take the offender to a magistrate or judge in the county where the arrest occurred as soon as practicable (Utah Code 77-9-2; NRS 171.158; ORS 133.440; § 46-6-411, MCA; RCW 10.89.020).

## Member Conduct

### 101.1 CONDUCT THAT MAY RESULT IN DISCIPLINE

The continued employment of every member shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any member to meet the guidelines of this Policy Manual, whether on or off duty, may be cause for disciplinary action. Members shall conduct themselves in accordance with the Constitution of the United States and all applicable laws, ordinances and rules enacted or established pursuant to legal authority, including City Personnel Rules, such as *Rule 1 Section 2, Employee Standards of Conduct*.

(<http://citynet/deptimages/PersonnelRules.pdf>)

Members shall familiarize themselves with this Policy Manual and be responsible for compliance with each of the policies contained herein.

#### 101.1.1 CODE OF ETHICS

Sworn members shall follow the Law Enforcement Code of Ethics as outlined in this Policy Manual.

#### 101.1.2 CONDUCT UNBECOMING

All members shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the department. Conduct unbecoming shall include that which brings disrepute or discredit upon the department or any members, or that which impairs the operation or efficiency of the department or member.

Conduct unbecoming shall also include, but not be limited to the following actions and attitudes:

- (a) Refusal to work, engaging in a strike, work stoppage or slowdown.
- (b) Untruthfulness, insubordination, or incompetence.
- (c) Discourteous, disrespectful or discriminatory treatment of any person, including other members of this department.
- (d) Immoral behavior or sexual misconduct, including engaging in sexual activity on duty.
- (e) Dereliction or neglect of duty.
- (f) Abuse of sick leave.
- (g) Criminal conduct, including engaging in any act amounting to a crime.
- (h) Interference with investigations.
- (i) Public drunkenness, disorderly or offensive conduct.
- (j) Consumption of alcohol on duty (*unless as part of a job assignment*).
- (k) Reckless disregard of private debts.

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## Member Conduct

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- (l) Personal association with (*unless as part of a job assignment or because of family relations*):
  1. Convicted felons.
  2. Members of a criminal gang, organized crime or criminal syndicate.
  3. A terrorist group, movement, association or other person(s) which advocates the overthrow of our constitutional form of government by any means other than the democratic procedures provided by our present form of government.
  4. Any organization, association, group or movement which advocates acts of force or violence, or denies other persons their rights under the Constitution of the United States by unconstitutional means.
- (m) Knowingly associate with any person currently being investigated for and/or charged with a felony by this department until such case has been closed, dismissed or prosecuted (*unless as part of a job assignment or because of family relations*).
- (n) Establishing a personal or social relationship, as a result of an investigation or on duty contact, with a known victim, witness, suspect or defendant of any case being investigated by this department until such case has been closed, dismissed or prosecuted.
- (o) Conduct which adversely affects the morale or efficiency of the department or unit to which they are assigned.
- (p) Derogatory criticism, disparaging remarks, conduct or gossip concerning the department or any member to the extent such conduct disrupts the efficiency of the department or discredits any member.
- (q) Excessive force against a person arrested or detained, or failing to report any excessive use of force by another member.
- (r) Use of obscene, indecent, profane or derogatory language while on duty or in uniform which could be offensive to another member or citizen.
- (s) Initiation of any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action.
- (t) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.
- (u) Engaging in "horseplay" which reasonably could result in injury or property damage.
- (v) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.

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- (w) Failure to promptly and fully report the activities of any member, including themselves, where such activities resulted in contact with any other law enforcement agency that could result in criminal charges or discipline.
- (x) Using or disclosing status as a member of this department in any way which could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (y) The use of any information, photograph, video or other recording obtained or accessed as a result of employment with this department for personal or financial gain without written authorization of the Chief of Police or his designee.
- (z) Being untruthful or knowingly make false, misleading or malicious statements that are reasonable calculated to harm the reputation of the departments or its members.
- (aa) Knowingly falsify any work-related records or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record.
- (ab) Knowingly falsify any official police report or intentionally provide any false statements to a supervisor or investigator.
- (ac) Any other on or off duty conduct which the member knows, or reasonably should know, is unbecoming a member of the department or which could reflect unfavorably upon the department or any of its members.

### 101.1.3 CONFORMANCE TO LAWS & VIOLATION OF RULES

Members shall obey all laws of the United States and of any state and local jurisdiction in which the members are present. A conviction of the violation of any law shall be prima facie evidence of a violation of this section and may subject the member to disciplinary action.

Members shall not commit any acts or omit any acts which constitute a violation of any provision of the department policy manual and/or City personnel rules, or any of the rules, regulations, directives or orders (*i.e. general orders, special orders, memos*) of the department, whether stated in this Policy Manual or elsewhere.

### 101.1.4 COMPLIANCE WITH LAWFUL ORDERS

Subordinate members shall comply with lawful directives and orders from a department supervisor unless reasonably justified otherwise.

Any member who believes any written or verbal order or directive to be in conflict with any policy, procedure, law or criminal procedure shall:

- (a) Immediately inform the supervisor issuing the order about the member's conflict or perceived error of the order.
- (b) Request clarification, guidance and direction regarding following the order.
- (c) Provide details explaining grounds for the belief of the conflict or perceived error of the order.

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## Member Conduct

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- (d) Should the conflict or perceived error be unresolved, and absent any exigent circumstances, request the order be in writing.
- (e) Respectfully inform the supervisor if he intends to disobey what he believes to be a conflicting or unlawful order.

A member's decision to disobey an order he believes to be unlawful, may result in disciplinary action against the member should the order be determined to be lawful.

### 101.1.5 USE OF ALCOHOL ON DUTY

No member shall be on duty or appear for duty while under the influence of intoxicants to any degree whatsoever, or with an odor of intoxicants on his or her breath. Members shall not consume intoxicating beverages while on duty or while wearing any part of the uniform which is identifiable as belonging to a member of the department, except in the performance of a required job duty.

Refer to Personnel Rules, Rule XXI for additional rules governing this policy.

### 101.1.6 USE OF ALCOHOL OFF DUTY

Members, while off duty, shall refrain from consuming intoxicating beverages to the extent that it renders members unfit to report for their next scheduled shift.

### 101.1.7 POSSESSION AND USE OF DRUGS

Members shall not possess or use any controlled substance, narcotic or hallucinogen except when prescribed in the treatment of the member by a licensed medical professional. When such items are prescribed, and a doctor has advised that the prescription would impair their ability to perform the duties of their employment, members shall immediately notify their immediate supervisor who shall in turn notify the Division Commander or the Chief of Police in writing as soon as practical.

The notification shall be made at least two (2) hours prior to the start of the member's shift. If it is determined that a prescription drug is not compatible with the member's assigned duties, an attempt will be made to place the member at duties that will be compatible. If no duties can be assigned, the person will be placed on sick leave.

In the event a member notifies a supervisor that they are taking a prescription in which the prescription interaction will be unknown and may adversely effect their job performance, their safety or the safety of others, they will be placed on sick leave until the first opportunity to determine the drugs effect on their work performance.

In addition, members must follow applicable Personnel Rules Rule XXI.

### 101.1.8 NEIGHBORHOOD DISPUTES

Members shall not intentionally become involved in neighborhood quarrels or disputes at or near their place of residence while identifying themselves as a department member in an off duty capacity. This shall not be construed to restrict a member from taking off duty emergency action.



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## Member Conduct

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### 101.1.9 GIFTS AND FAVORS

The members of the department, representing government, bear the heavy responsibility of maintaining their own conduct the honor and integrity of all government institutions.

Members shall therefore, guard against placing themselves in a position in which any person can expect special consideration or in which the public can reasonably assume that special consideration is being given. Thus, they should be firm in refusing gifts, favors or gratuities, large or small, which can, in the public mind, be interpreted as capable of influencing his judgment in the discharge of his duties.

In addition, members must follow Personnel Rules Rule I Section 11(d)(e).

With that being said, it is understood that there will be times that situations arise where it may be unavoidable for a member to not accept a small gratuity, (*i.e. a citizen purchases the member a cup of coffee or lunch*). An additional exception to this policy would apply to offers of discounted services only if they apply to all City of Coeur d'Alene employees or to other law enforcement agencies, and not solely offered to this department or to only certain members of the department.

### 101.1.10 SECURITY

Members shall not:

- (a) Intentionally release confidential information, materials, data, forms or reports to unauthorized persons.
- (b) Disclose any active investigation information to unauthorized persons.
- (c) Loan, sell, give away or otherwise allow any unauthorized use of a department badge, uniform, identification card or property for personal use, personal gain or any other improper use or purpose.
- (d) Disclose any security gate/door codes to unauthorized persons.

### 101.2 ABUSE OF POSITION

- (a) Members shall not use their official position, identification cards or badges for the following purposes:
  - 1. Personal or financial gain.
  - 2. Obtaining privileges not otherwise available to them except in the performance of their duty.
  - 3. Avoiding the consequences of illegal acts.
- (b) Members shall not authorize the use of their names, photographs or official titles which identify them as members of the department, in connection with testimonials or advertisements for any commodity or commercial enterprise, without prior approval of the Chief of Police.

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## *Member Conduct*

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### 101.2.1 FICTITIOUS ILLNESS OR INJURY REPORTS

Members shall not fake illness or injury, falsely report themselves ill or injured or otherwise deceive or attempt to deceive any official of the department as to the condition of their health.

Refer to Personnel Rules Rule XI Section 3 for additional rules governing this policy.

### 101.2.2 TERMINATION OF EMPLOYMENT

When any member terminates their employment, all city owned equipment, all rank insignia, badges and patches shall be turned into the supervisor or Chief of Police prior to the terminating member receiving their final paycheck.

### 101.2.3 POLITICAL ACTIVITY

Members are prohibited from taking the following actions:

- (a) Using their official capacity to influence, interfere with or affect the results of an election.
- (b) Addressing political gatherings or answering personal political questions in support of or in opposition to a partisan candidate or any political issue while in uniform or by identifying themselves as a member of this department.
  - 1. An exception to sub-section (b) would apply to members of the Coeur d'Alene Police Officer's Association when, as an Association, publicly endorses any political campaign or hosts any political forum, granted that they follow any additional policy outlined in Policy §1027 Employee Speech, Expression and Social Networking.
  - 2. In the event a member personally speaks at a public campaign or forum hosted by the Coeur d'Alene Police Officer's Association, the member shall not specifically state or imply that he is speaking on behalf of the City of Coeur d'Alene or the Coeur d'Alene Police Department.

### 101.2.4 ADDRESSING SWORN MEMBERS

As a matter of professional courtesy, when in the presence of persons from outside the department, members should address fellow sworn members by their rank, or by rank and last name. All other times, members may be addressed by their first names unless a member is making a formal introduction.

### 101.2.5 ATTENTION TO DUTY AND JOB PERFORMANCE

As most police work is necessarily performed without close supervision, the responsibility for proper job performance lies primarily with each individual member. A sworn member also carries with him the responsibility for the safety of the community and other department members, and he discharges that responsibility by the faithful and diligent performance of his assigned duty. Anything less violates the trust placed in him by the department and the community, and nothing less qualifies as professional conduct.

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## Member Conduct

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During their assigned shift, members must keep occupied with department business and not give the appearance of loitering or inattention to duty by engaging in personal business or conversations to the extent that it neglects work performance.

Inattention to duty and poor or unacceptable job performance shall also include, but not be limited to the following actions and attitudes:

- (a) Leaving assignment during duty hours without reasonable excuse and/or authorization from a supervisor.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Dereliction or neglect of duty.
- (e) Sleeping on duty.
- (f) Failure to maintain required and current licenses (*i.e. driver's license*) or applicable job certifications;.
- (g) Unsatisfactory work performance, which includes but is not limited to (*if applicable to a member's specific duties/job description*):
  1. **Professional Demeanor** - Fails to maintain a professional, neat appearance through a clean, well maintained and properly fitting uniform, proper personal hygiene, and shined boots (if applicable to member's duties). Member also fails to maintain standards of decorum and courtesy by properly addressing fellow members and citizens. Member displays a negative attitude when given criticism or feedback .
  2. **Computer Operation** - Fails to understand and appropriately use department computers applicable to their duties, including all associated programs and/or software. Member also fails to understand or apply proper security regarding sensitive/confidential information.
  3. **Radio Communication** - Fails to know or properly apply proper radio procedures, fails to listen for his radio call sign or answer promptly. Member fails to speak clearly and loud enough to be heard, fails to listen and comprehend radio traffic, or does not pre-plan radio transmissions to lessen the amount of radio traffic.
  4. **Vehicle Operation** - Fails to properly check assigned department vehicle to identify deficiencies. Member fails to operate a department vehicle in a safe, courteous and lawful manner. If applicable, member fails to demonstrate the skills necessary to safely operate a patrol vehicle in emergency conditions or

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## Member Conduct

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does not understand or follow department policy as it applies to emergency operations.

5. **Orientation** - Member is not familiar with city streets, districts or city limits. Member fails to choose safe and expedient routes to calls or does not have an awareness of his surrounding at all times.
6. **Policy and Procedure** - Fails to understand or follow appropriate department policies, procedures, special orders, directives, memorandums and e-mails.
7. **Safety Awareness** - Fails to recognize or apply solid officer safety strategies.
8. **Control of Persons** - Fails to understand or apply appropriate verbal and/or physical control of all contacts.
9. **Search and Seizure** - Fails to understand and apply related 4th and 5th Amendment case law with respect to seizure or person and property, person, vehicles and buildings.
10. **Investigations and Evidentiary Procedures** - Fails to understand and apply proper techniques with initial and follow-up investigations, interviews, securing and documenting crime scenes, as well as handling and submitting evidence.
11. **Idaho Criminal Code** - Fails to know or correctly apply common and relevant state criminal codes, fails to understand codes of criminal procedure, or fails to know elements of common crimes.
12. **Idaho Traffic Code and City Ordinances** - Fails to understand or apply traffic code violations by recognizing and observing the elements of the violation. Fails to understand and apply common city ordinances.
13. **Scene Management and Resolution** - Fails to recognize and manage crime scenes with respect to personnel and evidence. Is unable to analyze the situations, collect necessary information or use appropriate decision making to arrive at the best solution available.
14. **Self-Initiated Activity** - Lack of alertness for criminal behavior or fails to act on it when seen. Fails to take initiative to pro-actively seek out and interdict crime or other violations on all levels. Fails to remain active or fails to maintain his fair share of work load throughout assigned shift.
15. **Forms** - Fails to understand or correctly use all department or State forms pertaining to assigned duties, including hard-copy or electronically submitted forms.
16. **Reports** - Unable to transcribe the results of his investigation into well written reports. Reports are inaccurate and unorganized, including insufficient detail to meet the elements of the crime being charged. Reports contain multiple spelling

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## *Member Conduct*

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and grammatical errors. Member does not use an appropriate amount of time to complete reports and any supplemental documentation.

### 101.2.6 INTEGRITY

The public demands that the integrity of members of its police department be above reproach, and the dishonesty of a single member may impair public confidence and cast suspicion on the entire department. Succumbing to even minor temptation can be the genesis of a malignancy, which may ultimately destroy an individual's effectiveness and may contribute to the corruption of countless others. A member must scrupulously avoid any conduct, which might compromise the integrity of himself, his fellow members or the department.

### 101.2.7 COURTESY

Effective law enforcement depends on a high degree of cooperation between the department and the public. Members shall be courteous in all public contacts, and during interactions with other department members, City employees and any other Government entity.

### 101.2.8 MEMBER INTERACTIONS WITH THE PUBLIC

In each of his contacts with the public, a member must be aware that his actions, appearance and statements are generally considered by citizens to be representative of the department and not necessarily solely of the individual member. For that reason, and because of the inherent potential for conflict in many police contacts, a member must develop fair, impartial and reasonable attitude, and perform his tasks in a business-like manner. His statements must be the result of considered judgment and be absent of personal opinion, bias or editorial comment. Extended conversation, which reflects the member's personal opinions will normally be considered inappropriate.

### 101.2.9 MEMBER RESPONSIBILITY

When any member becomes aware of possible misconduct by another member of this department, he shall immediately notify a supervisor through the proper chain of command.

### 101.2.10 SUPERVISOR RESPONSIBILITY

Supervisors are required to follow all policies and procedures and may also be subject to discipline for:

- (a) Failure to take appropriate action to ensure that members adhere to the policies and procedures of this department and that the actions of all members comply with all laws.
- (b) Failure to promptly and fully report any known misconduct of a member to his immediate supervisor, or failure to document such misconduct appropriately as required by policy.
- (c) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

## Chief Executive Officer

### 102.1 PURPOSE AND SCOPE

This policy provides guidelines for the appointment of the Chief Executive Officer of the Coeur d'Alene Police Department, who is required to exercise the powers and duties of the office as prescribed by state law.

### 102.2 POLICY

It is the policy of the Coeur d'Alene Police Department that the Chief of Police meets the minimum standards for exercising his/her authority granted by law.

### 102.3 CHIEF OF POLICE

All law enforcement Chief Executive Officers employed within the State of Idaho are required to meet Idaho Peace Officer Standards and Training Council (POST) certification requirements within the prescribed time periods (Idaho Code 19-5109; Idaho Code 20-603).

# Policy Manual

## 103.1 PURPOSE AND SCOPE

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

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

## 103.2 POLICY

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

### 103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Coeur d'Alene Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Coeur d'Alene Police Department reserves the right to revise any policy content, in whole or in part.

### 103.2.2 STAFF

Staff shall consist of the following:

- Chief of Police
- Operations Division Captain
- Support Services Division Captain

The staff shall review all recommendations regarding proposed changes to the manual at staff meetings.

### 103.2.3 OTHER PERSONNEL

All employees of this department suggesting revision of the contents of the Policy Manual shall forward their suggestion, in writing, to their Division Commander who will consider the recommendation and forward it to staff.

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### **103.3 AUTHORITY**

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

### **103.4 DEFINITIONS**

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

**Adult** - Any person 18 years of age or older.

**CFR** - Code of Federal Regulations.

**City** - The City of Coeur d'Alene.

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

**Department/CDAPD** - The Coeur d'Alene Police Department.

**Employee/personnel** - Any person employed by the Department.

**IDAPA** - Idaho Administrative Procedure Act (Example: IDAPA 16.02.24.110).

**ITD** - The Idaho Transportation Department.

**Juvenile** - Any person under the age of 18 years.

**Manual** - The Coeur d'Alene Police Department Policy Manual.

**May** - Indicates a permissive, discretionary or conditional action.

**Member** - Any person employed or appointed by the Coeur d'Alene Police Department, including:

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

**Officer** - Those employees, regardless of rank, who are sworn peace officers of the Coeur d'Alene Police Department.

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

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



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**POST** - The Idaho Peace Officer Standards and Training Council.

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

**Shall or will** - Indicates a mandatory action.

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

**Supervisor** - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other department members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

When there is only one department member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

**USC** - United States Code.

### **103.5 ISSUING THE POLICY MANUAL**

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

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

### **103.6 PERIODIC REVIEW OF THE POLICY MANUAL**

The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary.

### **103.7 REVISIONS TO POLICIES**

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

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

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

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

## **Chapter 2 - Organization and Administration**

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## Organizational Structure and Responsibility

### 200.1 PURPOSE AND SCOPE

This policy establishes the organizational structure of the department and defines general responsibilities of department members.

### 200.2 DIVISIONS

The Chief of Police is responsible for administering and managing the Department. There are two divisions within the department as follows:

- Patrol Division
- Investigations Division

#### 200.2.1 PATROL DIVISION

The Patrol Division is commanded by a Captain whose primary responsibility is to provide general management direction and control. The Patrol Division consists of uniformed patrol and special operations which includes Traffic, Police Aides / Assistants, and other enforcement based units.

#### 200.2.2 SUPPORT SERVICES DIVISION

The Investigations Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Division. The Investigations Division consists of Investigations, Crime Analysis Unit, Property and Evidence Office, Records and other support services units.

### 200.3 COMMAND PROTOCOL

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

#### 200.3.1 SUCCESSION OF COMMAND

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

#### 200.3.2 UNITY OF COMMAND

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

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Coeur d Alene PD Policy Manual

## *Organizational Structure and Responsibility*

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### **200.3.3 DELEGATION OF AUTHORITY**

To create an efficient means to accomplish our mission and goals, and to provide for the best possible service to the public, delegation of authority is essential throughout every level within the department. This provides personnel with the authority to make decisions necessary for the accomplishment of objectives and goals. The ultimate responsibility is still on the command staff member who authorized, or failed to authorize, the delegation of authority.

### **200.4 POLICY**

The Coeur d'Alene Police Department will implement and maintain an organizational structure that provides clear and identifiable roles for command, control, and guidance of the department. Each position and assignment should have clearly identified responsibilities and a defined chain of command.

### **200.5 AUTHORITY AND RESPONSIBILITIES**

Each member will be assigned duties and responsibilities. Each member is delegated the authority necessary to effectively execute those responsibilities. Each member will also be held accountable for the appropriate application of that delegated authority.

## Allocation of Personnel

### 201.1 PURPOSE AND SCOPE

The Department periodically conducts and documents an analysis of staffing levels to determine if changes are needed in the number of personnel assigned to function sufficiently to meet organizational goals and objectives and the community needs.

### 201.2 ALLOCATION OF PERSONNEL

The allocation of resources and staffing levels within the Department is dependent upon the City of Coeur d'Alene's fiscal year budget, which begins October 1st and ends September 30th.

The Department conducts an annual review of staffing levels based on various statistics obtained through the Records Division and/or Crime Analysis. The following types of documentation are used to assist in determining calls for service trends, nature and percentage of time allocated for types of calls, juvenile and adult arrests, citations, warnings, field interviews, number and type of police reports taken, accident trends, property crime trends, person crime trends, drug offenses, DUI arrests, property and evidence received, and other specialized programs within the Department.

- Monthly Crime Statistics
- Downtown Bar Report
- Specialized Crime Pattern Reports
- Police Department Annual Review
- Crime in Idaho Annual Report
- Annual Case Load Comparison

#### 201.2.1 INVESTIGATIONS DIVISION

The allocation of case load assignments in the Investigations Division usually begins in January of each year. Investigation supervisors conduct audits and case load comparison between years and use that data, along with Crime Analysis reports, to adjust case loads amongst the Detectives.

#### 201.2.2 UNIFORMED PATROL DIVISION

The Uniformed Patrol Division operates 24 hours a day, 7 days a week and provides a wide variety of services to the community. Members assigned to this division are sworn and non-sworn and assigned to work a particular shift or unit. The Patrol Lieutenants and Operations Division Commander will review data and statistics to make the necessary adjustments to staffing levels on those shifts, to include Civilian Report Takers.

In order to provide adequate services to the community and to alleviate heavy workloads on members, a minimum manning standard for sworn members on each shift has been established.

# Coeur d'Alene Police Department

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## *Allocation of Personnel*

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This standard is dependent upon many factors, including, but not limited to, calls for service, available resources and personnel. This minimum manning number is subject to change upon authorization of the Chief of Police or the Operations Division Commander.

Although minimum manning requirements may be established for shifts, the Shift Supervisor has the authority to deny a member's leave request (use of vacation or comp time) even if it leaves the shift at or above the minimum manning level set for that shift. The reasons why a supervisor may deny a leave request includes, but is not limited to:

- High volume of calls for service either occurring, or expected to occur during the shift;
- High priority calls that may deplete the availability of assigned members to conduct routine patrol or responds to other calls for service;
- Allowing members backed up on reports time to complete reports without having to respond to additional calls for service and later require overtime to complete the reports;
- Members being on-duty, but under subpoena to attend court during their shift;
- Approved, requested or required training dates;
- Special Events and/or Holidays that may increase calls for service or special deployment of personnel (i.e. New Years Eve, 4th of July, Car d'Lane, Halloween night)

### 201.2.3 ADMINISTRATIVE, NON-SWORN AND SPECIAL UNIT MEMBERS OR ASSIGNMENTS

In addition to reviewing the allocations of resources and members assigned to Detectives in the Support Services and Uniformed Patrol Divisions, other positions or special assignments within the Department could be impacted due to budget constraints, staffing levels, crime patterns, etc. and adjustments may be needed as necessary.

## Directives

### 202.1 PURPOSE AND SCOPE

Directives establish an interdepartmental communication that may be used by the Chief of Police to make immediate changes or additions to policy and procedure. Directives will immediately modify or change and supersede sections of this manual to which they pertain.

#### 202.1.1 DIRECTIVES PROTOCOL

Directives will be incorporated into the manual as required upon approval of Staff.

Directives will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual. Any Directives that modify existing policies, or create a new policy, will be reviewed by the City Attorney's Office for approval to ensure they meet or exceed current State or Federal laws.

Any Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year. (*i.e. 13-01 signifies the first Directive for the year 2013*).

### 202.2 RESPONSIBILITIES

#### 202.2.1 STAFF

Staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a Directive.

#### 202.2.2 CHIEF OF POLICE

The Chief of Police, or his designee, shall issue all Directives.



## Emergency Management Plan

### **203.1 PURPOSE AND SCOPE**

The City of Coeur d'Alene has helped develop a county wide emergency operations plan. The Kootenai County Emergency Operations Plan is for use by all members in the event of a major disaster or other emergency event. The manual provides for a strategic response by all members and assigns specific responsibilities in the event the plan is activated.

### **203.2 ACTIVATING THE EMERGENCY OPERATIONS PLAN**

The Emergency Operations Plan can be activated in a number of ways. For the Coeur d'Alene Police Department, the Chief of Police or the authorized designee may activate the Emergency Operations Plan in response to a major emergency.

Upon activation of the plan, the Chief of Police or the authorized designee should contact the Idaho Office of Emergency Management to assist with mutual aid response from local, state and federal law enforcement agencies.

This department shall operate under the National Incident Management System (NIMS) and the Incident Command System (ICS).

### **203.3 LOCATION OF MANUALS**

The manual for the members is available in the offices of the Police Chief, Operations Division Captain and Uniformed Patrol Lieutenant's. All supervisors should familiarize themselves with the Emergency Operations Plan and what duties/assignments members will have when the plan is implemented.

#### **203.3.1 RECALL OF PERSONNEL**

In the event that the Emergency Operations Plan is activated, all employees of the Coeur d'Alene Police Department are subject to immediate recall to service. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the authorized designee.

## Police Department Security

### 204.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for creating a safe and secure environment for all members and visitors having access to any police department buildings or other real property owned by the City and used by the department.

### 204.2 SECURED AREAS

The police department and any sub-station buildings or offices shall be secured as much as practical to prevent unauthorized persons or vehicles from entering secured locations. Security may be controlled by having secured areas properly signed and any entry doors or gates activated by use of an access code, combination code, proxy card, key lock or other authorized means.

Doors and gates allowing access into any secured area of the police department, sub-station building or offices shall remain closed and locked to prevent unauthorized persons from gaining access. Doors may be temporarily propped open to allow the delivery or movement of items.

Certain locations within or around the police department, sub-station buildings or offices may be monitored and/or recorded via CCTV or other means as authorized by the Chief of Police or his designee.

#### 204.2.1 ACCESS CODES AND KEYS

Access codes, combination codes, proxy/access cards, or keys for any entry door or gate are for the exclusive use of the member assigned a key, access code, or given a combination code or proxy/access card. Members shall not disclose such codes or give such proxy/access card or keys to any unauthorized person.

Members who leave the employment of the department shall turn their issued keys or proxy/access card into their supervisor or other designated member responsible for inventorying that members issued equipment.

#### 204.2.2 MEMBER IDENTIFICATION CARDS

Members are issued photo identification cards which shall not be lent, given to or allowed for use by any other person. The identification card shall be carried on the members person while on duty.

Unauthorized copies by any means of the identification card shall not be made.

If a members identification card is misplaced, lost or stolen, they shall immediately notify a supervisor in writing of the circumstances and request a replacement card.

Members who leave the employment of the department shall their turn their identification card into their supervisor or other designated member responsible for inventorying that members department issued equipment.

# Coeur d'Alene Police Department

Coeur d Alene PD Policy Manual

## *Police Department Security*

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### 204.2.3 VISITORS

During normal business hours, visitors to the police department who are not already escorted by a member, shall check in with the Front Desk and be issued a "Visitor" identification tag which shall be worn on their clothing where it is immediately visible to department members if they are accessing any area of the department not open to the general public.

Exceptions to being required to wear a visitor identification tag are:

- Members of another law enforcement agency who are in uniform.
- Members of another law enforcement agency who are in civilian clothing but are wearing their department identification card and/or badge on their clothing where it is immediately visible.
- Authorized City maintenance and janitorial employees who have had appropriate background investigations completed and are at the department on conducting work related business.
- Any other City employee when accompanied by a department member.
- Any immediate family member when accompanied by a department member at all times.
- Citizens participating in an authorized ride-along and accompanied by a department member at all times.

Visitors not meeting ILETS clearance requirements shall be accompanied by a department member at all times when entering any area housing ILETS terminals. The member shall ensure the visitor does not view any information on ILETS monitors, nor have the ability to access ILETS.

Visitors shall not have access to, or be allowed to view, any confidential material including, but not limited to reports, e-mails, officer safety alerts or shift briefing information. If confidential or sensitive information is discussed in the presence (*or overheard by*) of any civilian visitor, the visitor shall be advised to not discuss or disclose such information to any other person.

### **204.3 SUSPICIOUS OR THREATENING PERSONS**

If any suspicious or threatening person is in the lobby of the police department, members assigned to the Front Desk shall immediately request the assistance of a sworn member by either telephone, panic alarm or base radio. Should the member(s) assigned to the Front Desk feel their safety is in jeopardy by any person in the lobby, those members may leave the front desk area and go to another location within the department until such person is contacted and/or removed by sworn members.

The Chief of Police, Division Commanders, Lieutenants and Sergeants have the authority to trespass unwanted persons from the police department, sub-station buildings or offices, and police department parking lots.

# Coeur d'Alene Police Department

Coeur d Alene PD Policy Manual

## *Police Department Security*

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### **204.4 SUSPICIOUS PACKAGES/BOMB THREATS**

**Suspicious Packages:** If any member locates a suspicious package or item in or around the police department, a sub-station building or office, or on, around or under any department vehicle or member owned private vehicle, that member shall leave such package or item in place and immediately notify a supervisor. The responding Supervisor shall evaluate the situation in an attempt to determine the safest course of action.

**Bomb Threats:** Procedures outlined in Policy *Bomb Threat at Police Department* shall be followed for any bomb threats to the department.

### **204.5 BUILDING EVACUATIONS**

Evacuation of the department may be required for the safety of its members in the event of a fire, explosion, gas leak, earthquake or other immediate safety hazard. Members shall exit the department by the closest or safest exit unless otherwise notified. Members should consider, when practical or safe to do so, checking offices immediately nearby to make sure other members are aware of the evacuation or if any other members need assistance evacuating.

Members shall not re-enter the department until after being advised it is safe to do so by the Chief of Police or his designee.

## Training

### 205.1 PURPOSE AND SCOPE

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

### 205.2 OBJECTIVES

The objectives of the Training Program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of our personnel.
- (c) Provide for continued professional development of personnel in this department.

### 205.3 TRAINING PLAN

A training plan will be developed and maintained by the Training Lieutenant. It is the responsibility of the Training Lieutenant to maintain, review and update the training plan on an annual basis. The plan will address the following areas:

- Legislative changes
- State-mandated training
- Critical issues training
- Will oversee the establishment, implimentation, and management of a standardized promotional preparation curriculum.

## Electronic Mail

### 206.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for employees' proper use and application of the electronic mail (email) system operated by this department. Email is a communication tool available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law (e.g., Idaho Public Records Act). Messages transmitted over the email system must only be those that involve official business activities or contain information essential to employees for the accomplishment of business-related tasks and/or communication directly related to the business, administration, or practices of this department.

### 206.2 EMAIL RIGHT OF PRIVACY

All email messages, including any attachments, that are transmitted over department networks are considered department records and therefore are the property of the department. The Coeur d'Alene Police Department reserves the right to access, audit or disclose for any lawful reason, any message, including any attachment, that is transmitted over its email system or that is stored on any department system.

The email system is not a confidential system and therefore is not appropriate for confidential communications. If a communication must be confidential, an alternative method to communicate the message should be used instead of email. Employees using the department email system shall have no expectation of privacy concerning communications transmitted over the system.

Employees should not use personal accounts to exchange email or other information that is related to the official business of the Department.

### 206.3 PROHIBITED USE OF EMAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, and harassing or any other inappropriate messages on the email system is prohibited and will not be tolerated and may result in discipline.

Email messages addressed throughout the entire department are only to be used for official business related items that are of particular interest to all users and must be approved by the Chief of Police or a Division Commander. Personal advertisements are not acceptable.

It is a violation of this policy to transmit a message under another user's name. Users are strongly encouraged to log off the network when their computer is unattended. This added security measure would minimize the misuse of an individual's email, name and/or password by others.

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## *Electronic Mail*

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### **206.4 EMAIL RECORD MANAGEMENT**

Email may, depending upon the individual content, be a public record under the Idaho Public Records Law and must be managed in accordance with the established records retention schedule and in compliance with state law.

The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

# Use of Department Records, Computers and Data Bases

## 207.1 PURPOSE AND SCOPE

The purpose of this policy is to establish rules regarding members' use of the various computers, computer systems, computer programs and databases utilized by the department.

In addition to any other specific policy in in this section, or elsewhere in the Policy Manual, refer to the following documents governing this topic.

- <http://citynet/deptimages/PersonnelRules.pdf>
- <http://citynet/deptimages/electronicSOP.pdf>
- <http://citynet/deptimages/EPolicy.pdf>

## 207.2 E-MAIL RIGHT OF PRIVACY

All e-mail messages, including any attachments, that are transmitted over department networks are considered department records and therefore are the property of the department. The department reserves the right to access, audit or disclose for any lawful reason, any message, including any attachment, that is transmitted over its e-mail system or that is stored on any department system.

The e-mail system is not a confidential system and therefore is not appropriate for confidential communications. If a communication must be confidential, an alternative method to communicate the message should be used instead of e-mail. Members using the department e-mail system shall have no expectation of privacy concerning communications transmitted over the system.

Members should not use personal accounts to exchange e-mail or other information that is related to the official business of the department.

## 207.3 PROHIBITED USE OF DEPARTMENT RECORDS, DATABASES OR ANY OTHER INTELLIGENCE / INFORMATION SYSTEMS

Members, on or off duty, shall not access, or cause to be accessed, any department records, data base or intelligence/information gathering system for the personal or private use of the member or other person. Access to these types of data bases and information systems shall be restricted to legitimate law enforcement related business or investigations. Only authorized, certified, or properly trained members may access restrictive databases.

Systems shall include, but not necessarily be limited to:

- NCIC
- ILETS
- Spillman



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## *Use of Department Records, Computers and Data Bases*

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- Coplink
- Confidential Informant Files
- Pawn Files
- Digital Evidence Retention Systems (*i.e. VIPER*)
- Police Reports
  - Members may request copies of police reports for personal use by following the procedures in Policy §802.4.1 *Processing of Requests*.

### 207.3.1 FURTHER PROHIBITIONS

Members, on or off duty, shall not access, or cause to be accessed any department records, involving family members, business associates, or individuals with a close personal relationship without approval of a supervisor and only for a legitimate law enforcement purpose.

## Administrative Communications

### 208.1 PURPOSE AND SCOPE

In order to ensure that the letterhead and the name of this department are not misused, communication from this department are governed by the following policies.

### 208.2 E-MAIL

E-mail is primarily the most common form of internal and external communication. Members of this department must follow the City of Coeur d'Alene Personnel Rules, Rule XVIII Section 4, governing this topic.

Due to the fact that important and/or time sensitive internal and external communications occur through the use of e-mail, members shall check and read their e-mail frequently throughout their assigned work periods and reply to e-mail messages in a timely manner when appropriate.

E-mail communications are subject to disclosure under public record's requests, and therefore member's must be aware that confidential and/or personal information contained in their e-mails could be subject to public disclosure.

In an effort to maintain uniformity and professionalism with e-mail correspondence, members of this department may choose to have an electronic signature automatically added to the closing of their e-mail messages. The electronic signature shall only include the authorized department logo, the name and rank of the member, the name of the department, department address, and the members phone numbers, fax number and e-mail address. Members who choose to have electronic signatures added to their e-mail account must contact Information Technology for assistance in doing so.

No other logos or signature will be authorized for use in electronic signatures without authorization of the Chief of Police.

### 208.3 CORRESPONDENCE

In order to ensure that the letterhead and name of this department are not misused, and to maintain uniformity and professionalism, all external correspondence shall be on Coeur d'Alene Police Department letterhead. This letterhead shall not be altered.

All Coeur d'Alene Police Department letterhead shall bear the name of the Chief of Police, the authorized department logo, and the department name, address, telephone, fax and website information. Personnel should use Coeur d'Alene Police Department letterhead only for official business.

Internal correspondence may be done through e-mail, or other memorandum form.

## Retiree Concealed Firearms

### 209.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension, or revocation of Coeur d'Alene Police Department identification cards to qualified former or retired law enforcement officers under the Law Enforcement Officers' Safety Act (LEOSA) (18 USC § 926C).

### 209.2 POLICY

It is the policy of the Coeur d'Alene Police Department to provide identification cards to qualified former or retired officers to facilitate the lawful carrying of concealed weapons by those individuals.

### 209.3 LEOSA

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

- (a) Separated from service in good standing from this department as an officer.
- (b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.
- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

#### 209.3.1 LEOSA IDENTIFICATION CARD FORMAT

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

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

#### 209.3.2 AUTHORIZATION

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

- (a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
  1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement

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

2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active-duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
  - (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
  - (c) Not prohibited by federal law from receiving a firearm.
  - (d) Not in a location prohibited by Idaho law or by a private person or entity on his/her property if such prohibition is permitted by Idaho law.

### **209.4 IDAHO IDENTIFICATION CARD**

The Chief of Police should issue an identification card to a qualified former officer of this department with 10 years of service if requested and is otherwise a qualified retired law enforcement officer under Idaho Code 18-3302H.

## Fleet Collision Review Board

### 210.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process to review the circumstances involving the collision of vehicles owned/used by this department.

### 210.2 REVIEW BOARD

It is the policy of this department to convene a Fleet Collision Review Board to investigate and review the circumstances of a fleet collision when:

(a) A member operating a vehicle owned/used by this department is involved in a traffic collision upon a roadway or on private property that results in any fatality, injury, or if the collision, when reviewed by the Division Commander, may result in discipline.

The Chief of Police or his designee may also convene this Board to investigate and review the circumstances surrounding any other collision involving a vehicle owned/used and operated by a member of this department.

This Review Board shall be supplemental to any fleet collision investigation conducted by a Supervisor of this department or by the Idaho State Police or Kootenai County Sheriff's Department as outlined under the Supervisor Responsibilities in Policy for Fleet Collisions.

### 210.3 COMPOSITION OF THE BOARD

The Board shall be comprised of the following members:

- Traffic Sergeant, Investigation Sergeant, Patrol Lieutenant, unless otherwise assigned by the Division Commander or the Chief.

If the member involved in the collision is a Division Commander, the Chief of Police may investigate and/or review the collision without convening a Board.

In the event the involved member is the Chief of Police, the collision report and/or any other documentation of the collision shall be forwarded to the City Administrator for review.

The senior ranking member on the Board will serve as the Chairperson unless otherwise determined by the Chief of Police. It will be the responsibility of the Division Commander of the involved member(s) to notify the Chief of Police of any collisions requiring a board review. The Chairperson will convene the Board as deemed necessary by the Chief of Police or his designee. The Division Commander will ensure all relevant reports, documents, photos, videos and other materials are available for consideration by Board members.

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## *Fleet Collision Review Board*

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### **210.4 RESPONSIBILITIES OF THE BOARD**

The Board is empowered to conduct an administrative review of the circumstances of the collision. The involved member(s) will be provided the opportunity to appear before the Board and provide a voluntary statement regarding the collision, however the Board will not question the member.

The Board shall make a finding and such finding shall include if the collision was:

- **Preventable:** Meaning the member should have been aware of reasonable alternatives and failed to exercise them, but did not intentionally cause the collision. This includes, but is not limited to, negligence, inattention or lack of due care; or
- **Non-Preventable:** Meaning the member was unaware of reasonable alternatives and did not intentionally cause the collision or demonstrate any negligence, inattention or any other preventable contribution.

The Board shall also make a finding if the involved members actions were:

- In violation of any policy and procedures of this department, and if so, what the policy violations were.

A finding will be the consensus of the Board. Upon conclusion, the Chairperson will submit written findings of the Board to the appropriate Division Commander. All relevant reports, materials and information will be filed with the appropriate Division Commander.

#### **210.4.1 FINDINGS**

Upon completion of its review, the Chairperson shall submit written finding of the Board to the Chief of Police or his designee within 20 days, unless otherwise extended with prior approval of the Chief of Police.

### **210.5 REVIEW BOARD FINDINGS FORMAT**

The Chairperson shall prepare a final report by using the following format.

**Cover Page** - The cover page should include the following introductory information:

- Fleet Collision Review Board incident number (assigned through the Office of Chief of Police).
- Department report number(s), if applicable.
- Date, time and location of collision under review.
- Identity of involved member(s).
- Identity of Board members.
- Date review completed.

**Review** - This section should include the following information:

- **Summary** - A brief description of the original incident under review.

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- Investigation - This should be a detailed section outlining the complete investigation conducted, including what documents, reports, photographs, videos and statements were reviewed.
- Findings - This should be a detailed section outlining the findings of the Board.
- Attachments - An enumerated list of exhibits (recordings, photos, documents, etc.) which are attached to the final report.

### **210.6 DISPOSITION**

The Chief of Police or his designee will review the findings of the Board, and the member's personnel file if necessary, to come to a final disposition, which may include any disciplinary sanctions.

In the event that the findings of the Board reveal the member violated department policy, involved any potential misconduct or other improper job performance, the Chief of Police or his designee may cause the Chairperson of the Board to complete a Personnel Complaint form and forward it to the involved member's Division Commander for further investigation by the Office of Professional Standards.

Any sustained allegation(s) resulting from an administrative investigation into such personnel complaint, may be considered for separate/additional disciplinary sanctions(s) in addition to any disciplinary sanctions that may have been imposed upon the member in connection to the collision which was reviewed by the Board prior.

## **Chapter 3 - General Operations**



## Use of Force

### 300.1 PURPOSE AND SCOPE

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

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

### 300.2 POLICY

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

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

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

#### 300.2.1 USE OF FORCE

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

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

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

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly

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## *Use of Force*

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unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

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

### **300.2.2 LESS-LETHAL FORCE APPLICATIONS**

Less-lethal force is force that is not reasonably anticipated nor intended to create a substantial likelihood of death or very serious injury. Less-lethal force applications can include the use of equipment and control devices, as well as the member's own physical force. The use of less-lethal force applications is authorized in accordance within this policy.

### **300.2.3 DEADLY FORCE OPTIONS**

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

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

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

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

### **300.3 ALTERNATIVE TACTICS - DE-ESCALATION**

When circumstances reasonably permit, officers should use tactical de-escalation techniques to reduce the intensity of an encounter with a suspect to have additional options in an effort to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

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Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation should only be used when it is safe and prudent to do so.

### **300.3.1 WARNING**

Where feasible, a warning should be given before a member uses control devices, other than handcuffs. A specific warning that deadly force will be used is not required by this policy, only that a warning be given if feasible.

However, this section shall not apply in the event tactical considerations, including but not limited to member safety, would warrant a warning not being given.

### **300.3.2 RESPIRATORY RESTRAINTS**

The use of a respiratory restraint, also known as a chokehold, is limited to circumstances where deadly force is authorized and if applied, is subject to the same guidelines and requirements as a carotid control hold.

## **300.4 DUTY TO INTERCEDE**

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

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

An allegation of excessive use of force by a member, whether reported by a citizen or other department member, shall be investigated. The supervisor receiving such allegation shall complete a Personnel Complaint form and forward it through his chain of command to the member's Division Commander. The Chief of Police or his designee may convene a review board per policy to review the use of force in conjunction with any Administrative Investigation.

### **300.4.1 PERSPECTIVE**

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

### **300.4.2 MOTOR VEHICLES**

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

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

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

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

Firearms are generally ineffective at stopping vehicles. When a person is attempting to use a vehicle as a weapon, the following restrictions apply:

- A Department member shall not discharge a firearm at the operator of a vehicle unless the officer reasonably believes that the subject poses an immediate threat of death or serious physical injury to the officer or another person, there is no reasonable alternative course of action for the officer to prevent the death or serious physical injury. If at all practicable, an officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants.
- Firearms shall not be discharged from a moving vehicle except in the immediate defense of life.

Officers should refrain from reaching into a vehicle to turn off the vehicle or control the occupant(s) unless extremely exigent circumstances apply.

### **300.5 REPORTING THE USE OF FORCE**

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

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

#### **300.5.1 NOTIFICATION TO SUPERVISORS**

Supervisory notification shall be made as soon as practical following the application of physical force, under any of the following circumstances:

- (a) The application of force has caused a physical injury or death.
- (b) Although a physical injury is not immediately apparent, a member reasonably believes a person has been injured by the use of force.
- (c) Any application of a control device.
- (d) The individual could have been or has been rendered unconscious.
- (e) Emergency medical personnel have been called to assess an individual.

#### **300.5.2 MEDICAL ATTENTION FOR INJURIES SUSTAINED USING FORCE**

Prior to booking or release, medical assistance shall be obtained for any person that has sustained visible injury, or for any person the member reasonably believes has been injured or has been

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rendered unconscious. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practical, should be witnessed by another member and/or medical personnel. If an audio and/or video recording is made of contact or an interview with the individual, any refusal should be included, if possible.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics, unusually high tolerance to pain or who require a protracted physical encounter with multiple members to bring under control may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

### 300.5.3 SUPERVISOR RESPONSIBILITY

- (a) A supervisor shall ensure any use of force is properly documented in the member's report(s).
- (b) When a member has used force that results in an apparent injury or, although an injury is not apparent, the member reasonably believes a person is injured, a supervisor shall ensure the following occurs:
  - (a) The application of force is fully documented in an appropriate report.
  - (b) Ensure that any injured parties are examined and treated or refusal is properly documented.
  - (c) Ensure the subject(s) upon whom the force was applied is interviewed and/or allowed to provide a statement.
  - (d) Ensure that photographs have been taken of any areas involving visible injury or complaint of pain as well as overall photographs of uninjured areas.
  - (e) Identify any witnesses not already included in related reports.
  - (f) Review and approve all related reports.
- (c) The supervisor shall complete a separate Use of Force Report under any of the following circumstances:
  - (a) The application of force has caused a physical injury or death.
  - (b) Although a physical injury is not immediately apparent, a member reasonably believes a person has been injured by the use of force.
  - (c) The application of any control device.
  - (d) An individual could have been or has been rendered unconscious.
  - (e) Emergency medical personnel have been called to assess an individual.
  - (f) The application of force against an individual who exhibits extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics, unusually high tolerance to pain and may be at an increased risk of sudden death.

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- (g) If the supervisor believes an incident where force was used may give rise to potential civil litigation.
- (d) Internal Tracking Numbers shall be assigned to each Use of Force Report. This tracking number shall be obtained by the supervisor during the shift in which the use of force was reported to them. Upon obtaining a tracking number, the supervisor shall notify their chain of command via e-mail, including the Chief of Police and Executive Assistant to the Chief, of the assigned tracking number.
- (e) The completed Use of Force Report shall be forwarded through the chain of command to the Chief of Police by submitting the Use of Force report to the appropriate Lieutenant. The Lieutenant will ensure a printed copy is submitted to the Division's Commander. The Commander will sign the form and submit to the Chief of Police.
- (f) Should the final determination be that any application of force was not within policy, one or more separate internal administrative investigations may be initiated.
- (g) When deadly force has been initiated, the incident shall be reviewed under Policy Manual .

## Shooting Policy

### 301.1 PURPOSE AND SCOPE

The purpose of the shooting policy is to establish procedures for the use and reporting of incidents involving the discharge of firearms. This policy is for internal use only and does not increase this department's and/or sworn member's civil or criminal liability in any way. Violations of this policy can only form the basis for administrative actions by this department.

#### 301.1.1 POLICY

It is the policy of this department to resort to the use of a firearm, when it reasonably appears to be necessary under the factors and guidance set forth in Policy Manual Use of Force.

#### 301.1.2 REPORT OF WEAPON DISCHARGE

Except during training or recreational use, any member who discharges a weapon accidentally or intentionally, on or off-duty, shall make a verbal report to their supervisor as soon as circumstances permit.

## Use of Force Review Boards

### 302.1 PURPOSE AND SCOPE

This policy establishes a process for the Coeur d' Alene Police Department to review the use of force by its employees.

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

### 302.2 POLICY

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

### 302.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

### 302.4 REVIEW BOARD

The Use of Force Review Board may be convened when the use of force by a member results in very serious injury or death to another.

The Chief of Police may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Support Services Commander will convene the Use of Force Review Board as necessary. It will be the responsibility of the Division Commander or supervisor of the involved employee to notify the Support Services Division Commander of any incidents requiring board review. The involved employee's Division Commander or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

This Review Board shall be supplemental to a Critical Incident Task Force investigation involving a member(s) of this department.

#### 302.4.1 COMPOSITION OF THE BOARD

The Support Services Division Commander may select five Use of Force Review Board members from the following, as appropriate:

- Command representative from both the Operations and Support Services Divisions.
- Training Lieutenant.



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- Non-administrative supervisor.
- A peer officer.
- Department instructor for the type of weapon, device or technique used.
- Two community members selected through a process approved by the Chief.
- Lieutenant or Sergeant from either the Operations or Support Services Division.
- May also include a representative from another law enforcement agency.

The senior ranking member not of the same division as the involved member(s) will serve as the Chairperson unless otherwise determined by the Chief of Police. It will be the responsibility of the Division Commander of the involved member(s) to notify the Chief of Police of any incidents requiring a board review. The Chairperson will convene the Review Board as deemed necessary by the Chief of Police. The Division Commander will ensure all relevant reports, documents, photos, videos and other materials are available for consideration and review by the Board members.

### 302.4.2 RESPONSIBILITIES OF THE BOARD

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

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

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

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

The board shall make one of the following recommended findings:

- (a) The employee's actions were within department policy and procedure.
- (b) The employee's actions were in violation of department policy and procedure.

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

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

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

### **302.5 FINDINGS**

Upon completion of its review, the Chairperson shall submit a written finding of the board to the Chief of Police or his designee within 45 days, unless otherwise extended with prior approval of the Chief of Police.

## Duty Knives

### 303.1 PURPOSE AND SCOPE

The primary use of a duty knife is as a utility or rescue tool, although under certain circumstances, it may be used as a defensive weapon when no other reasonable means of defense are immediately available.

#### 303.1.1 PROHIBITED KNIVES OR OTHER EDGED WEAPONS

Double edge blades, or knives or other edged weapons which are intended or designed to primarily be a stabbing weapon are strictly prohibited and shall not be carried on the members person, in their duty equipment bag or police vehicle.

Exceptions to this policy shall be for:

- (a) Members working a special duty assignment, (*i.e. SWAT or SIRT*), may require the use of a particular edged weapon or knife other than those described in Policy. Those members are authorized to carry a different knife that is pre-approved by the Chief of Police or his designee while attending training or during deployments for that particular assignment.
  1. Members assigned to SWAT, while working their normal duty assignment (*i.e. Patrol*), may carry such authorized knife on duty provided that such edged weapon or knife remains stored in their gear bag until needed on a deployment or training.
- (b) Multi-purpose tools, *i.e.* Leatherman tool, are excluded as a prohibited edged weapon but shall be inspected and approved by the Chief of Police or his designee.

#### 303.1.2 AUTHORIZED DUTY KNIVES

Authorized duty knives are an optional tool and must be purchased at the member's own expense. Duty knives are to be carried for utility purposes, as a rescue tool and/or for self defense.

The duty knife must be either a folding knife and/or a fixed blade knife. Folding knives shall measure no more than 10 inches (*including blade and handle*) when fully extended in the open position. Fixed blade knives shall measure no more than 8 inches in length (*including blade and handle*).

All authorized duty knives shall have one of the following locking mechanisms:

- Regular Lock-Back
- Liner Lock
- Frame Lock

Authorized duty knives shall also be one of the following designs:

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## *Duty Knives*

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- Regular Folding
- One Hand Opening
- Spring Assisted Opening
- Automatic Opening
- Fixed Blade

Authorized blades shall also be one of the following designs:

- Straight-Back
- Drop-Point
- Spear-Point (False back edge)
- Tanto
- Sheep's Foot

Authorized blade edges shall be one of the following designs:

- Plain
- Serrated
- Partially Serrated

### 303.1.3 INSPECTION, TRAINING, CARRYING & USE

- (a) Members shall not use or carry a knife on duty until the knife has been inspected and approved by the Chief of Police or his designee, and until the member has satisfactorily completed approved training on proper carry, deployment, utility use, rescue use, storage, defense of, use of force options and documentation.
- (b) Duty knives carried by members may also be subject to periodic inspections to make sure they meet policy standards.
- (c) Members who choose to carry a duty knife, may also be required to participate and satisfactorily complete periodic refresher training on proper carry, deployment, utility use, rescue use, storage, defense of, use of force options and documentation.
- (d) Members shall not carry more than two folding duty knives and one fixed blade duty knife on their person, in their duty equipment bag or police vehicle. If the member chooses to carry a folding duty knife on their person, it shall be carried in the closed position in an approved sheath attached to the members duty belt; securely clipped to the members uniform or clothing so that only the back clip of the knife is visible; or completely concealed. Any fixed blade knife shall be carried completely concealed in a retention sheath at all times when not deployed as a rescue tool or for self defense.

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## *Duty Knives*

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- (e) The duty knife is authorized for use during a use of force situation when, based upon the circumstances perceived by the member, such force reasonably appears justified and necessary to result in the safe control of an individual or situation and in conjunction with Policy Manual Use of Force.

### 303.1.4 DOCUMENTATION

- (a) When a member uses a duty knife for utility purposes, documentation is not necessary.
- (b) Whenever the duty knife is used as a rescue tool, it's use will be documented in an incident report.
- (c) Whenever the duty knife is used in a use of force situation, it's use will be documented in an incident report and a supervisor shall also complete a Use of Force Report.

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## Handcuffing and Restraints

### 304.1 PURPOSE AND SCOPE

To reduce and minimize altercation-related injuries to members and others, the department authorizes the use of Leg Restraint Devices in order to control violent or potentially violent individuals and to assist members in bringing an incident under control.

### 304.2 USE OF RESTRAINTS

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

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

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

### 304.3 APPLICATION OF SPIT HOODS/MASKS/SOCKS

The restraint device is designed to reduce the likelihood of injury to the restrained person or others, and to reduce the likelihood of property damage caused by the restrained person by preventing them from using their legs in a manner likely to result in injury or damage. The restraint will only be used to bind and immobilize a person's legs. Only those members trained in the use of the restraint are authorized to employ it on any person. The following guidelines shall be used when applying the restraint device:

- (a) In all cases, a supervisor shall be notified as soon as practical after the application of the restraint.
- (b) Absent a medical emergency, the person being restrained shall remain restrained until the member arrives at the jail or other facility or the person no longer poses a threat.
- (c) Once secured, the restrained person should be placed in a seated or upright position and shall not be placed on their stomach for an extended period as this may potentially reduce the person's ability to breathe.
- (d) The restrained person should be constantly watched by a member while in the restraint. The member is to ensure the person does not roll onto their stomach.

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

There are four basic techniques when applying linear restraint lines. Pain compliance may be needed and used when reasonable and necessary to gain suspects compliance, while a second member applies the linear restraint line. When practical, the suspect should be kneeling or in the prone position when the restraint line is applied in order to avoid injury to the members or suspect.

### **Limiting Mobility:**

- (a) Wrap restraint line once around suspects right leg and pull tight, just above the ankle.
- (b) Wrap twice around the left leg just above the ankle and then snap to the cross member of the restraint.
- (c) Restraint line may be stepped on to assist in controlling the suspect while walking slowly or to kneel the suspect down.

### **Prevent Slipping of Handcuffs:**

- (a) Restraint line is looped around the waist and wrapped around the hinge or clipped to the chain.
- (b) When restraining a large suspect, two restraint lines can be used together in the same technique.

### **Controlling Movement of Suspects Feet During Transport:**

- (a) Make sure the suspect is seated in an upright position.
- (b) Loop the suspects right foot above the ankle and pull the restraint line tight.
- (c) Wrap the restraint line around the suspects left leg above the ankle and then through the middle of both legs.
- (d) Clip the restraint line to the eye bolt which has been installed on the floor of the patrol car in the back seat near the cage.
- (e) Make sure the suspects feet are close to the floor.
- (f) The less slack in the restraint line, the more control you will have.
- (g) The suspect should be seat belted before transport.

### **Temporarily Restraining Violent Suspects During Arrest:**

- (a) After handcuffing suspect, place him on his stomach.
- (b) One member controls the suspect while the other wraps the restraint line around both ankles as described in "*Controlling Movement of Suspects Feet During Transport*" technique.

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- (c) The restraint line is then looped through the suspects belt loop or belt and clipped back onto itself between the ankles.
- (d) If there are no belt loops or a belt, a second restraint line can be used as a substitute around the suspects waist.
- (e) The suspect must not be left in this prone position for a prolonged duration due to possible respiratory issues that could result.
- (f) This technique should only be used to assist members in transporting the suspect from the area of the arrest to the transport vehicle.
- (g) When using this technique, 3 or 4 members should be used to carry the suspect when practical. A suspect shall not be moved in this position by only one member. The suspect should be carried by his legs and shoulders.
- (h) Once at the transporting vehicle, the restraint line must be switched to the technique described in "*Controlling Movement of Suspects Feet During Transport*".
- (i) The suspect should be seat belted before transport.

### 304.3.1 TRANSPORTING RESTRAINED PERSONS

When transporting a suspect(s) who has been restrained, members shall observe the following procedures:

- (a) Restrained persons may be transported in a police vehicle. They shall be seated in an upright position and secured by a seat belt. The long lead of the restraint will be securely attached to the floor anchors and/or partition post inside the vehicle. When the person cannot be transported in a seated position, a Supervisor may consider the use of a medical unit or jail van.
- (b) When taken by ambulance, the restrained person shall be accompanied by a member. The transporting member should inform medical personnel that the person should remain in an upright position where practicable. If medical personnel determine that it is in the best interest of the restrained person to be transported while lying down, the person should be kept on his/her side or back with appropriate adjustments to restraints so that the person's arms are not pinned beneath them.
- (c) Members shall inform the jail staff that a restraint device was used on the arrestee prior to arrival at the jail.

### 304.4 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Anytime the restraint device is used, the circumstances requiring its use shall be documented in the related report(s). The member should include the following in the report:

- (a) The amount of time the suspect was restrained.
- (b) How the suspect was transported and the position of the suspect.



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- (c) Observations of the suspect's physical and physiological actions.
- (d) Any known or suspected drug use or other medical problems.

### **304.5 TRAINING**

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

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

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## Protective Transport Hoods & Helmets

### 305.1 PROTECTIVE TRANSPORT HOOD

Protective transport hoods are available for protection from the hazards of suspects who attempt to expectorate saliva, mucous or blood on members.

Only hoods that are provided by the department should be used on detained persons and they should follow the instructions provided with the hood. This shall not prevent members from using other safe and reasonable means to protect themselves in the event that they do not have a hood available to them or have more than one suspect in custody.

Members should be aware that serious injury or death due to asphyxiation, suffocation or drowning in one's own fluids could result by improper use of a protective transport hood or by using other unsafe or unreasonable means if a hood is not immediately available.

- (a) The provided protection hood may be used on detained persons only in such situations:
  - 1. Where the suspect spits on or threatens to spit at any person; and/or
  - 2. Where the suspect spits on personal property
- (b) The hood shall not be used by a member based on his assumption that a person will spit on him.
- (c) The hood shall be used after the person has been placed into custody and handcuffed.
- (d) When the hood is used it shall be the member's responsibility to maintain contact with the suspect at all times. At no time should a suspect be left alone with the hood on.
- (e) The suspect shall be closely monitored to ensure he is able to properly breathe. Periodic lifting up the rear of the hood to allow for a full air exchange inside the hood may be needed.
- (f) Members are encouraged to use audio and/or video recorders when a protective hood is used.
- (g) At no time should a protection hood be loaned to another agency.
- (h) If it appears that a hooded person is having difficulty breathing, is hyperventilating, is vomiting, bleeding profusely from the area around the mouth or nose, or has stopped breathing, the officer shall immediately remove the hood and take any necessary medical action.
- (i) Members shall use additional care in handling hooded persons to keep them from bumping their heads or tripping.
- (j) After using the hood on a detained person, the hood shall be discarded and a new one placed into service as soon as practical by contacting the a Supervisor or Equipment Specialist.

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## *Protective Transport Hoods & Helmets*

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### **305.2 PROTECTIVE TRANSPORT HELMET**

Protective transport helmets are available for members to protect suspects who are arrested or detained and choose to intentionally inflict injury upon themselves and/or damage property by hitting their head against any object or any portion of the police vehicle during detention and/or transportation.

Only helmets that are provided by the department should be used on detained persons. This shall not prevent members from using other safe and reasonable means to protect suspects in the event that they do not have a helmet available to them or have more than one suspect in custody.

- (a) Members are encouraged to use audio and/or video recorders when a protective helmet is used.
- (b) At no time should a helmet be loaned to another agency.
- (c) After using the helmet on a detained person who has been sweating profusely or bleeding, the helmet shall be cleaned and disinfected before being placed back into service.
- (d) If a helmet becomes damaged, it shall be removed from service and a Supervisor and Equipment Specialist notified as soon as practical.

## Control Devices and Techniques

### 306.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices and techniques used to reduce and minimize altercation-related injuries to members and others, and to provide an intermediate level of force between personal weapons and lethal force. The department authorizes the use of certain control devices and control techniques in order to control violent or potentially violent individuals and to assist members in bringing an incident under control.

#### 306.1.1 WHEN DEVICES/TECHNIQUES MAY BE USED

Sworn members may use approved control devices and employ control techniques when reasonable under the circumstances and in compliance with Policy Manual Use of Force.

Only members trained and having shown adequate proficiency in the use of any control device or technique are authorized to carry and/or use the device/technique.

Members shall promptly document the use of any control device or control technique in their reports and shall fill out any additional documentation or reports that may be mandated by this Policy or required by their supervisor.

#### 306.1.2 INSPECTION & APPROVAL

Only those control devices and techniques that have been approved by the Chief of Police or his designee are authorized to be carried and/or used by authorized members.

Every control device shall be periodically inspected by an authorized member of the department.

#### 306.1.3 TRAINING FOR CONTROL DEVICES

- (a) Proficiency training shall be monitored and documented by the designated instructor. Class rosters and/or certifications shall be added to the members training file.
- (b) Training for all control devices should occur at least every two years at a minimum unless otherwise determined by the Chief of Police or his designee.
- (c) Training for control devices should be added to the members training file and/or MTRS training file.
- (d) Sworn members failing to demonstrate proficiency with the control device or technique will be provided remedial training. If the member still cannot demonstrate proficiency, he may be subject to discipline if the control device or technique is needed to properly and safely perform a job requirement.

### 306.2 BATON

The baton is authorized for use when, based upon the circumstances perceived by an authorized member, such force reasonably appears justified and necessary to result in the safe control of an individual or situation and in conjunction with Policy Manual Use of Force.

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### **306.3 CHEMICAL AGENTS**

The use of chemical agents for crowd control, crowd dispersal or against barricaded suspects shall be based on the circumstances. The Shift Commander, Incident Commander or SWAT Commander may authorize the delivery and use of chemical agents, evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary to result in the safe control of the suspect(s).

When practical, fire personnel should be alerted or summoned to the scene to control any fires and to assist in providing medical aid or gas evacuation when the scene is safe. Only members trained in the use of chemical agents weapons should discharge such devices at the scene.

### **306.4 RESPONSIBILITIES**

Only trained authorized members may possess and maintain oleoresin capsicum spray or other chemical agents issued by this department. The use of oleoresin capsicum spray or other chemical agents is authorized when, based upon the circumstances perceived by the member, such force reasonably appears justified and necessary to result in safe control of an individual or situation and in conjunction with Policy Manual Use of Force.

#### **306.4.1 CARRYING OF OLEORESIN CAPSICUM (OC) SPRAY**

Uniformed members carrying the oleoresin capsicum spray shall carry the device in its holster on their duty belt. Plainclothes members may carry the oleoresin capsicum spray as authorized, consistent with the needs of their assignment or at the direction of their supervisor.

Canisters involved in any type of malfunction or damage shall be turned in to the Equipment Specialist for exchange.

#### **306.4.2 TREATMENT FOR OC SPRAY OR OTHER CHEMICAL AGENT EXPOSURE**

The affected areas on people who have been exposed to OC spray or other chemical agents should be cleansed as soon as practical.

Those persons who complain of further severe effects shall be further checked by medical personnel.

#### **306.4.3 REPORT OF USE**

All uses of oleoresin capsicum or other chemical agents shall be documented in the related arrest/crime report and reported to a supervisor pursuant to Policy Manual Use of Force.

#### **306.4.4 POST-APPLICATION NOTICE**

Whenever oleoresin capsicum or other chemical agents have been introduced into a residence, building interior, vehicle or other enclosed area, members should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include an advisement that clean up will be at the owner's expense. Information regarding the notice being given and the name of the person(s) notified should be included in any related incident reports.

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### **306.5 SPECIALTY IMPACT MUNITIONS**

The use of specialty impact munitions is authorized when, based upon the circumstances perceived by the member, such force reasonably appears justified and necessary to result in safe control of an individual or situation and in conjunction with Policy Manual Use of Force.

#### **306.5.1 DEPLOYMENT**

Approved munitions are justified and may be used to compel an individual to cease their actions when such munitions present a reasonable option for resolving the situation at hand.

Members are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved member(s) determine that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons, and members takes priority over the safety of subjects engaged in criminal or suicidal behavior.

#### **306.5.2 EXAMPLES OF CIRCUMSTANCES APPROPRIATE FOR DEPLOYMENT**

Examples include, but are not limited to, the following types of situations where the subject:

- (a) Is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) Has made credible threats to harm himself or others.
- (c) Is engaged in riotous behavior or is throwing rocks, bottles, or other dangerous projectiles at any person, including members of law enforcement.

#### **306.5.3 DEPLOYMENT CONSIDERATIONS**

Before discharging projectiles, the member should consider the following factors:

- (a) Severity of the crime or incident.
- (b) Subject's capability to pose an imminent threat to the safety of members or others.
- (c) If the subject is actively resisting arrest or attempting to evade arrest by flight.
- (d) The credibility of the subject's threat as evaluated by the members present, and physical capacity/capability.
- (e) The proximity of weapons available to the subject.
- (f) The member's versus the subject's physical factors (*i.e., age, size, relative strength, skill level, injury/exhaustion, the number of member(s) versus subject(s)*).
- (g) The availability of other force options and their possible effectiveness.
- (h) Distance and angle to target.
- (i) Type of munitions employed.
- (j) Type and thickness of subject's clothing.
- (k) The subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

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Unless circumstances dictate otherwise, a backup member shall accompany any member using less lethal munitions. Whenever practical, in order to try and avoid sympathetic firearms response from other members on scene, members using less lethal munitions should broadcast over the radio that less lethal munitions are about to be deployed.

### 306.5.4 DEPLOYMENT DISTANCES

Members will keep in mind the manufacturer's recommendations regarding deployment when using control devices, but are not solely restricted to use according to these manufacturer recommendations. Each tactical situation must be evaluated on the totality of circumstances at the time of deployment.

### 306.5.5 SHOT PLACEMENT

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted when deadly force is not reasonably justified.

Members should generally follow the manufacturer's recommendations regarding minimum deployment distances and target areas however any target area or distance may be considered when it reasonably appears necessary to accomplish immediate incapacitation in order to prevent serious injury or death and other reasonable methods have failed or reasonably appear ineffective.

### 306.5.6 APPROVED MUNITIONS

Members shall carry and deploy only department-approved specialty impact munitions.

### 306.5.7 USE OF SPECIALTY IMPACT MUNITION PROJECTILES BY DEPARTMENT MEMBERS

Members who have completed a training course approved by this department may carry and deploy 12 gauge or 37/40 mm projectiles while on duty.

A specially marked shotgun, designated for the use of 12-gauge projectiles, will normally be carried in each patrol unit. The weapon will be in the "Patrol Ready" position; empty chamber, magazine loaded, on safe and secured in the gun lock.

Members will inspect this shotgun at the beginning of each shift to ensure that it is in proper working order and loaded with approved projectiles only.

### 306.5.8 MEDICAL TREATMENT

Any person taken into custody who has been subjected to less lethal rounds, including bean bags, foam batons, or other less lethal rounds intended to strike a suspect, shall, as soon as practical and prior to booking, be transported to the hospital for examination. Photographs of the injury, or lack of, shall be taken.

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### 306.5.9 SAFE HANDLING OF WEAPONS

The intent of this policy is to promote proper safety while handling specialty impact munitions. Members shall maintain the highest level of safety when handling these devices and shall consider the following:

- (a) Members shall not unnecessarily display or handle any specialty impact munitions.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the police range or training facility, and shall obey all orders issued by the Rangemaster or instructor.
- (c) Any member who discharges a specialty impact munition accidentally or intentionally, on or off-duty, except during training, shall make a verbal report to the on-duty supervisor as soon as circumstances permit and shall file a written report prior to the end of shift if on-duty. If off-duty, as directed by the supervisor.
- (d) Members shall not place or store any specialty impact munitions on the premises of this department except when the place of storage is locked.

### 306.6 CAROTID CONTROL

The use of the carotid control technique or VNR is limited to circumstances when deadly force would reasonably be justified or when all other methods of apprehension or control have been exhausted or would clearly be ineffective..

- (a) The carotid restraint control hold is a bilateral vascular restraint where pressure is applied bilaterally to the sides of the neck, resulting in diminished oxygenated blood flow to the brain. **Unless lethal force is justified, at no time will pressure be administered to the front of the neck or throat, resulting in a respiratory choke hold.** The carotid restraint control hold may be effective in establishing control of a subject whose level of resistance would be classified as combative, assaultive, or high risk. The purpose is to gain quick and safe control of a subject who is aggressive, physically threatening, or violent.
- (b) Use of the carotid restraint control hold can be used in situations of active aggression on the part of the subject. The carotid restraint control hold should only be used when the officer reasonably believes that the application of the hold appears necessary to prevent serious injury or death to an officer or other person(s).
- (c) The hold should generally not be used on subjects who are elderly, infirm, visibly pregnant females, or in circumstances when it is clear a lesser level of force would suffice.
- (d) Only officers who have successfully completed a four (4) hour Department approved training course on the use of the carotid restraint control hold and the department use of force policy are authorized to use the technique. After initial training, officers shall complete a four (4) hour recertification training at least every two years in order to continue to use the carotid restraint control hold.
- (e) **If application of the carotid restraint control appears reasonable based on the totality of the circumstances, the officer should:**



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1. Attempt to apply the carotid restraint control hold from a ground position to reduce the risk of secondary injuries to the officer and subject.
  2. If time and circumstances permit, the officer should provide verbal commands and direction during the application of the hold in an effort to obtain voluntary compliance prior to rendering any person unconscious.
  3. Continually monitor the correct positioning and placement of the hold on the subject's neck to prevent respiratory obstruction or serious injury. If improper positioning is identified, immediately obtain the correct position or discontinue the hold.
  4. If the hold has not achieved the desired effect within approximately 30 seconds, the officer should release bilateral pressure and either disengage from the carotid restraint control hold, re-assess placement and tactically reposition, or transition to another reasonable force option.
- (f) **After any application or attempted application of the carotid restraint control hold, the officer shall ensure the following steps occur:**
1. Initially position the subject onto their side into a lateral recovery position, check vital signs, and once consciousness is regained, the officer will assess the subject for a reasonable level of cognitive function.
  2. Any individual who has had the carotid restraint control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics, preferably at the scene prior to transport.
  3. Notify a supervisor of the use or attempted use of the hold.
  4. Receive full medical clearance from an authorized medical facility prior to booking.
  5. Maintain constant visual monitoring of the subject for signs of medical distress for a a minimum of two (2) hours after application of the hold.
  6. Inform any person receiving custody, or any person placed in providing care, that the individual has been subjected to the hold. The time of application and any pertinent medical information will also be included.
  7. The use or attempted use of the carotid restraint control hold shall be thoroughly documented and justified by the officer in the related incident report.

### **306.7 SHIFT COMMANDER RESPONSIBILITIES**

The Shift Commander shall monitor the use of control devices in the same manner as all other use of force incidents.

(a) The Shift Commander shall review each use of control devices by any member within his command.

(b) The Shift Commander shall ensure briefing training on the use of control devices is provided as needed.

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### **306.7.1 INVENTORY RESPONSIBILITY FOR CONTROL DEVICES**

The Rangemaster or other designated member shall control the inventory for any specialty impact munitions and chemical agents. All damaged, inoperative and/or expended munitions/canisters shall be returned to the Rangemaster or designated member for disposition, repair or replacement.

The Equipment Specialist shall control the inventory for any OC canisters and batons, as well as leg restraint devices and protection hoods.

### **306.7.2 MAINTENANCE RESPONSIBILITY**

All normal maintenance, charging or cleaning shall remain the responsibility of members using the various devices.

### **306.8 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES**

Any application of a control device and/or technique listed within this section shall be documented pursuant to Policy Manual Use of Force.

### **306.9 SPECIALTY EQUIPMENT**

Members of the Coeur d'Alene Police Department assigned to the Kootenai County/Coeur d'Alene Department SWAT Team are encouraged to have their assigned specialty equipment with them while on duty. Those members qualified to deploy specialty chemical agents, specialty impact munitions or other specialty less lethal tools not typically assigned to the patrol function may deploy these tools outside of SWAT capacity with the approval of a SWAT Team Leader or Assistant Team Leader or the on scene supervisor. Appropriate precautions and communication should be taken to ensure that planning for contingencies is conducted with any supervisors or other officers on scene as these tools are not routinely deployed in a regular patrol capacity. Members shall report the use of specialty SWAT tools through the standard use of force reporting in addition to notifying the SWAT Team Leader or Assistant Team Leader.

## Conducted Energy Device (TASER)

### 307.1 PURPOSE AND SCOPE

When properly applied in accordance with this policy, the Conducted Energy Device (CED), or what is more commonly referred to as TASER, is considered a non-deadly control device which is intended to temporarily control a violent or potentially violent individual without causing serious injury. It is anticipated that the appropriate use of such a device will result in fewer serious injuries to members and suspects.

The CED is a versatile weapon choice and can be used in one of two ways:

- In a touch stun application or;
- In a deployment application, with a CED cartridge inserted and the probes being deployed.

### 307.2 POLICY & USE

The purpose when deploying the CED is to appropriately control or subdue a violent or potentially violent suspect(s) consistent. The CED shall be deployed in a manner consistent with Policy Manual Use of Force. No member of the Department shall use a CED without proper training.

A supervisor shall be notified of the use of a CED as soon as practicable after deployment and medical personnel be summoned as needed per policy.

#### 307.2.1 TRAINING & AUTHORIZED USERS

The CED will only be carried by authorized sworn members. All CED users shall first attend and successfully complete a training and certification course taught by a certified CED instructor.

All CED's will be purchased and maintained by the department. A record of user certifications will be maintained in the members training file.

Users who are assigned a CED or who check one out, are required to perform the necessary checks to ensure the CED is in working order prior to taking it out into the field at the beginning of each shift. Users not assigned a CED must also check the CED out and back in using the appropriate log.

#### 307.2.2 MISUSE OF THE CONDUCTED ENERGY DEVICE

The CED shall not be used outside of its intended purpose. Any member found misusing the CED will be subject to disciplinary action.

### 307.3 DEPLOYMENT

Certified users of the CED are authorized to deploy the CED in a manner consistent with Policy Manual Use of Force.

## *Conducted Energy Device (TASER)*

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### **307.4 USE OF THE CONDUCTED ENERGY DEVICE**

Generally, a CED should only be used on violent individuals or suspects who are physically resisting arrest.

As with any law enforcement equipment, the CED has limitations and restrictions requiring consideration before its use. The CED should only be used when its operator can safely approach the subject within the operational range of the CED. Although the CED rarely fails and is generally effective in subduing most individuals, members should be aware of this potential and be prepared with other options in the unlikely event of such a failure.

Authorized members may use the CED when circumstances known to the individual member at the time indicate that the application of the CED is reasonable to subdue or control:

(a) A violent or physically resisting subject, or

(b) A potentially violent or physically resisting subject if:

1. The subject has verbally or physically demonstrated an intention to resist;
2. The member has given the subject a verbal warning of the intended use of the CED followed by a reasonable opportunity to voluntarily comply, if reasonable to do so.
3. Other available options reasonably appear ineffective or would present a greater danger to the member, the subject or others.

(c) Although not absolutely prohibited, members should generally not use CED's on:

1. Pregnant females, elderly persons or obvious juveniles.
2. Individuals who are handcuffed or otherwise restrained.
3. Individuals who have been recently sprayed with alcohol based Pepper Spray or who are otherwise in close proximity to any combustible material.
4. Passively resisting subjects.
5. Individuals whose position or activity may result in collateral injury (i.e. falls from height, operating vehicles).
6. To persons fleeing from a member or scene when they pose no immediate danger to members or the public.
7. In a crowded environment where innocent bystanders may be inadvertently exposed to the CED.

A verbal warning of the intended use of the CED should precede its application unless it would otherwise endanger the safety of other members or when it is not practicable due to the circumstances. The purpose of the warning is to provide the individual with a reasonable opportunity to voluntarily comply and provide other members and individuals with a warning that the CED may be deployed.

If, after a verbal warning, the individual is unwilling to voluntarily comply with a member's lawful order and it appears both reasonable and feasible under the circumstances, the member may, but is not required to, display the laser in a further attempt to gain compliance prior to any application

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of the CED. The aiming of the laser should never intentionally be directed into the eyes of any person.

The fact that a verbal or other warning was either given or not given shall be documented by the member deploying the CED in their report.

While manufacturers have generally recommended that reasonable efforts should be made to target lower center mass and avoid intentionally targeting the head, neck, chest and groin, it is recognized that the dynamics of each situation and member safety may not permit the member to limit the application of the CED probes to a precise target area. As such, members should take prompt and ongoing care to monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin.

Persons suspected of being under the influence of drugs, alcohol or who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics, unusually high tolerance to pain (*sometimes called excited delirium*) or who require a protracted physical encounter with multiple officers to bring under control may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

Because the application of the CED in the "Drive Stun" mode (*i.e. direct contact without probes*) relies primarily on pain compliance and requires close proximity to the subject, additional caution should be exercised and the controlling effects may be limited.

The CED shall not be used to torture, psychologically torment, elicit statements or inflict undue pain on any individual. It shall not be used on people displaying behavior members perceive as disrespectful or insufficiently deferential to their authority.

### **307.5 MEDICAL TREATMENT**

CED probes may be removed by a properly trained member.

Any individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is showing signs of excited delirium.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The CED probes are lodged in a sensitive area (*i.e., groin, female breast, near the eyes or in the neck/throat*).
- (e) The person requests medical treatment.

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If any individual refuses medical attention, such a refusal should be witnessed by another member and/or medical personnel and shall be fully documented in related reports. If an audio or video recording is made of contact or an interview with the individual, any refusal should be included, if possible.

The transporting member shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the application of the CED.

### 307.5.1 APPLICATION OF THE TASER DEVICE

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

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

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

### 307.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

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

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

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### 307.5.3 TARGETING CONSIDERATIONS

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

### 307.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

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

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

- (a) Whether the probes are making proper contact.
- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

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

### 307.5.5 DANGEROUS ANIMALS

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

### 307.5.6 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department TASER devices while off-duty.

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

## **307.6 EVIDENCE COLLECTION & PRESERVATION**

Photographs and/or video of the scene should be taken for evidentiary purposes. Photographs and/or video shall also be taken of the suspect, including all injuries related to the incident. Photographs and/or video shall include where the probes made contact with the body, any markings on the body from the use of the CED, and subsequent injuries, if any.

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Spent cartridges and probes shall be photographed and then treated as a bio-hazard. In the event of a malfunction or other situation where a CED did not function correctly, the cartridge and probes should be saved for the department CED instructors for troubleshooting purposes.

If a cartridge and probes are required to be saved, the user shall ensure the probes are placed sharp side down in the firing bay of the cartridge. Tape shall be placed over the firing bays to keep the probes in place. The cartridge and wiring shall be loosely placed in a large paper sack to preserve the wiring. Proper evidence handling is also required.

### 307.6.1 REPORTS

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

- (a) Identification of all personnel firing TASER devices
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication or other medical problems

### 307.7 MEDICAL TREATMENT

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

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

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The TASER device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

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



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reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the TASER device.

### **307.7 DOCUMENTATION**

All deployments of a CED, except during training exercises, shall be documented in an incident report by the user. The report shall contain the serial number of the CED used, the AFID number from the cartridge if the probes were deployed, the reason for deploying the CED, along with subsequent actions and all other pertinent information.

A supervisor shall also complete a Use of Force Report detailing the circumstances of the incident, justification for use, and injuries sustained, if any. The CED digital information of the deployment shall also be downloaded by an authorized member of the department and a print-out shall be forwarded along with the use of force report.

If a user deploys the CED probes during an arrest or control situation and contact was not made with the subject, the user shall document that information in an incident report and shall also forward an e-mail or memorandum to their immediate supervisor for documentation.

In the event of an accidental discharge of a CED, an e-mail or memorandum will be sent from the user to their immediate supervisor for documentation.

### **307.9 SUPERVISOR RESPONSIBILITIES**

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

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

### **307.10 TRAINING**

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

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

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

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

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

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

The Training Lieutenant should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of accidentally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the accidental application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the TASER device.

## Officer-Involved Shootings and Deaths

### 308.1 PURPOSE AND SCOPE

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

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

### 308.2 POLICY

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

### 308.3 TYPES OF INVESTIGATIONS

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

- (a) A criminal investigation of the suspect's actions.
- (b) A criminal investigation of the involved officer(s) actions
- (c) An administrative investigation as to policy compliance by involved officers.
- (d) A civil investigation to determine potential liability.

### 308.4 CONTROL OF INVESTIGATIONS

This department conforms to the Critical Incident Task Force (CITF) Protocol for investigating officer-involved shootings and deaths. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

#### 308.4.2 OTHER LAW ENFORCEMENT AGENCY INVOLVED INCIDENT WITHIN THIS JURISDICTION

This department will be responsible for the criminal investigation unless the Chief of Police or a Division Commander relinquishes the investigation to an outside agency or the Critical Incident Task Force.

The involved law enforcement member's agency will be responsible for any civil and/or administrative investigation(s).

The completed criminal investigation, including actions of the involved law enforcement member, will be reviewed by the Kootenai County Prosecutor or his designee.

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### **308.4.3 CRIMINAL INVESTIGATIONS**

The Critical Incident Task Force (CITF) is generally responsible for the criminal investigation of the suspect's actions and the officer's actions. The Chief of Police or his designee may relinquish the criminal investigation to an outside agency or the CITF. The criminal investigation will be reviewed by an outside prosecuting attorney's office or the Office of the Attorney General.

Under the CITF Protocol, the criminal investigation is generally referred to one or more outside agencies with a lead agency being ultimately responsible for the investigation.

Refer to the District One Officer Involved Critical Incident Investigations MOU.

### **308.5 MEMBER INVOLVED IN ANOTHER JURISDICTION**

The agency where the incident occurred has jurisdiction over the criminal investigation.

The Coeur d'Alene Police Department will be responsible for a timely administrative investigation(s) for all sworn members at the rank of Captain or below. In the event the Chief of Police is involved in the incident, the City Administrator or his designee will be responsible for ensuring an administrative investigation is completed in a timely manner.

### **308.6 THE INVESTIGATION PROCESS**

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

#### **308.6.1 DUTIES OF ON-SCENE OFFICERS**

Members at the scene of a law enforcement involved shooting or critical injury or death incident should consider the following actions, undertaken in the order deemed appropriate:

- (a) Ensure that the threat of safety to the officers and of others is over.
- (b) Take all reasonable steps to obtain medical attention for injured individuals.
- (c) Secure the scene and separate suspects and witnesses
- (d) Relay information on fleeing suspect(s) to Central Dispatch and other officers to establish a containment area.
- (e) Request a supervisor and additional officers if necessary.
- (f) If applicable, holster or secure any firearm used or secure them in place as evidence.
- (g) Do not open, reload, or remove shell casings, or in any manner tamper with the involved firearms.
- (h) If applicable, secure any other weapon or control device used by the involved member during the incident as evidence.
- (i) Take note of the time, survey the entire area for relevant facts, individuals who are present or departed the scene.
- (j) As time and capabilities permit before supervisory and other assistance arrives:

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1. Secure the area, establish a perimeter with crime scene tape and limit access to authorized personnel necessary to investigate the incident and assist the injured.
2. Protect evidence from loss, destruction or damage. Ensure evidentiary items are not moved. If evidentiary items have to be moved based on safety concerns or for the preservation of the evidence, the removal should be witnessed, photographed and thoroughly documented.
3. Document names, addresses and phone numbers of all witnesses and other people present at the scene and request they remain on scene in order to make a brief statement as to whether or not they witnessed the incident.

### 308.6.2 DUTIES OF INITIAL ON SCENE SUPERVISOR

Upon arrival at the scene of an officer-involved shooting, the first uninvolved supervisor should:

- (a) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.
- (b) Confirm that the preliminary steps by the on scene officers have been adequately addressed and if not, take appropriate steps to ensure the necessary actions are taken.
- (c) Appoint an officer to start a crime scene log documenting activities at the scene. This should include fire and medical personnel.
- (d) Attempt to obtain a brief overview of the situation from any non-shooter officer(s).
  1. In the event that there are no non-shooter officers, the supervisor should attempt to obtain a brief voluntary overview from one shooter officer.
- (e) If necessary, the supervisor may administratively order any officer from this department to immediately provide public safety information necessary to secure the scene and pursue suspects.
  1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.
- (f) Absent a voluntary statement from any officer(s), the initial on scene supervisor should not attempt to order any officer to provide other than public safety information.
- (g) Provide all available information to the Shift Commander and Central Dispatch. If feasible, sensitive information should be communicated over secure networks.
- (h) Take command of and secure the incident scene with additional personnel until relieved by a detective supervisor or other assigned personnel.
- (i) If a person is transported to a hospital with possible life threatening injuries, when feasible, an officer should accompany that injured person in order to:

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1. Locate, preserve, safeguard and maintain chain of custody for physical evidence.
  2. Record a dying declaration, spontaneous statements, and statement of then-existing or previous mental or physical state.
  3. Maintain custody of the person if arrested.
  4. Provide information to medical personnel about the incident as relevant to treatment, and to obtain information from medical personnel relevant to the investigation.
  5. Collect all clothing items removed from the injured person and maintain chain of custody of the evidence.
  6. Remain with the injured/deceased person until relieved by a detective or other assigned personnel.
- (j) As soon as practical, the shooter officer should respond or be transported (separately, if feasible) to a neutral location.
1. Each involved officer should be given an administrative order not to discuss the incident with other involved officers pending further direction from a supervisor.
  2. When an officer's weapon is taken or left at the scene (e.g., evidence), the officer will be provided with a comparable replacement weapon or transported to the station by other officers.
- (k) The interview with one of the involved members falls under one of two categories:
1. **Voluntary Statement:** The involved member agrees to provide a voluntary statement. The on scene supervisor's interview of the involved member should be brief and only cover exigent circumstances; public safety; crime scene management issues; capture of outstanding suspects; and a summary of the incident for briefing investigators and management; or
  2. **Coerced Statement:** The on scene supervisor may administratively order a member from this department to immediately provide information about exigent circumstances: public safety; crime scene management issues; capture of outstanding suspects; and summary of the incident for briefing investigators and management.
- (l) Specific information that can be obtained from involved members must be limited to:
1. Injured people who may need medical attention.
  2. Suspect information, including description, identity, crimes committed, direction of travel, vehicle, level of hazard to the public and probable cause for an arrest.
  3. Physical evidence identity and location, and information relating to the preservation of the evidence.
  4. Weapons used, who used them, current location of weapons. If weapon was a firearm, the approximate number of shots fired and direction of fire.

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5. The identity of people who were involved in the incident as suspects, victims and witnesses.
- (m) Photograph the scene from outside the perimeter and consider use of the mobile video system or body worn cameras to record the actions taken at the scene.
  - (n) If the involved member(s) are not injured, move them away from the center of activity, and if possible, be accompanied by another non-involved member.
  - (o) If the incident involves the member discharging his duty firearm, the firearm generally should not be collected at the scene, unless trace evidence adhering to the firearm or holster will be compromised if not collected immediately or if the supervisor has reason to dictate otherwise. If the removal of the member's firearm is immediately necessary at the scene, the supervisor shall promptly but discretely obtain possession of the firearm. Firearms should be replaced by the supervisor as quickly as possible if the member wishes, or circumstances dictate otherwise.
    1. Generally, firearms should not be removed from their holsters. The entire gun belt should be obtained to avoid removing the sidearm from the holster.
    2. The supervisor collecting any firearm, weapon or other control device used in the incident, will make note of its readily visible description and condition, the appearance, and the location of any trace evidence adhering to it, without removing the firearm from its holster or otherwise compromising any physical evidence.
    3. The location of where the firearm, weapon or other control device used was first observed by the supervisor, and the identity of the person or location from which the firearm or control device was received, must be documented.
  - (p) Provide all available information to the Shift Commander and/or Division Commander. If feasible, sensitive information should be communicated over secure networks.
  - (q) Take command of and secure the incident scene with additional personnel until relieved by a detective supervisor or other assigned personnel.
  - (r) If a member is transported to a hospital with possible life threatening injuries, another member should accompany that injured member in order to:
    1. Locate, preserve, safeguard and maintain chain of custody for physical evidence.
    2. Record a dying declaration, spontaneous statements, and statement of then-existing or previous mental or physical state.
    3. Provide information to medical personnel about the incident as relevant to treatment, and to obtain information from medical personnel relevant to the investigation.
    4. Collect all clothing items removed from the injured member by medical personnel and maintain chain of custody of the evidence.

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5. Remain with the injured/deceased member until relieved by a detective or other assigned personnel.

### 308.6.3 SHIFT COMMANDER DUTIES

Upon learning of an officer-involved shooting, the Shift Commander shall be responsible for coordinating all aspects of the incident until relieved by the Chief of Police or a Division Commander.

### 308.6.4 NOTIFICATIONS

The following person(s) shall be notified as soon as practical:

- Chief of Police
- Operations Division Commander
- Investigation Division Commander
- Kootenai County Prosecutor's Office
- Psychological/Peer support personnel
- Coroner (if necessary)
- Officer representative (if requested)

All outside inquiries about the incident shall be directed to the Shift Commander.

### 308.6.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for or legal or union representation will be accommodated.
  1. Involved officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
  2. Requests from involved non-CDAPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.
- (d) A psychotherapist shall be arranged by CITF to each involved CDAPD officer. A licensed psychotherapist may also be provided to any other affected CDAPD members, upon request.
  1. Interviews with a licensed psychotherapist will be considered privileged.
  2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members



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shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.

3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Although the department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such communications. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.

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

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

### **308.7 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION**

#### **308.7.1 REPORTS BY INVOLVED CDAPD OFFICERS**

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

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

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

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

#### **308.7.2 WITNESS IDENTIFICATION AND INTERVIEWS**

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

- (a) Identify all persons present at the scene and in the immediate area.

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1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
  2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to contact with the officers in the incident.

### **308.8 ADMINISTRATIVE INVESTIGATION**

In addition to all other investigations associated with an officer-involved shooting, this department or a designated outside agency will conduct an internal administrative investigation to determine conformance with policy of this department. This investigation will be conducted under the supervision of the Professional Standards Review Board and will be considered a confidential peace officer personnel file.

- (a) Any officer involved in a shooting may be administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his or her prior statement before proceeding with any subsequent interview(s).

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- (c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer(s) physical and psychological needs have been addressed before commencing the interview.
  2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
  3. Administrative interview(s) should be recorded by the investigator (the officer may also record the interview).
  4. The officer shall be informed, assuming no voluntary waiver, an administrative order to provide full and truthful answers to all questions. The officer shall be informed, however, that the interview will be for administrative purposes only and that the statement cannot be used criminally (*Garrity* admonishment).
  5. The administrative interview shall be considered part of the officer's confidential personnel file.
  6. The Professional Standards Review Board shall compile all relevant information and reports necessary for this department to determine compliance with applicable policies.
  7. The completed administrative investigation shall be submitted to the Use of Deadly Force Review Board, which will restrict its findings as to whether there was compliance with this department's use of deadly force policy.
  8. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

### 308.9 AUDIO AND VIDEO RECORDINGS

Any officer involved in an incident may be permitted to review available Mobile Audio Video (MAV) or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV or other video or audio recordings with approval of assigned investigators or a supervisor.

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

### **308.10 DEBRIEFING**

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

#### **308.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING**

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

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

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., dispatchers, other civilian). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Professional Standards Review Board personnel.

#### **308.10.2 TACTICAL DEBRIEFING**

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

### **308.11 MEDIA RELATIONS**

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Shift Commander, Investigation Division Commander and Public Information Officer in the event of inquiries from the media.

No involved CDAPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or a Division Commander.

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

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## Firearms

### 309.1 PURPOSE AND SCOPE

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

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

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

### 309.2 AUTHORIZED FIREARMS

The Chief of Police or his designee shall approve all firearms and ammunition intended for on-duty use, whether personally owned by the member or by this department, before they are utilized by any member of this department.

No firearm shall be carried unless it has been thoroughly inspected and approved by the Rangemaster. Except in an emergency, or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm on approved course of fire by a Rangemaster.

#### 309.2.1 DUTY FIREARMS

The following handguns are authorized and issued by the Department.

Glock 17 (9mm full size)

Glock 19 (9mm mid size)

Glock 26 (9mm compact)

Glock 43 (9mm subcompact)

Glock 34 (9mm long barrel)

#### 309.2.2 SECONDARY FIREARMS

Members desiring to carry a secondary firearm on duty are subject to the following:

- a. If the firearm is a model identified in section 309.2.1, ammunition will be provided by the Department. If the firearm is any other model (including those differentiated in section 309.2.3 (c) below), ammunition will be the responsibility of the member and will be approved by the Rangemaster or the Chief of his/her designee. Ammunition purchased by any member for a secondary firearm shall be commercial in nature. Hand loaded ammunition shall not be approved or carried by any member while on duty in any weapon system.
- b. The firearm shall be carried out of sight at all times by members when wearing a uniform and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.
- c. The firearm shall be subject to inspection whenever deemed necessary.

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d. Members shall provide written notice of the make, model, color, serial number, and caliber of the secondary firearm to the Rangemaster.

e. Members shall qualify annually with the secondary firearm under range supervision. Members must demonstrate proficiency, safe handling and serviceability of the firearm.

### 309.2.3 AUTHORIZED SECONDARY FIREARMS

The following firearms are currently authorized for secondary carry:

a. Provided it meets the requirements set forth in 309.2.3b. Any Glock firearm is approved for secondary carry.

b. As designated below, the following revolvers may be carried as a secondary firearm provided they meet the requirements as set forth in sections 309.2.3c:

i. Any Smith and Wesson model revolver

ii. Any Colt model revolver

iii. Any Ruger model revolver

iv. Any Kimber model revolver

c. Any revolver carried as a secondary firearm will meet the following requirements:

i. The firearm will be inspected and certified as being appropriate for secondary carry and in working order annually at the time of the member's qualification

ii. The caliber of the firearm will be approved by the Range Master or his/her designee

iii. Must have a barrel length not to exceed 4 inches

iv. Must have a trigger pull of 8-12 pounds (in double action mode)

v. Maintenance and repair of the firearm will be the responsibility of the member

d. Approval for a member to carry any firearm not listed in section 309.2.3(a) or 309.2.3(b) shall be at the discretion of the Chief of Police and/or his/her designee.

### 309.2.4 ALCOHOL AND DRUGS

Firearms shall not be carried by any member who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the member's senses or judgment.

### 309.2.5 RESCINDING AUTHORIZATION TO CARRY FIREARMS

The Chief of Police or his designee may rescind the authority of a sworn member to carry any firearm described in this Policy, if the member has been suspended pending termination, has been placed on administrative leave pending a fit for duty evaluation, or when other circumstances dictate.

## 309.3 SAFE HANDLING OF FIREARMS

The intent of this policy is to promote proper firearm safety on and off duty.

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### 309.3.1 SAFETY CONSIDERATIONS

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster.
- (c) Any member who discharges their firearm accidentally or intentionally, on or off-duty, except during training or recreational use, shall make a verbal report to their supervisor as soon as circumstances permit. If the occurrence was on-duty, the member shall file a written report with their supervisor prior to the end of shift. If off-duty, the member shall file a written report as directed by a supervisor. All reports shall be forwarded to the member's Division Commander.
- (d) Members shall not clean, repair, load or unload a firearm anywhere in this department, except where authorized.
- (e) Shotguns or rifles removed from vehicles or armory shall be loaded and unloaded either in the parking lot and outside of the vehicle or inside the armory. Clearing barrels should be utilized when practical.
- (f) Members shall not place or store any firearm or other weapon on this department's premises except where the place of storage is locked. Members shall not use any automatic firearm, heavy caliber rifles, gas or other types of chemical weapon firearms (*from the armory*), except with approval of a supervisor.
- (g) Any firearm authorized by this department to be carried on or off duty that is determined by an officer to be malfunctioning or needing service or repair shall not be carried and shall be promptly presented to an Armorer or Rangemaster approved by this department for inspection and repair. Any firearm deemed in need of repair or service by the Armorer or Rangemaster will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is again rendered serviceable.

### 309.3.2 STORAGE OF FIREARMS AT HOME

Members shall ensure that all firearms and ammunition that are either department issued and/or approved as off-duty firearms, are secured while in their homes, vehicles or any other area under their control in a manner that will keep them inaccessible to children and irresponsible adults. Department issued and/or approved firearm(s) may be kept in a vehicle, provided the vehicle is secured in an enclosed garage, otherwise the firearm(s) must be secured in the member's residence.

Members shall also ensure that department issued and/or approved duty firearms are not left in vehicles or environments that may result in weather/humidity damage.

### 309.4 FIREARMS QUALIFICATIONS

Members are required to qualify with their duty firearm during mandatory schedule range courses. The Rangemaster shall keep accurate records of quarterly qualifications, repairs, maintenance,

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and training. In addition to regular qualification schedules, the Rangemaster shall be responsible for providing all sworn officers with annual practical training designed to simulate field situations.

### 309.4.1 NON QUALIFICATION

If any member is unable to attend a scheduled qualification course for any reason, including injury, illness, duty status, or scheduling conflict, that member shall notify his/her immediate supervisor prior to the end of the required shooting period. The supervisor shall ensure the Rangemasters are promptly notified. The standard qualifications shall be the Idaho POST handgun short course, the Idaho POST rifle course, and the Idaho POST night qualification.

IF	THEN
<b>90% or higher on POST course or "Pass" on other training</b>	<ul style="list-style-type: none"><li>• No further requirement.</li></ul>
<b>Less than 90% on POST course or "Fail" on other training</b>	<ul style="list-style-type: none"><li>• Immediate individual training by the Range Master or designee.</li><li>• Immediate re-qualification of course after training.</li></ul>



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<p><b>Less than 90%, but 85% or higher on POST course</b></p>	<p><b>Range Master or designee:</b></p> <ul style="list-style-type: none"><li>• Reviews highest score of qualification attempts.</li><li>• Completes memo to Division Captain and the member's immediate supervisor regarding <b>Notification of Firearms Qualification Failure.</b></li></ul> <p><b>Member:</b></p> <ul style="list-style-type: none"><li>• Presents copy of form to immediate supervisor.</li><li>• Returns to duty and is scheduled for additional training.</li><li>• Must complete training and qualify at 90% or higher within thirty (30) calendar days.</li><li>• Member shall attend mandatory remedial training. If after thirty (30) calendar days the member still has not qualified at 90% or higher, the Range Master will develop an ongoing remedial training plan for the member.</li><li>• Department complaint issued as outlined in policy if the member has not qualified at 90% or higher after sixty (60) calendar days.</li></ul>
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<p><b>Less than 85% on POST course on second attempt - failure to qualify</b></p>	<p><b>Range Master or designee:</b></p> <ul style="list-style-type: none"><li>• Instructs officer not to carry firearm on-duty.</li><li>• Completes memo to Division Commander: <b>Notification of Firearms Qualification Failure.</b></li><li>• Verbally informs appropriate Division Commander.</li></ul> <p><b>Member:</b></p> <ul style="list-style-type: none"><li>• Failure to qualify prohibits officer from carrying firearms until they qualify.</li><li>• Officer presents copy of memo to immediate supervisor prior to going on-duty.</li><li>• Immediate supervisor forwards copy of memo to appropriate Division Commander.</li></ul> <p><b>Division Commander:</b></p> <ul style="list-style-type: none"><li>• Division Commander reassigns member for up to ten (10) working days.</li><li>• Department complaint issued.</li></ul> <p><b>Member Reassignment and ten (10) day Remediation Training:</b></p> <ul style="list-style-type: none"><li>• During administrative reassignment the member is scheduled for remedial training and re-qualification.</li><li>• Member is assigned to plain clothes duties where use of a firearm is not required (exceptions approved by Chief of Police or designee).</li><li>• Off-duty work is prohibited pending qualification.</li></ul>
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<b>Less than 85% on POST course after ten (10) day reassignment</b>	<p>Member is assigned plain clothes duties where use of a firearm is not required (exceptions approved by Chief of Police or designee).</p> <ul style="list-style-type: none"><li>• Off-duty work is prohibited pending qualification.</li><li>• Members "Administrative Reassignment" is extended, not to exceed thirty (30) calendar days.</li><li>• Range Master or designee schedules further training and qualifications.</li><li>• Range Master shall provide weekly documentation of the scheduled training and an evaluation of the member's progress.</li><li>• Progress report shall be forwarded to the member, the member's supervisor, the member's Division Commander, and the Training Section Lieutenant.</li></ul>
<b>Failure to qualify on POST course within thirty (30) calendar days</b>	<ul style="list-style-type: none"><li>• May result in termination for failure to maintain minimum standards.</li></ul>
<b>Remedial Training</b>	<ul style="list-style-type: none"><li>• If the Range Master or his/her designee determine a member has exhibited firearms training deficiencies, the Range Master may complete a Remedial Training Plan to address these deficiencies. The Remedial Training Plan will require attendance at open ranges or individually scheduled ranges to complete remedial firearms training.</li></ul>

### 309.5 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Training Coordinator after each range date. Failure of any member to sign in and out with the Rangemaster may result in non-qualification.

The range shall remain operational and accessible to members during hours established by this department.

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The Rangemaster or his/her designees have the responsibility of making periodic inspections, at least once a year, of all duty and secondary firearms carried by members of this department. The Rangemaster has the authority to deem any privately owned secondary firearm unfit for service. Members may be responsible for all repairs to their secondary firearm, and the firearm will not be returned to service until inspected by the Rangemaster.

### **309.6 MAINTENANCE AND REPAIR**

Firearms and ammunition carried on duty shall be maintained in a clean, serviceable condition. Since the use of personally owned secondary firearms is at the option of the individual member, that member will be responsible for the furnishing, maintenance and repair of such firearm.

#### **309.6.1 REPAIR OR MODIFICATION OF DUTY FIREARMS**

The Rangemaster or designee shall be the only person authorized to repair or modify any firearm owned by this department. All repairs and/or modifications of firearms owned by this department not performed by the Rangemaster or designee, must be approved in advance by the Rangemaster and accomplished by an individual approved by this department.

With the authorization of the member, the Rangemaster or designee may repair or modify a member's personally owned secondary firearm, but the member may be responsible for some or all expenses.

### **309.7 FLYING WHILE ARMED**

The Transportation Security Administration (TSA) has imposed rules governing officers flying armed on commercial aircraft. The following requirements apply to personnel who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- (a) Sworn members wishing to fly armed must be flying in an official capacity and not for vacation or pleasure purposes.
- (b) Sworn members must carry the identification card issued by this department, which must contain a full-face picture, the members signature and the signature of the Chief of Police or the official seal of the department, and must present this identification to airline officials when requested. The member should also carry the standard photo identification needed for passenger screening by airline and TSA officials (*i.e. driver's license, passport*).
- (c) In accordance with TSA procedures, the Department will obtain a message containing a unique alphanumeric identifier from TSA through the National Law Enforcement Telecommunications System (NLETS) prior to the officer's travel. The member must present the message to airport personnel as authorization to travel while armed on the day of travel.
- (d) An official letter signed by the Chief of Police authorizing armed travel must accompany the member. The letter must outline the member's need to fly armed, must

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detail his/her itinerary, and should include that the officer has completed the mandatory TSA training for law enforcement officers flying while armed.

- (e) A member must have completed the mandated TSA security training, covering law enforcement officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the member's responsibility to notify the air carrier in advance of the intended armed travel. This notification can be accomplished by early check-in at the carrier's check-in counter.
- (g) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The member must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (h) Members should not surrender their firearm but should try to resolve any problems through the flight captain, ground security manager, or other management representative of the air carrier.
- (i) The member shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

### **309.8 CARRYING FIREARMS OUT OF STATE**

Full-time sworn members of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (*18 United States Code 926B and C*):

- (a) The member shall carry his/her department identification card whenever carrying such weapon.
- (b) The member is not the subject of any current disciplinary action.
- (c) The member may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
  - 1. The member will remain subject to this and all other department policies (including qualifying and training).
  - 2. Members are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield a member from arrest and prosecution in such locally restricted areas.

Visiting active and retired peace officers from other states are subject to all requirements set forth in *18 United States Code 926B and C*.

## Vehicle Pursuits

### 310.1 PURPOSE AND SCOPE

The primary purpose of this policy is to provide members guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law.

It is recognized that vehicular pursuit situations are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

#### 310.1.1 PURSUIT DEFINED

A vehicle pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspect who is attempting to avoid apprehension while operating a motor vehicle by using high speed driving or other evasive tactics such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to an officer's signal to stop.

#### 310.1.2 FAILURE TO YIELD

Refers to the actions of the driver of a vehicle who fails to stop or respond to the emergency light(s) and siren of a police vehicle. Generally, the driver continues to travel forward at or below the speed limit, observes applicable rules of the road and does not change the direction of travel in an evasive manner.

### 310.2 OFFICER RESPONSIBILITIES

While engaging in a vehicle pursuit members must drive with due regard for the safety of all other persons. However, while engaging in a vehicle pursuit, members are generally not required to follow the rules of the road. In addition, this exemption from following the rules of the road only applies when the member is operating an authorized emergency vehicle. The following policy is established to provide members with guidelines for driving with due regard and caution for the safety of all persons.

#### 310.2.1 WHEN TO INITIATE A PURSUIT

Sworn members are authorized to initiate a pursuit only when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle and the violation is a serious felony against persons; or there is danger of serious injury or death to the public or members if the violator is not apprehended, and such knowledge is known to the member prior to the pursuit. In order to diminish the likelihood of a pursuit, members intending to stop vehicles shall, when practicable, be within close proximity to the vehicle before activating the emergency lights and attempting to stop the violator.

The following factors, individually and collectively, shall be considered in deciding whether to initiate a pursuit:

- (a) Seriousness of the known or reasonably suspected crime and its relationship to community safety.

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- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to members, innocent motorists and others.
- (c) Apparent nature of the fleeing suspect(s) (*i.e., whether the suspect(s) represent a serious threat to public safety*).
- (d) The identity of the suspect(s) has been verified and there is comparatively minimal risk in allowing the suspect(s) to be apprehended at a later time.
- (e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic and the speed of the pursuit relative to these factors.
- (f) Pursuing member(s) familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing members under the conditions of the pursuit.
- (g) Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect.
- (h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (*i.e., passengers, co-offenders and hostages*).
- (k) Availability of other resources such as aircraft assistance.
- (l) The police vehicle is carrying passengers other than sworn members of this department. Pursuits should not be undertaken with a prisoner(s) in the police vehicle.

### 310.2.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the member or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect(s)' escape.

The factors listed in Policy Manual § 310.2.1 are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Members and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean discontinue or to stop chasing the fleeing vehicle(s).

In addition to the factors listed in Policy Manual § 310.2.1 the following factors should also be considered in deciding whether to terminate a pursuit:

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- (a) Distance between the pursuing members and the fleeing vehicle(s) is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.
- (b) Pursued vehicle's location is no longer definitely known.
- (c) Member's pursuit vehicle sustains any type of damage that renders it unsafe to drive.
- (d) Hazards to uninvolved bystanders or motorists.
- (e) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, members should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
- (f) Directed by a supervisor.

### 310.2.3 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the member and supervisor. Evaluation of vehicle speeds shall take into consideration public safety, member safety and the safety of the occupants of the fleeing vehicle.

Should high vehicle speeds be reached during a pursuit, members and supervisors shall also consider these factors when determining the reasonableness of the speed of the pursuit:

- Are the pursuit speeds unsafe for the surrounding conditions?
- Are the speeds being reached beyond the driving ability of the member?
- Are the speeds beyond the capabilities of the police vehicle thus making its operation unsafe?

### 310.3 PURSUIT UNITS

Pursuit units should be limited to two vehicles; however, the number of units involved will vary with the circumstances. A member or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of members involved would be insufficient to safely arrest the suspect(s). All other members should stay out of the pursuit, but should remain alert to its progress and location. Any member who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

#### 310.3.1 MOTORCYCLE OFFICERS

A patrol vehicle equipped with distinguishable emergency lights and siren should replace a motor unit as primary and/or secondary pursuit unit as soon as practical.



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### 310.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with emergency lights and siren are generally prohibited from initiating or joining in any pursuit. Members in such vehicles, however, may become involved in emergency activities involving serious crimes or life threatening situations. Those members should terminate their involvement in any pursuit immediately upon arrival of a sufficient number of emergency police vehicles.

### 310.3.3 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the member initiating the pursuit is the apprehension of the suspect(s) without unreasonable danger to themselves or other persons.

Notify Central that a vehicle pursuit has been initiated and as soon as practical provide information including, but not limited to:

- Reason for the pursuit.
- Location and direction of travel.
- Speed of the fleeing vehicle.
- Description of the fleeing vehicle and license number, if known.
- Number of known occupants.
- The identity or description of the known occupants.
- Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.
- Ensure a supervisor is aware of the pursuit.

Unless relieved by a supervisor or a secondary unit, the member in the primary unit shall be responsible for the broadcasting of the progress of the pursuit. Unless practical circumstances indicate otherwise and, in order to concentrate on pursuit driving, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit.

### 310.3.4 SECONDARY UNIT RESPONSIBILITIES

The second member in the pursuit is responsible for the following:

- (a) The member in the secondary unit should immediately notify the dispatcher of entry into the pursuit.
- (b) Remain a safe distance behind the primary unit unless directed to assume the role of primary unit, or if the primary unit is unable to continue the pursuit.

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- (c) The secondary unit should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise.

### 310.3.5 PURSUIT DRIVING TACTICS

The decision to use or not use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

- (a) Members, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle;
- (b) As a general rule, members should not pursue a vehicle driving left of center (*wrong way*) on a freeway. In the event the pursued vehicle does so, the following tactics should be considered:
  1. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway;
  2. Requesting other units to observe exits available to the suspect(s).
- (c) Notifying the Idaho State Police and/or other agency if it appears that the pursuit may enter their jurisdiction;
- (d) Members involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or requested to do so by the primary unit.

### 310.3.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

- (a) There should be no paralleling of the pursuit route. Members are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Members should not become involved with the pursuit unless directed otherwise by a supervisor.
- (b) Non-pursuing members needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.
- (c) The primary and secondary units should be the only units operating under emergency conditions (*emergency lights and siren*) unless other units are assigned to the pursuit.

### 310.3.7 PURSUIT TRAILING

In the event the initiating unit from this agency either relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspect(s).

The term trail means to follow the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing

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unit will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.

### **310.4 NOTIFICATION TO SUPERVISORS**

Any member, regardless of assignment, shall notify a supervisor of this Department when they are involved in a pursuit incident in the City of Coeur d'Alene or any other jurisdiction.

### **310.5 SUPERVISORY CONTROL AND RESPONSIBILITY**

It is the policy of this department that available supervisory and management control will be exercised over all pursuits involving members from this department.

The supervisor will be responsible for the following:

- (a) Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within guidelines established by this department.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that the proper radio channel is being used.
- (g) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- (h) Control and manage CDAPD units when a pursuit enters another jurisdiction.
- (i) Preparing post-pursuit critique and analysis of the pursuit for training purposes.

#### **310.5.1 SHIFT COMMANDER RESPONSIBILITY**

Upon becoming aware that a pursuit has been initiated, the Shift Commander should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Shift Commander has the final responsibility for the coordination, control and termination of a motor vehicle pursuit and shall be in overall command.

The Shift Commander shall review all pertinent reports for content and forward to the Division Commander.

### **310.6 COMMUNICATIONS**

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless otherwise instructed. If the pursuit leaves the jurisdiction of this department

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or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

### 310.6.1 CENTRAL DISPATCH RESPONSIBILITIES

Upon notification that a pursuit has been initiated, Central may be requested to:

- Coordinate pursuit communications of the involved units and personnel.
- Notify and coordinate with other involved or affected agencies as practical.
- Ensure that a field supervisor is notified of the pursuit.
- Assign an incident number and log all pursuit activities.
- Broadcast pursuit updates as well as other pertinent information as necessary and practical.

### 310.6.2 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating suspects. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

## **310.7 INTER-JURISDICTIONAL CONSIDERATIONS**

When a pursuit enters another agency's jurisdiction, the primary member or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether or not to terminate the pursuit or request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary member or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether or not such jurisdiction is expected to assist.

### 310.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Members originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and assistance of this department is no longer needed. Upon discontinuing the pursuit, the primary member may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

The role and responsibilities of officers at the termination of a pursuit initiated by this department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific and should be by, and to, the supervisor.

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### 310.7.2 PURSUITS BY ANOTHER AGENCY IN THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Members from this department should not join a pursuit unless specifically requested to do so by the agency whose members are in pursuit and not until authorized to do so by a supervisor of this department.

When a request is made for this department to assist or take over a pursuit from another agency that has entered this jurisdiction, the supervisor should consider the following additional factors:

- (a) Ability to maintain the pursuit.
- (b) Circumstances serious enough to continue the pursuit.
- (c) Adequate staffing to continue the pursuit.
- (d) The public's safety within this jurisdiction.
- (e) Safety of the pursuing members.

As soon as practical, a supervisor or the Shift Commander should review a request for assistance from another agency. The Shift Commander or supervisor, after consideration of the above factors, may decline to assist in, or assume the other agency's pursuit.

Assistance to a pursuing allied agency by member of this department will terminate at the City limits provided that the pursuing peace officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present and only with supervisor approval.

In the event that a pursuit from another agency terminates within this jurisdiction, members shall provide appropriate assistance to members from the pursuing agency including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

### **310.8 PURSUIT INTERVENTION**

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, tire deflation devices, blocking, boxing, PIT (*Pursuit Intervention Technique*), ramming or roadblock procedures.

#### 310.8.1 WHEN USE AUTHORIZED

Use of pursuit intervention tactics should be deployed only after approval of a supervisor. In deciding whether to use intervention tactics, members/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the members and persons in or on the pursued vehicle. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances confronting the officer at the time of the decision.

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### 310.8.2 DEFINITIONS

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

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

**Ramming** - The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.

**Roadblocks** - A tactic involving any structure, device, or means used by duly authorized law enforcement officers for the purpose of controlling all traffic through a point on a highway whereby all vehicles may be slowed or stopped (Idaho Code 19-620).

**Tire Deflation Device** - A device that extends across the roadway designed to puncture the tires of the pursued vehicle.

**The Pursuit Intervention Technique (PIT)** - A low speed maneuver designed to cause the suspect vehicle to spin out and terminate the pursuit.

### 310.8.3 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Members should not utilize firearms during an ongoing pursuit unless the conditions and circumstances dictate that such use reasonably appears necessary to protect life. Nothing in this section shall be construed to prohibit any sworn member from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

### 310.8.4 INTERVENTION STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to members, the public, or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of deadly force and subject to the requirements for such use. Members who have not received training certified by this department in the application and use of any intervention tactic or equipment shall consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

- (a) Only those members trained in the use of the PIT will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to members, the public and occupants of the pursued vehicle. Application of PIT is generally discouraged at speeds exceeding 35 miles-per-hour.
- (b) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety when officers

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reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved this technique should only be employed by members who have received training in such tactics after giving consideration to the following:

1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, members, or the public.
  2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
  3. Employing the blocking maneuver does not unreasonably increase the risk to member safety.
  4. The target vehicle is stopped or traveling at a low speed.
  5. At no time should civilian vehicles be used to deploy this technique.
- (c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the member's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable and alternative method. Ramming a vehicle is generally discouraged at speeds exceeding of 35 miles-per-hour. This policy is an administrative guide to direct members in their decision-making process before the fact of ramming another vehicle. It is not a standard for civil or criminal litigation to judge the propriety of the act; that is a matter for the courts to determine by established law. When ramming is to be deployed as a means with which to stop a fleeing vehicle, one or more of the following factors should be present:
1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to society if not apprehended.
  2. The suspect is driving in willful or wanton disregard for the safety of persons; or, driving in a reckless and life-endangering manner.
  3. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.
- (d) As with all intervention techniques, pursuing members should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions presented at the time as well as the potential risk of injury to members, the public and occupants of the pursued vehicle.
- (e) The use of tire deflation devices shall be governed by Policy 313 Tire Deflation Devices.
- (f) Idaho Code 19-622 sets the minimum requirements for establishing roadblocks for the purpose of warning and protecting the public. Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to

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immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, members, or the public.

### 310.8.5 CAPTURE OF SUSPECTS

Members shall use only that amount of force, which reasonably appears necessary under the circumstances, to properly perform their lawful duties.

Unless relieved by a supervisor the primary member should coordinate efforts to apprehend the suspect(s) following the pursuit . Members should consider safety of the public and the involved members when formulating plans to contain and capture the suspect.

### **310.9 REPORTING REQUIREMENTS**

The following reports should be completed:

- (a) The primary member shall complete appropriate crime/arrest reports.
- (b) The Shift Commander shall complete a Pursuit Report summarizing the pursuit and submit it to the Division Commander to evaluate the pursuit in terms of policy compliance. This pursuit report shall minimally contain the following information:
  1. Date and time of pursuit.
  2. Length of pursuit.
  3. Involved units and members.
  4. Initial reason for pursuit.
  5. Starting and termination points.
  6. Disposition: Arrest, citation, report taken. Arrestee information should be provided if applicable.
  7. Injuries and/or property damage.
  8. Medical treatment.
  9. Name of supervisor at scene.
  10. A preliminary determination, simply stating whether or not the pursuit appears to be in compliance with this policy.

### 310.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary POST training on pursuits, all sworn members of this department should participate in periodic training by this department addressing this policy and the importance of vehicle safety and protecting the public at all times, including a recognition of the need to balance the known offense and the need for immediate capture against the risks to members and citizens.



## Handcuff Policy

### 311.1 PURPOSE AND SCOPE

This procedure provides guidelines for handling situations involving handcuffing during detentions and arrests. This policy is also applicable to Flexcuffs, which will be considered synonymous with handcuffs for purposes of this policy.

#### 311.1.1 HANDCUFFING POLICY

Although recommended for most arrest situations, handcuffing is a discretionary procedure and not an absolute rule of this department. When deciding whether to handcuff an arrestee, members should carefully balance safety concerns with factors including, but not limited to the following:

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

It is not the intent of this department to dissuade members from handcuffing all persons they believe warrant that degree of restraint, nor is it the intent of this policy to create the atmosphere that in order to avoid risk, a member should handcuff all persons regardless of the circumstances. In most situations handcuffs should be applied with the hands behind the person.

Any handcuffed person requiring transportation from any location shall be properly searched by the transporting member prior to departure. The handcuffs should be removed when it is safe for the member to do so.

#### 311.1.2 IMPROPER USE OF HANDCUFFS

Handcuffing is never done to punish, to display authority, or as a show of force.

Persons are generally handcuffed to prevent escape, prevent evidence destruction, protect the members or protect people.

When practical, handcuffs shall be double locked to prevent tightening which may cause undue discomfort or injury to the hands or wrists.

#### 311.1.3 JUVENILES

Juveniles may be handcuffed when the act committed is of a criminal nature or when their acts have amounted to crimes where the member has a reasonable suspicion the suspect may have a desire to escape, injure themselves, injure the member, or destroy property.

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### 311.1.4 HANDCUFFING OF DETAINEES

Situations may arise where it may be reasonable to handcuff an individual who may, after subsequent investigation, be released prior to arrest. Such a situation is considered a detention, rather than an actual arrest. Unless it is determined that a detainee is to be arrested, the use of handcuffs on detainees should continue for only as long as is reasonably necessary to assure the safety of members and others.

Members should continuously weigh the safety interests at hand against the intrusion upon the detainee when deciding to remove handcuffs from a person being detained.

- When an individual is handcuffed and released without an arrest, the member will document the detention in a police report if applicable, F.I. card, or in the Records Management System (radio call log).

### 311.1.5 COURTESY TRANSPORTS

There may be situations that arise when members may decide to do a courtesy transport for a person who is not under arrest or detained for any criminal investigation and therefore should not be handcuffed.

Examples of such situations could be, but not limited to, transporting a victim of domestic violence to a place of safety or transporting a stranded motorist to another location.

For safety reasons, persons being transported in these types of situations should be asked if they are carrying any weapons or contraband, and asked if they would consent to a pat search of their person and a search of any property they are carrying. Should the person refuse to consent to such a search, then the member can choose not to provide the courtesy transport and offer any reasonable alternative means, such as calling a taxi service, friend or family member.

## Patrol Rifles

### 312.1 PURPOSE AND SCOPE

In order to more effectively and accurately address the increasing level of fire power and body armor utilized by criminal suspects, the department will make patrol rifles available to qualified sworn members as an additional and more immediate tactical resource.

### 312.2 PATROL RIFLE

#### 312.2.1 DEFINITION

A patrol rifle is an authorized weapon which is owned by this department and which is made available to properly trained and qualified sworn members as a supplemental resource to their duty firearm.

#### 312.2.2 AUTHORIZED PATROL RIFLES

Only patrol rifles issued by this department will be authorized for carry by members on duty.

#### 312.2.3 RIFLE MAINTENANCE

- Primary responsibility for maintenance of patrol rifles shall fall on the Rangemaster who shall inspect and service each patrol rifle on a regular basis.
- Each sworn member carrying a patrol rifle are required to field strip and clean an assigned patrol rifle as needed.
- Each sworn member shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle.
- Each patrol rifle shall be subject to inspection by a supervisor or a Rangemaster at any time.
- No modification shall be made to any patrol rifle unless done so by a Rangemaster.

#### 312.2.4 ISSUANCE, TRAINING AND QUALIFICATION

Patrol rifles will be available for issue to all full-time sworn members, provided they maintain qualification standards.

- (a) All full-time sworn members assigned to Patrol shall be issued a patrol rifle.
- (b) Full-time sworn members assigned to divisions, sections or duties other than Uniformed Patrol, will have the option to have a patrol rifle issued to them.
  1. Members who choose not to have a patrol rifle assigned to them shall still be required to attend regularly scheduled patrol rifle qualification courses.
  2. Patrol rifles which are not assigned to specific members will be retained as surplus inventory to be used for training, or for replacement should a member's assigned rifle be taken out of service for any reason.

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With the exception of Rangemasters, members shall not tamper with, adjust or otherwise remove any part from a patrol rifle issued to another member. This shall also include ammunition, magazines and flashlight holders.

Sworn members shall not utilize the patrol rifle until they have successfully completed approved training through this department. Initial training shall consist of a patrol rifle user's course and a qualification course with a certified patrol rifle instructor/Rangemaster.

Members will be required to attend scheduled mandatory patrol rifle qualification courses, unless otherwise authorized by a Supervisor. Members who fail to qualify after two attempts shall be provided remedial training in an attempt to improve demonstrated proficiency. The member shall not be allowed a third attempt to qualify on the same date. Those members shall also be subjected to the following requirements:

- (a) The member shall not be allowed to utilize the patrol rifle for field duty.
- (b) After receiving remedial training, the member shall attend the next available qualification course, or if approved by his Division Commander, schedule another time with a Rangemaster and attempt to qualify.
- (c) The member shall be given two additional attempts to qualify with their patrol rifle at a second qualification course. Members still failing to qualify after those two attempts will be provided remedial training and then allowed one additional attempt to qualify during that same scheduled range date.
  - (a) If the member still is unable to qualify, the Rangemaster will take possession of the member's patrol rifle and notify the member's immediate supervisor and Division Commander.
  - (b) After consulting with the Rangemaster, the member's Division Commander will consult with the Chief of Police to determine if the member shall be subject to disciplinary sanctions and/or any additional remedial training.

### 312.2.5 DEPLOYMENT OF THE PATROL RIFLE

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

- Situations where the member reasonably anticipates an armed encounter.
- When a member is faced with a situation that may require the delivery of accurate and effective fire at long range.
- Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- When a member reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage.

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- When a member reasonably believes that a suspect may be wearing body armor.
- When authorized or requested by a supervisor.

### 312.2.6 DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by Policy Manual *Use of Force*.

### 312.2.7 PATROL READY

Any qualified member carrying a patrol rifle in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered patrol ready when it has been inspected by the assigned member and meets the following conditions:

- The chamber is empty.
- The rifle bolt is forward with the hammer is down.
- The rifle safety is on.
- There is a fully loaded magazine in the rifle.
- The dust cover is closed.
- The rifle is locked in the patrol vehicle's rifle rack or trunk.

### 312.2.8 RIFLE STORAGE

When the member is off duty, the rifle shall be stored and properly secured by utilizing only the following options:

- In the armory in the provided rifle rack;
- Properly secured in the member's residence where it is not easily accessible by children or other persons;
- If the member is assigned a department vehicle, the rifle may secured in a locked rifle rack or trunk, provided the vehicle is parked in a garage, otherwise the rifle must be secured inside the member's residence;
- Any other location authorized by the Chief of Police or his designee.

### 312.2.9 AMMUNITION AND MAGAZINES

Members shall only carry rifle ammunition and magazines issued by this department. Members shall be issued fresh duty ammunition in the specified quantity for all firearms issued or authorized by this department. Replacements for unserviceable or depleted ammunition issued by this department shall be dispensed by the Rangemaster when necessary.

## Tire Deflation Devices

### 313.1 PURPOSE AND SCOPE

Tire deflation devices placed across the roadway may be used when members are engaged in certain types of pursuits. The pursuits initiated by the members shall strictly adhere to the vehicle pursuit policy set forth in the Policy: Pursuits.

This policy will also cover pursuits initiated by outside law enforcement agencies when the department is requested by that agency to assist with the pursuit that passes through or continues within our jurisdiction.

#### 313.1.1 USE OF TIRE DEFLATION DEVICES

Prior to using the tire deflation devices, the member shall successfully complete required training. The safety of the involved members, the public, and the fleeing subject must never knowingly be sacrificed.

Tire deflation devices shall not be used on the following types of vehicles:

- (a) Motorcycles, mopeds, two- or three-wheeled vehicles, all terrain vehicles, or similar vehicles.
- (b) Tire deflation devices should not be deployed to stop the following vehicles, unless continued movement of the pursued vehicle would result in an unusual or significant hazard to others:
  - 1. Any vehicle where the member reasonably should know the vehicle is transporting a hazardous material.
  - 2. Any passenger bus transporting passengers.
  - 3. Any school bus transporting pupils.
  - 4. Any vehicle that would pose an unusual hazard to innocent parties (*i.e. vehicle transport carrier, large construction equipment carrier, etc.*).

#### 313.1.2 AUTHORIZATION

Members may deploy the tire deflation device only after receiving approval from a Supervisor and in conjunction with the safe termination of a pursuit that otherwise would pose a threat to the safety of others. Potential strategic locations for placement shall be discussed and established beforehand, as much as practical.

#### 313.1.3 DEPLOYMENT

The member deploying the system should use any available safety barriers such as guardrails, abutments, bridges, or patrol vehicles. Measures should be taken to divert other traffic from the area to prevent unnecessary damage to other vehicles.

- (a) The police vehicle will be placed on the side of the roadway, facing the direction of the pursuit with all emergency lights activated. The patrol vehicle may be angled slightly

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to narrow the roadway and force the suspect to drive over the tire deflation device. If time or circumstances do not permit the above placement of the police vehicle, it may be positioned facing the upcoming pursuit.

- (b) The police vehicle(s) will not be occupied.
- (c) When possible, a second police vehicle should be placed on the opposite side of the roadway, with all emergency lights activated, in order to funnel the suspect vehicle over the tire deflation device.
- (d) It is imperative that all members involved are aware of the exact location of the deployed tire deflation device, so the pursuing members slow down in time to allow the removal of the device after the violator's vehicle crosses it.
- (e) The member who deploys the tire deflation device should remove them immediately after the violator's vehicle crosses them. The violator's vehicle will be slowing rapidly and the pursuing member should be prepared to take evasive action to avoid contact with the violator's vehicle.

#### 313.1.4 REPORTING

The supervisor authorizing the use of the tire deflation device shall be responsible for submitting a Use of Force Report to the Operations Division Commander, only if an injury occurs to any occupant of the vehicle which can be contributed to the use of the tire deflation device. In all other circumstances, the use of the tire deflation device shall be documented in the crime report, if applicable. The Equipment Specialist will be responsible for replacement procedures for the tire deflation device.

- (a) If the tire deflation device is deployed and has contact with the violator's vehicle/ tires, the device shall be collected and booked into the evidence until released by an authorized member.

## Member Response to Calls

### 314.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to emergency and non-emergency situations whether dispatched or self-initiated.

#### 314.1.1 POLICY

Often, because there are no other public or private agencies available, the public relies upon this department for assistance and advice in many routine and emergency situations. For this reason and because there is frequently a potential for crime, it is the policy of this department to make every reasonable effort to respond to calls for service as resources permit and to render such aid or advice as circumstances appear to indicate would be warranted.

When appropriate, members should refer citizens to available resources through other public agencies or charitable organizations.

### 314.2 RESPONSE TO CALLS

The department recognizes the following radio "Code" definitions:

- **Code Two** Responding as soon as practical, obeying all traffic laws. Use of emergency lights/siren not required.
- **Code Three** Responding with emergency lights and/or siren activated and driving as authorized for an emergency vehicle by Idaho Code.
- **Code Four** The situation is under control and no further assistance is needed.

When practical, a member needing assistance shall do so by advising Central and/or other members of his need for assistance **and** the appropriate Code response. The member should also announce his location when time or circumstances permit. (*i.e.* "Central K12, request cover unit Code-2 to 1512 4th Street" or "Central K12, Code-3 cover to 4th Street and Sherman Avenue").

Responding with emergency light(s) and siren does not relieve the member of the duty to continue to drive with due regard for the safety of all persons. Members who fail to use appropriate warning equipment, are not exempt from following the rules of the road nor is the driver of an authorized emergency or police vehicle relieved from the duty to drive with due regard for the safety of all persons.

### 314.3 INITIATING CODE 3 RESPONSE

If a member believes a Code 3 response to any call is appropriate, the responding member(s), when appropriate and will not interfere with other radio traffic should broadcast they will be enroute Code 3.



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### **314.4 RESPONSIBILITIES OF RESPONDING OFFICER(S)**

Members shall exercise sound judgment and care with due regard for life and property when responding to any call. When responding Code 3 to an emergency call, members shall reduce speed at all street intersections to such a degree that they shall have complete control of their vehicle and so that any oncoming traffic is reasonably aware of the member's presence and the need to proceed immediately through the intersection.

The decision to continue a Code 3 response is at the discretion of the member. If, in the member's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the member may elect to respond to the call without the use of lights and siren at the legal speed limit. A member shall also discontinue the Code 3 response when directed by a supervisor.

Upon determining a Code-3 response, the responding member(s), when appropriate and will not interfere with other radio traffic should broadcast the location from which he is responding.

### **314.5 SUPERVISORY RESPONSIBILITIES**

Upon being notified that a Code-3 response has been initiated, the supervisor shall verify the following:

- (a) The proper response has been initiated.
- (b) No more than those units reasonably necessary under the circumstances are involved in the response.
- (c) Affected outside jurisdictions are being notified as practical.

The supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned a Code-3 response, the supervisor may do so.

It is the supervisor's responsibility to terminate a Code-3 response that, in his judgment is inappropriate due to the circumstances.

When making the decision to authorize a Code-3 response, the supervisor should consider the following:

- The type of call.
- The necessity of a timely response.
- Traffic and roadway conditions.
- The location of the responding units.

### **314.6 FAILURE OF EMERGENCY EQUIPMENT**

If the emergency equipment on the vehicle should fail to operate, the member must terminate the Code-3 response and respond accordingly. The member shall notify a supervisor and/or Central

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of the equipment failure so that another unit may be assigned to the emergency response if necessary.

## Canines

### 315.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services in the community, including but not limited to locating individuals and contraband and apprehending criminal offenders.

#### 315.1.1 CANINE UNIT MEMBERS AND SUPERVISORS

The department may have a Canine Unit that utilizes handlers and canines that are trained specifically in narcotics detection, apprehension, tracking or a combination of those abilities.

- **Canine Handler** - Canine Handlers may only hold the rank of Police Officer and will be assigned to the Uniformed Patrol Division.
- **Canine Administrator** - The Canine Administrator will be a Patrol Lieutenant assigned to the Operations Division unless otherwise designated.
- **Canine Supervisor** - The Canine Supervisor will be a Sergeant assigned to the Uniformed Patrol Division unless otherwise designated.

#### 315.1.2 CANINE HANDLER SELECTION PROCESS

Canine Handlers will be selected based on the following:

- Willingness to remain in, or transfer to, the Uniformed Patrol Division for the service life of the canine unless promoted to the rank of Sergeant or otherwise removed from the Canine Unit.
- Members must be a full-time sworn member holding the rank of Police Officer.
- Members hired as an entry level officer must have a minimum of four years of experience with this Department after the completion of their FTEP.
- Members hired as lateral officers must have had a minimum of three years sworn officer experience with their previous agency and must have completed their 18 month probationary period with this Department.
- Have standard or above standard evaluations within the previous two evaluation cycles.
- Successful completion of an oral interview and Idaho POST physical fitness test.
- Reside in an adequately fenced (*minimum 6 foot high fence with locking gates*) single-family residence; or if not fenced, be able to adequately secure a department approved kennel.
- Maintain an enclosed chain-link kennel provided by the department.
- Be available for call-outs as specified by the Canine Supervisor.
- Reside within 30 minutes travel time from the city limits of Coeur d'Alene.

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- Recommendations and/or feedback from immediate supervisors.
- The Chief of Police will approve final selection of a Canine Handler based on recommendations from the Operations Division Commander, Canine Supervisor and Canine Administrator

### 315.1.3 CANINE SUPERVISOR

The Canine Supervisor will be selected by the Operations Division Commander and shall be a Sergeant assigned to the Uniformed Patrol Division unless otherwise designated.

The Canine Supervisor shall have the responsibility of, but not limited to the following:

- (a) Conducting Canine Unit meetings.
- (b) Monitoring and evaluating individual canine handler performance.
- (c) Reviewing all Canine Use Reports to ensure compliance with policy, laws or criminal procedure.
- (d) Maintain liaison with any canine vendors.
- (e) Maintain liaison with other Uniformed Patrol Supervisors, Canine Administrator and Operations Division Commander.
- (f) Maintain liaison with other law enforcement agency canine units.
- (g) Maintain accurate records to document canine use, training and other activities.
- (h) Recommend and oversee the procurement of needed equipment and services for the Canine Unit.
- (i) Schedule all Canine Unit related activities outside of the handlers normal assigned patrol shift.
- (j) Ensure the canine handlers are scheduled for continuous training to maximize the capabilities of the handlers and canines.
- (k) Conduct inspections of kennels and equipment.
- (l) Procure and conduct audits of training aids, to include the evaluation and replacement of such aids.

### 315.1.4 CANINE ADMINISTRATOR

The Canine Administrator will be a Lieutenant assigned to the Operations Division unless otherwise designated, and shall monitor the overall progress of the Canine Unit and act as a liaison between the Canine Supervisor and the Operations Division Commander.

### 315.1.5 REQUIRED SERVICE YEARS OF CANINE HANDLER

Once selected as a Canine Handler, that member will be expected to remain assigned to the Canine Unit for the service life of the canine. The only exceptions to this requirement will be:

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- Opportunity for promotion and the appointment to the rank of Sergeant; or
- Upon approval of the Chief of Police, Operations Division Commander, and the Canine Administrator to resign as a Canine Handler; or
- Removed for disciplinary reasons.

It is recognized that canine handlers have special knowledge and skills associated with canines. At the end of the service life of the canine, the handler will be evaluated by the Canine Supervisor and Canine Administrator to remain as a canine handler and a new canine issued to the handler if the handler so desires and the department needs for a new canine.

### 315.1.6 ASSIGNMENT OF CANINE HANDLERS

The Canine Unit will be assigned to the Uniformed Patrol Division in the Operations Division. Canine handlers will be assigned to patrol shifts to function primarily as cover units, however, they may be assigned by the Shift Commander to act as primary units or perform other functions based on the needs of the shift.

Canine handlers should not be assigned to handle matters that will take them out of service for extended periods of time unless absolutely necessary.

### 315.1.7 TRAINING AND CERTIFICATION

Prior to assignment in the field, each canine and canine handler shall be trained and have received applicable Idaho POST certifications.

Each canine and canine handler shall also maintain their certification requirements and standards. Handlers and/or canines not meeting those requirements or standards shall not operate as a canine unit until such requirements or standards are met and the handler may be temporarily reassigned to normal patrol officer duties otherwise advised by the Canine Supervisor, Canine Administrator or Operations Division Commander. Failure of the canine or handler to meet certification requirements or standards after two attempts may result in the canine being removed from service and the handler being reassigned.

Each canine and handler shall continue in-service training after initial certification is obtained.

- All Canine Unit training shall be conducted on duty unless otherwise approved by the Canine Supervisor or Canine Administrator.
- To ensure training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is contrary to the policies of this department or Idaho POST certification standards and requirements for the particular canine usage.
- Handler training should be no less than three shifts per month for narcotic-detection trained canines and four shifts per month for apprehension or dual purpose trained canines in order to keep training of both the handler and canine current. In the event that three shifts of training per month for narcotic-detection-trained canines or four shifts per month for apprehension or dual purpose canines does not occur,

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additional training may be deemed necessary by the Canine Supervisor and scheduled accordingly.

### 315.1.8 TRAINING RECORDS

All canine and canine handler training records shall be maintained in a training file specific for each canine.

### 315.2 GUIDELINES FOR THE USE OF APPREHENSION CANINES

These guidelines shall be followed for the use of a department owned apprehension canine. In the event this department does not own or immediately have access to our own apprehension canine, and require or request the use of another law enforcement agency's apprehension canine, the agency requested will follow their own policy and procedures regarding the use of the canine.

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed or threatened to commit a violent felony and if any of the following conditions exist:

- (a) There is a reasonable belief that the individual poses an imminent threat of violence or serious harm to the public, any member or the handler.
- (b) The individual is physically resisting arrest by actively fighting officers and the use of a canine reasonably appears to be necessary to overcome such resistance. Merely struggling against the officers control or running away is not sufficient justification for the use of the canine.
- (c) The individual is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of members or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine..

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer meets the criteria for apprehension, the handler should promptly remove the canine from the suspect.

### 315.2.1 PREPARATIONS FOR UTILIZING AN APPREHENSION CANINE

Prior to the use of a canine to search for or apprehend any individual, the canine handler and/or the supervisor on scene should carefully consider all pertinent information that is reasonably available at the time. The information should include, but is not limited to the following:

- The suspect's known or perceived age.
- The nature of the suspected offense.
- Whether violence or weapons were used or anticipated.

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- Any potential danger to the public and/or other members at the scene if the canine is released.
- The degree of resistance or threatened resistance, if any, the subject has shown (*i.e. verbal threats, threat or display of weapon, drug use, mental state*).
- The potential for escape or flight if the canine is not utilized.
- The potential for injury to members or the public caused by the suspect if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

### 315.2.2 WARNINGS GIVEN TO ANNOUNCE THE USE OF A CANINE

Unless it would otherwise increase the risk of injury or escape, a clearly audible warning to announce that a canine will be released if the person does not come forth, shall be made prior to releasing a canine. In the event of an apprehension, the investigating member(s) and handler shall document in any related report whether or not a verbal warning was given and, if none was given, the reasons why.

### 315.2.3 USE OF NARCOTIC-DETECTION CANINES

A narcotic-detection-trained canine may be used in accordance with current case law under the following circumstances:

- To assist in the search for narcotics during a search warrant service.
- To obtain a search warrant by using the detection canine in support of probable cause.
- To search aircraft, vehicles, buildings, bags, parcels, clothing not on a person(s) and any other articles deemed necessary.
- A narcotic-detection canine will not be used to search a person for narcotics.

### 315.2.4 GUIDELINES FOR NON-APPREHENSION USE

These guidelines shall be followed for the use of a department owned canine trained in non-apprehension, tracking or searching. In the event this department does not own or immediately have access to our own such canine, and require or request the use of another law enforcement

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agency's canine, the agency requested will follow their own policy and procedures regarding the use of the canine.

Because canines have senses far superior to those of humans, they may often be effectively utilized to track or search for non-criminals (*i.e. lost children, individuals who may be disoriented or in need of medical attention*). In such circumstances, it will be necessary for the handler to evaluate the conditions and the ability of the canine to determine the feasibility of such an application.

- (a) Absent a change in circumstances that present an immediate threat to members, the canine or the public, such applications should be conducted on leash or under conditions that will minimize the likelihood that the canine will bite or otherwise injure the individual.
- (b) Assisting members should take direction from the handler in order to minimize interference with the canine. A supervisor may control other members, but should be aware of the canine's location.

#### 315.2.5 REPORTING CANINE USE, BITES AND INJURIES

Whenever a Department owned canine is deployed, the criminal incident report shall be completed by the handler and turned in to a Supervisor before going off duty. The Canine Use Report/PackTracks shall be completed by the handler by the end of their workweek.

If an intentional bite or injury results from the use of a department owned canine, the Shift Commander and the Canine Supervisor and/or Canine Administrator shall be notified as soon as practical and the injuries documented in a supplemental report by the handler. Notification of other personnel will be consistent with the policy regarding "Major Incident Notification." The Shift Commander and/or the Canine Supervisor/Canine Administrator shall complete a separate Use of Force Report as set forth in Policy Manual 300.5.3. If an intentional bite or injury results from the use of another agency canine that was deployed at the request of our department, the Shift Commander shall be notified as soon as practical and the Shift Commander shall complete a separate Use of Force Report and ensure photographs are taken as soon as practical.

- (a) In all cases of bites or injury resulting from the use of a department owned canine, photographs should be taken of the bite or injury as soon as practical by the handler after first tending to the immediate needs for medical treatment of the injured person. The canine handler should also attempt to obtain a signed medical release form from the injured person.
  - 1. The photographs will be labeled under the Use of Force Report number for the incident and uploaded into VIPER.
  - 2. It is the responsibility of the Unit Supervisor to ensure that such photographs are retained until the potential need for use in any related civil proceeding has expired.
- (b) If an injury occurs, medical personnel shall be requested to respond to the scene for an evaluation and treatment. The subject shall be transported to the hospital for additional evaluation, treatment and medical clearance. In the event an in-custody



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suspect requires medical attention, a member shall standby with the suspect until treatment has been rendered.

- (c) If a subject alleges an injury that is not visible, notification should be made to a supervisor and the location of the alleged injury should be photographed. Any claim of injury by the subject shall result in the subject being transported to the hospital for evaluation, treatment and medical clearance.

### 315.2.6 REPORTING CANINE INJURIES

In the event that a department owned canine is injured, the injury will be immediately reported to the Shift Commander. The Canine Supervisor and Canine Administrator will be notified as soon as practicable.

Medical care for any injured canine should follow the protocol established in Policy §315.5.2.

The injury will be documented in a supplemental report if the injury occurred during an incident. In the event the injury occurred in a non-incident, a memo shall be prepared and forwarded to the Canine Supervisor detailing the events of the incident.

### 315.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Patrol Division to function primarily in assist or cover assignments. However, they may be assigned by the Shift Commander to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the Shift Commander.

#### 315.3.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES

The Shift Commander, Canine Supervisor or Canine Administrator must approve all requests for canine assistance from outside agencies subject to the following provisions:

- (a) Canine teams should not be used for any assignment that is not consistent with this policy.
- (b) The handler may provide information if the canine should or shouldn't be used for any specific assignment and shall have the final authority in any decision as to whether or not to deploy the canine.
- (c) Canine teams should not be called out while off-duty or used outside the jurisdiction of the City of Coeur d'Alene unless authorized by the Shift Commander or the Canine Supervisor and/or Canine Administrator.
- (d) It shall be the responsibility of the canine handler to coordinate with the outside agency.

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### 315.3.2 REQUEST FOR PUBLIC DEMONSTRATIONS

Requests for public demonstrations of a canine shall be forwarded to the Canine Supervisor and Canine Administrator for approval.

### 315.4 REQUESTS FOR CANINE TEAMS

Patrol Division members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Patrol Division shall be reviewed by the Shift Commander.

#### 315.4.1 PUBLIC DEMONSTRATION

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine supervisor prior to making any resource commitment. The canine supervisor is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine supervisor.

#### 315.4.2 CANINE IN PUBLIC AREAS

All canines shall be kept on a leash when in areas that allow access to the public. Exceptions would include specific police operations for which the canines are trained.

- (a) Canines shall not be left unattended in any area to which the public may have access.
- (b) When the canine unit is left unattended all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also insure that the unattended unit remains inhabitable for the canine.
- (c) The handler shall not allow any person to approach the dog without the handler's approval.

#### 315.4.3 HANDLER COMPENSATION

The Canine Handler shall be compensated for time spent in the care, feeding, grooming and other needs of the dog as provided in the Fair Labor Standards Act.

### 315.5 EMERGENCY MEDICAL CARE

The handler should notify the Canine Supervisor or Canine Administrator as soon as practicable when emergency medical care for the canine is required.

Depending on the severity of the illness or injury, the canine should either be treated by the designated veterinarian or transported to a designated emergency veterinarian facility for treatment. If the handler and dog are out of the area, the handler may use the nearest available veterinarian.

### 315.6 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions.

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The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (c) When not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view.
- (d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Coeur d'Alene Police Department facility.
- (e) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- (f) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.
- (g) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (h) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (i) Under no circumstances will the canine be lodged at another location unless approved by the canine supervisor, canine administrator, or Shift Commander.
- (j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine supervisor or Shift Commander.
- (k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine supervisor so that appropriate arrangements can be made.
- (l) The handler will immediately submit any medical documentation and/or other administrative documentation received for the canine, to the canine supervisor.

### **315.7 DISPOSITION OF CANINES WHEN CONSIDERED NO LONGER SERVICEABLE**

Whenever a canine handler is transferred or otherwise leaves the Canine Unit, the canine assigned to him will remain the property of the City of Coeur d'Alene and under the control of the department. The decision as to the serviceability of any canine will be determined by the Canine Supervisor. Canines which are still serviceable may be assigned to a new handler.

Canines considered to be unserviceable and of no further value to the department will be surplussed by the department. If the canine is to be surplussed, the person obtaining the

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canine shall be required to waive any liability and release the City of Coeur d'Alene, the Police Department, the Canine Unit and its members from any and all liability or responsibility for concerns of such canine from that date forward.

The person receiving the canine must, as a condition of receipt of the canine, immediately re-license the canine in their own name and at their own expense if required by the jurisdiction in which they reside. All pedigree papers will be given to the person receiving the canine.

Any current kennel that has been provided to house the canine will become property of the person who takes possession of the canine.

The surplus process for the City of Coeur d'Alene shall be followed to determine the final disposition of the canine. It is recommended due to the unique bond between handler and canine, that there is no monetary exchange or required purchase if the handler receives the canine.

## Civil Matters

### **316.1 CIVIL MATTERS**

Members frequently respond to calls for service that do not involve any crime being committed and are civil in nature. Members should avoid becoming unnecessarily involved in civil matters and may advise the parties involved to seek the advice of legal counsel. The presence of members at such scenes is primarily to keep the peace and to prevent a crime from occurring and not to provide legal advice nor recommend any legal counsel.

## Domestic Violence

### 317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence.

### 317.2 POLICY

The Coeur d'Alene Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

### 317.3 OFFICER SAFETY

The following guidelines should be considered and followed by members investigating domestic violence cases:

- (a) Obtain and document as many statements as practical from the victim, suspect and any witnesses, including credible children in the household.
- (b) List the full name and date of birth of each person present in the household at the time of the offense.
- (c) Audio or video record if practical, and document all significant statements and observations within the narrative of the report.
- (d) Members should assist any injured person in obtaining appropriate medical treatment. If a person complains of or displays injuries, obtain a medical evaluation as soon as possible.
- (e) Take photographs of the victim, the suspect and any children witnessing the incident, to include all visible injuries or the lack thereof. Victims whose injuries are not visible at the time of the incident, shall be advised to contact the police department in the event the injuries become visible. When applicable, members should also take photographs of the incident, including any property damage.
- (f) Members shall provide the victim a domestic violence pamphlet which advises the victim of their rights and the availability of shelter and other community resources.
- (g) Members may also assist in arranging transport of the victim to a shelter, and may stand-by for a reasonable amount of time while an involved person requests police assistance to remove essential items of personal property.

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## *Domestic Violence*

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### 317.3.1 MEMBER IMMUNITY AND DISCRETION

Pursuant to Idaho law, no member shall be held criminally or civilly liable for actions or omissions in the performance of the member's duties in investigating incidents of domestic violence as long as the member acts in good faith and without malice. No provision of these guidelines is intended to supersede the responsibility of members to exercise reasonable care for the safety of any members or parties involved.

In the event a member, in their discretion, determines there is insufficient evidence to justify arresting or issuing a citation to the persons involved in the incident, the member shall provide the domestic violence pamphlet and document the incident in a written report which shall be forwarded to the proper prosecuting attorney's office for review.

### 317.3.2 DEFINITION

As used in this section pertaining to members of the department, domestic violence shall include the physical injury, sexual abuse, forced imprisonment or threats thereof, by a member of this department to a person who meets one or more of the following criteria:

- Is, or was, legally married to the member;
- Has a child in common with the member;
- Has, or had, a dating relationship with the member;
- Is cohabiting, or has cohabitated, romantically with the member.

### 317.3.3 REPORTS OF POTENTIAL OR ACTUAL ACTS OF DOMESTIC VIOLENCE

The department shall, either in response to a member's self-disclosure or at the request of another member, intimate partner, or other family member, provide non-punitive avenues of referral, such as the Employee Assistance Program, before an act of domestic violence occurs.

Upon disclosure on the part of any member, intimate partner, family member or other reliable source, that any sworn or non-sworn member of this department has personally engaged in domestic violence, that accused member shall be subjected to administrative and criminal investigations.

### 317.3.4 MEMBER RESPONSIBILITIES

Members of this department shall:

- (a) Report any actual knowledge of acts of domestic violence committed by a fellow sworn or non-sworn member;
- (b) Cooperate with the investigation of a fellow member involved domestic violence investigation, with the exception of self-incriminating statements or in a case where the member of the victim;
- (c) When they are the subject of a criminal investigation, regardless of the jurisdiction investigating the crime, immediately report the incident to their supervisor, which shall

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also include providing notice of any associated court dates, times, appearances and proceedings;

- (d) When the subject of any protection order proceeding, whether or not the order is issued and regardless of jurisdiction, immediately notify their supervisor and provide a copy of the order, is issued;
- (e) If subjected to a qualifying protection order, surrender all firearms under Federal law;
- (f) Report any actual knowledge of acts of witness intimidation or coercion by any member involved in a domestic violence incident.

Members shall not:

- (a) Interfere with domestic violence cases involving themselves or any fellow member.

### 317.3.5 INCIDENT RESPONSE FOR DOMESTIC VIOLENCE REPORTS INVOLVING DEPARTMENT MEMBERS OR OTHER LAW ENFORCEMENT AGENCY MEMBERS

#### **Patrol Officer Response**

- (a) Upon arrival at the scene of a domestic violence call or incident involving a department member, the responding member shall immediately notify the Shift Commander, who shall, if applicable, notify a supervisor of higher rank than the involved member and request they respond to the scene if immediately available. The members on scene shall address the immediate safety of all persons involved and secure and maintain the scene until an outside law enforcement agency arrives to take over the investigation.
- (b) Upon arrival at the scene of a domestic violence call or incident involving another law enforcement agency member, the responding member shall inform the Shift Commander that the incident involves another law enforcement agency member.
- (c) When responding to a domestic violence call or incident involving a department member or other law enforcement agency member, all members shall follow the same procedures that are followed in responding to any other civilian involved domestic violence incident.

#### **Supervisor Responsibilities**

- (a) The responding supervisor shall ensure all investigation and documentation procedures are followed.
- (b) When the incident involves a department member, the supervisor shall be responsible for ensuring another law enforcement agency responds to the scene and takes over the investigation of the incident. The supervisor shall also ensure the Division Commander is notified as soon as practical.



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- (c) When the incident involves a member from another law enforcement agency, the Shift Commander shall notify the on duty Shift Commander of that law enforcement agency as soon as practical. All notifications and attempts to notify shall be fully documented.
- (d) In the event the reported domestic violence incident involves the Chief or Police of this department, the Shift Commander shall immediately notify the Division Commander who shall in turn immediately notify the Deputy City Administrator. If a Division Commander is not immediately available, the Shift Commander shall notify the Deputy City Administrator. All notifications and attempts to notify shall be fully documented.
- (e) In the event the reported domestic violence incident involves the Chief or Police or Sheriff of another law enforcement agency, the Shift Commander shall immediately notify the Division Commander or Chief of Police of this department, who shall in turn notify an Administrator of the governing body that employs that Chief of Police or Sheriff. If a Division Commander or the Chief of Police is not immediately available for notification, the Shift Commander shall ensure an Administrator of the governing body that employs that Chief of Police or Sheriff is notified as soon as practical. All notifications and attempts to notify shall be fully documented.

### **Department Follow-up**

- (a) In a timely manner, the supervisor should ensure that all members who responded to a member-involved domestic violence call are debriefed. The debriefing should include the following:
  1. A review of any department confidentiality guidelines.
  2. A direct order prohibiting discussion of the incident outside of any official administrative and/or criminal investigation.
  3. A clear delineation of assignments.

## Search and Seizure

### 318.1 PURPOSE AND SCOPE

Case law regarding search and seizure is ever changing and frequently subject to interpretation under the varying facts of each situation. Specific situations should be handled according to current training and a member's familiarity with clearly established case law.

### 318.2 POLICY

- (a) Members of this Department will conduct person searches with dignity and courtesy.
- (b) Members of this Department will conduct property searches in a manner that returns the condition of the property to its pre-search status as nearly as reasonably practical.
- (c) Members of this Department should attempt to gain keys to locked property when a search is anticipated and the time and effort required to gain the keys makes it a practical option.
- (d) When the person to be searched is of the opposite sex, a sworn member of the like sex should be summoned to the scene to conduct the search, if practical.
- (e) A search may be undertaken of a person of the opposite sex when it is not practical to summon a sworn member of the like sex. In these instances the members will adhere to the following guidelines:
  1. A supervisor and/or one other member should witness the search, if practical.
  2. Members will use the back side of their hands and fingers to search sensitive areas of the opposite sex to include the breast, crotch and buttocks areas.
- (f) The member will explain to the person being searched the reason for the search and how the member will conduct the search.
- (g) Prisoners should be searched each time they come into a transporting member's custody.

### 318.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest. Arrest defined pursuant to [Idaho Code 19-601](#)
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances

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## Search and Seizure

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- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

### 318.4 SEARCH PROTOCOL

**Strip Search:** The removal or rearrangement of some or all of the clothing of any person to permit a visual inspection of that person's genitals, buttocks, anus, female breasts or undergarments.

No member of this department shall conduct a strip search of any person, with the following exceptions:

- (a) **Confidential Informants:** Consensual strip searches of cooperative confidential informants being utilized in an undercover operation may be necessary by department members to ensure the informant is not carrying weapons that could endanger any members of law enforcement during an operation and/or to ensure the informant is not concealing any currency or narcotics obtained in connection to the operation. Additionally, department members shall:
  1. Notify the department the appropriate Supervisor, of the need to conduct a strip search of an informant;
  2. Explain to the informant:
    - (a) The reason for the strip search.
    - (b) That such search is strictly voluntary.
    - (c) The informant can have the search stopped at any time.
  3. Give the informant the opportunity to tell the member if any weapon is concealed and if so, where it is concealed;
  4. Have such strip search conducted by a member of the same sex as the person being searched and have one other department member or other law enforcement agency member, preferably of the same sex as the informant, present during the search;
  5. Conduct such search in a secure area and isolated from the view of unauthorized persons;
  6. Not touch any body cavity, other than the mouth, nor fondle the buttocks, genitalia or breasts;

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7. Not require the person being searched to remain unclothed any longer than necessary;
  8. Any strip search shall be documented in the member's incident report, including:
    - (a) The name of the second member present during the strip search.
    - (b) The facts that led to the decision to request the strip search.
    - (c) The reasons less intrusive methods of searching were not used or were insufficient.
    - (d) The date, time and location of the search.
    - (e) A list of the items, if any, recovered during the search.
  9. No photographs or video of the strip search shall be taken.
- (b) In the event that any sworn member of this department, upon arresting and/or transporting any person to the jail or other detention facility, has reason to believe the person arrested may be concealing weapons or contraband in or under their clothing that can not be reasonably searched without exposing their genitals, buttocks, anus, breasts or undergarments shall notify the jail or detention staff of such concern. Jail staff can then initiate their own procedures for dealing with inmates in their custody.
- (c) If the member believes this person cannot be safely transported and believes it is imperative an immediate strip search needs to be conducted, the member shall:
- (a) Attempt to obtain lawful consent, which shall be in writing and/or recorded via video and/or audio, and if such consent is given, proceed with the search as described above for confidential informants; or
  - (b) In the event the person refuses to consent to such a search, the member shall attempt to seek a search warrant.

### 318.4.1 BODY CAVITY SEARCHES

**Body Cavity Search:** A manual or instrument inspection of a person's anal or vaginal cavity.

Body cavity searches of any person by members of this Department shall be prohibited.

- In the event a member has arrested any person and/or is transporting any prisoner to the jail or other detention facility, and they have reason to believe the person arrested is concealing weapons or contraband in a body cavity, the member shall inform the jail or detention staff of such information or concern. Jail or detention staff may initiate their own procedures for dealing with inmates in their custody.

## Temporary Custody of Juveniles

### 319.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Coeur d'Alene Police Department (34 USC § 11133).

### 319.2 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Coeur d'Alene Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the Coeur d'Alene Police Department without authorization of the arresting officer's supervisor or the Shift Commander.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the Coeur d'Alene Police Department (34 USC § 11133).

#### 319.2.1 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Coeur d'Alene Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, juvenile offenders may be taken into custody (Idaho Code 20-516):

- (a) When there is probable cause to believe the juvenile has committed an act which would be a misdemeanor or felony if committed by an adult without a warrant.
- (b) When, in the presence of an officer or private citizen, the juvenile has violated any local, state or federal law or municipal ordinance.
- (c) Upon written order or warrant signed by a judge (such as a detention order).

As soon as practicable after the juvenile is taken into custody, the officer shall notify the parents, guardian or other person responsible for the juvenile.

The officer taking the juvenile into custody shall release the juvenile to the custody of his/her parents, guardian or other responsible person in this state, unless the court has issued a warrant of arrest/detention or there is probable cause to believe that the welfare of the juvenile or others may be endangered by his/her release (Idaho Code 20-516).

If a juvenile is taken into custody and not released to the parent, guardian or other responsible person and the juvenile court has not instructed that he/she be released to an authorized person,

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the officer shall take the juvenile to the Juvenile Detention facility, shelter care or public or private agency designated by the court and notify the court that the juvenile has been taken into custody.

If a juvenile is taken to the police department, at no time should an adult prisoner be within sight or sound of the juvenile. An officer shall closely monitor the juvenile at all times in an unsecured room or area (i.e. interview rooms).

Except where the juvenile is taken into custody under an order of the court, the officer taking the juvenile into custody shall promptly complete a report detailing the circumstances and actions taken. A copy of the completed report shall be sent to the juvenile prosecuting attorney's office and this department's juvenile detention unit.

### **319.3 USE OF RESTRAINT DEVICES**

Juvenile offenders may be handcuffed in accordance with Policy §311 Handcuff Policy. Other restraints shall only be used after less restrictive measures have failed. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others. The use of restraints shall be documented in the member's incident report.

### **319.4 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS**

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation after being advised of their Miranda Warnings, if applicable.

### **319.5 RECORDS OF JUVENILES**

Records of juveniles shall be kept separate from records of adults and shall be subject to disclosure according to Chapter 3, Title 9 of the Idaho Code (Idaho Code 20-516).

### **319.6 SHELTERING OF CHILDREN (EMERGENCY REMOVAL)**

Sworn members are authorized to shelter a child (*also referred to as protective custody*) in the following situations:

- When the child is endangered and prompt removal is necessary to prevent physical or mental injury of the child;
- When a child is abandoned;
- Upon order of the Court that a child be removed and placed into shelter care.

#### **319.6.1 REPORTING, NOTICE AND RELEASE OF CHILD**

When a sworn member shelters a child, the member shall:

- Notify the Department of Health and Welfare and the Kootenai County Prosecutor's Office;
- Release the child into the custody of the Department of Health and Welfare;

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- Complete a *"Notice of State Action and Shelter Care Hearing"* form and serve (or attempt service) on the parents, guardian or other legal custodian of the child informing them that the child has been sheltered and that a shelter care hearing will be conducted within 48 hours, excluding Saturdays, Sundays and holidays;
- At no time shall a member inform the parent, guardian or other legal custodian the location of where the child is being sheltered;
- An incident report shall be completed detailing the reasons for the emergency removal and sheltering of the child.

## Adult Abuse

### 320.1 MANDATORY NOTIFICATION

Members shall notify the Idaho Commission on Aging (ICOA)'s local Area Agency on Aging when there is reasonable cause to believe that abuse, neglect or exploitation of a vulnerable adult has occurred (Idaho Code 39-5303).

The following definitions apply to mandatory notification (Idaho Code 39-5302):

- Abuse means the intentional or negligent infliction of physical pain, injury or mental injury.
- Neglect means failure of a caretaker to provide food, clothing, shelter or medical care reasonably necessary to sustain the life and health of a vulnerable adult, or the failure of a vulnerable adult to provide those services for him/herself.
- Exploitation means an action which may include, but is not limited to, the unjust or improper use of a vulnerable adult's financial power of attorney, funds, property or resources by another person for profit or advantage.
- Vulnerable adult is a person 18 years or older who is unable to protect himself/herself from abuse, neglect or exploitation due to a physical or mental impairment which affects the adult's judgment or behavior to the extent that he/she lacks sufficient understanding or capacity to make, communicate or implement decisions regarding his/her person.

### 320.2 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact ICOA. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to ICOA.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order



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on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

### 320.2.1 IDAHO COMMISSION ON AGING ASSISTANCE

An officer shall cooperate with ICOA when assistance is requested and the officer reasonably believes an emergency exists which requires immediate entry on public or private property to ensure the safety of a vulnerable adult who is allegedly being abused, neglected or exploited. Assistance may also include transporting the vulnerable adult to a medical facility, care-providing facility or other appropriate and safe environment (Idaho Code 39-5305).

## **320.3 INTERVIEWS**

### 320.3.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio/video record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

### 320.3.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
  - 1. A reasonable belief that medical issues of the adult need to be addressed immediately.
  - 2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
  - 3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

## **320.4 MEDICAL EXAMINATIONS**

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

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### **320.5 DRUG-ENDANGERED VICTIMS**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

#### **320.5.1 SUPERVISOR RESPONSIBILITIES**

The supervisor should:

- (a) Work with professionals from the appropriate agencies, including ICOA, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the adult.

#### **320.5.2 OFFICER RESPONSIBILITIES**

Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

- (a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Investigation Section supervisor so an interagency response can begin.

### **320.6 STATE MANDATES AND OTHER RELEVANT LAWS**

Idaho requires or permits the following:

#### **320.6.1 RECORDS DIVISION RESPONSIBILITIES**

The Records Division is responsible for:

- (a) Providing a copy of the adult abuse report to ICOA as required by law.
- (b) Retaining the original adult abuse report with the initial case file.

#### **320.6.2 RELEASE OF REPORTS**

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Idaho Code 39-5307; Idaho Code 74-105(11)).

### **320.7 LEFT BLANK**

## Discriminatory Harassment

### 321.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent members of this department from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

Refer to the City of Coeur d'Alene Personnel Rules *Rule XXIII* governing this topic.

<http://citynet/deptimages/PersonnelRules.pdf>

## Child Abuse Reporting

### 322.1 PURPOSE AND SCOPE

Any sworn member who encounters any child whom he reasonably suspects has been the victim of child abuse, abandonment, or neglect shall take appropriate action and document the suspected abuse, abandonment, or neglect and any action taken in a crime report. A copy of that report shall be sent to the Department of Health and Welfare after approval by a supervisor.

It is understood that not all contacts members have with families in the community will necessarily require immediate enforcement action or a crime report to be written because the elements of a crime may not be met, but there are certain situations the Department of Health and Welfare should be made aware for future reference or intervention. Some of these situations may include, but are not limited to, children witnessing domestic violence, children who reside with drug or alcohol abusers, live in dirty or unkempt residences, are homeless, or are otherwise in a potentially unsafe environment. Under these circumstances, the member shall:

- (a) Obtain as much personal information as possible on the children, parents and/ or any other adults living in the residence and/or having custody of the children;
- (b) Take photographs or video of the living conditions, if applicable;
- (c) Write an informational police report using a clearance code of "No Report Taken" and then process the report through Work Flow;

Records will then forward this report to the Department of Health and Welfare.

## Missing Persons

### 323.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

#### 323.1.1 DEFINITIONS

Definitions related to this policy include:

**At-risk** - This includes persons who are:

- (a) 13 years of age or younger.
- (b) Regardless of age, believed or determined to be experiencing one or more of the following circumstances:
  1. Is out of the zone of safety for his/her chronological age and developmental stage.
  2. Has a mental or behavioral disability.
  3. Is drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
  4. Has been absent from home for more than 24 hours before being reported to law enforcement as missing.
  5. Is in a life-threatening situation.
  6. Is in the company of others who could endanger his/her welfare.
  7. Is absent in a way that is inconsistent with established patterns of behavior and that cannot be readily explained. Most children have an established and reasonably predictable routine.
  8. Is involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.

**Missing person** - Any person who is reported missing to law enforcement when that person's location is unknown. This includes a person that is less than 18 years of age who is reported to the Department as abducted, lost or as a runaway (Idaho Code 18-4508(2); Idaho Code 18-4508(3)).

**Missing person networks** - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the Idaho Law Enforcement Telecommunications System (ILETS) and the Idaho Missing Person Clearinghouse.

### 323.2 POLICY

The Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Department gives missing person cases priority over property-related cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

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### 323.2.1 INVESTIGATION DILIGENCE

Upon receiving a report of a missing person or a runaway, the member shall obtain as much information as possible regarding the description of the missing person or runaway and the events leading up to the reporting party discovering the person was missing, including any information needed in the event an Amber Alert is required. Additionally, in order to facilitate the reporting of the missing person through NCIC, the member shall attempt to determine if the missing person can be categorized under one of the NCIC categories, and shall include this information in the report.

In the event the report pertains to a missing person under the age of 21, the member shall, to the extent possible, include the name, date of birth, sex, race, height, weight, eye and hair color of the missing person; the date, time and location of the last known contact with the missing person; and the NCIC category under which the missing person is reported missing.

### 323.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigation Section supervisor shall ensure the following forms and kits are developed and available:

- Missing Person Report Form
- Missing Person Investigation Checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing Person School Notification Form
- Medical Records Release Form
- Biological sample collection kits

### 323.3.1 TRANSMITTING REPORTS TO OTHER JURISDICTIONS

When the department takes a missing person report on a person who lives outside of this jurisdiction, the Records Division shall promptly notify and forward a copy of the report to the agency having jurisdiction over the missing person's residence and where the missing person was last seen.

### 323.3.2 ELECTRONIC NOTIFICATIONS

Upon receiving a report of a missing or runaway child, a law enforcement agency in Idaho shall immediately enter identifying and descriptive information about the child into the National Crime Information Center (NCIC) computer (Idaho Code 18-4509(1)).

When a missing person is under the age of 21, the Records Division shall send an electronic notification to Idaho Law Enforcement Telecommunications Systems (ILETS) and the National Crime Information Center within two hours after accepting the report (42 U.S.C. 5779(a) and 42 U.S.C. 5780(3)).

### 323.3.3 AT-RISK REQUIREMENTS

When the department has reason to believe a missing person is enrolled in an Idaho elementary or secondary school, it shall notify the school of the report.

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### **323.4 ACCEPTANCE OF REPORTS**

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

### **323.5 REPORT PROCEDURES AND ROUTING**

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

#### **323.5.1 SUPERVISOR RESPONSIBILITIES**

The responsibilities of the supervisor shall include, but are not be limited to:

- (a) Reviewing and approving missing person reports upon receipt.
  - 1. The reports should be promptly sent to the Records Section.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
  - 1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

#### **323.5.2 RECORDS SECTION RESPONSIBILITIES**

The responsibilities of the Records Section receiving member shall include, but are not limited to:

- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notifying and forwarding a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen.
- (c) Notifying and forwarding a copy of the report to the law enforcement agency having jurisdiction over the missing person's intended or possible destination, if known.
- (d) Forwarding a copy of the report to the Investigation Section.
- (e) Updating the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

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### 323.6 INVESTIGATION SECTION FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Shall ensure that an Idaho elementary or secondary school is immediately notified when an enrolled child is reported missing (Idaho Code 18-4509(2)).
  1. The notice shall be in writing and should also include a photograph.
  2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update the Idaho Missing Person Clearinghouse, the ILETS, the NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the [Medical Examiner/JOP].
- (h) Should obtain and forward medical and dental records, photos, X-rays and biological samples, as applicable.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the Idaho State Police and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).



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### **323.7 WHEN A MISSING PERSON IS FOUND**

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the reporting party and other involved agencies and refer the case for additional investigation if warranted.

The Records Supervisor should ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to Idaho State Police.
- (b) A missing child's school is notified.
- (c) Entries are made in the applicable missing person networks, including immediately in NCIC.
- (d) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

#### **323.7.1 UNIDENTIFIED PERSONS**

Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

### **323.8 CASE CLOSURE**

The Investigation Division supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Coeur d'Alene or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

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### **323.9 TRAINING**

Subject to available resources, the Training Lieutenant should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

- (a) The initial investigation:
  - 1. Assessments and interviews
  - 2. Use of current resources, such as Mobile Audio Video (MAV)
  - 3. Confirming missing status and custody status of minors
  - 4. Evaluating the need for a heightened response
  - 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of department members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., Internet use, cell phone use).
- (n) Media relations.

## Public Alerts

### 324.1 PURPOSE AND SCOPE

AMBER Alert in Idaho is a program of voluntary cooperation between broadcasters, cable systems and local and state agencies to enhance the public's ability to assist in recovering abducted children. AMBER Alert notification is supported by the AMBER Alert Web Portal and the Emergency Alert System (EAS). Through these means, the public will be notified of the circumstances of a child's abductions and how they can assist law enforcement in the child's recovery. The goal of an AMBER Alert program is the safe return of an abducted child by establishing an effective partnership between the community, the media, and law enforcement.

The safety of Idaho's children is a priority and the state should use every resource available to protect them. The first few hours after a child is abducted are critical to the safe recovery of that child, and it is essential to utilize maximum public participation in the recovery efforts of law enforcement.

This department has adopted rules establishing the criteria to be applied in determining whether to issue an alert under the AMBER Alert Plan.

### 324.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

#### 324.2.1 SHIFT COMMANDER RESPONSIBILITIES

- (a) Notify the Division Commander and Detective Supervisor, of the reported abduction.
- (b) Once it is confirmed that all AMBER Alert criteria has been met, and there is no extenuating investigative need that dictates otherwise, the Shift Commander shall ensure the investigating officer contacts Central Dispatch as soon as practical and provide the necessary information needed for Central to complete an AMBER Alert form.
- (c) Central will fax the completed AMBER Alert form to the Idaho State Police Regional Communications Center for entry and alert activation.
- (d) It will remain the responsibility of the Shift Commander to ensure the AMBER Alert is properly initiated and the completed AMBER Alert form was forwarded to the ISP Regional Communications Center via e-mail or fax (208) 209-8618, as quickly as possible.
- (e) Photos or any additional information that would assist in the AMBER Alert may also be forwarded to Central and or ISP ([d1dispatchers@isp.idaho.gov](mailto:d1dispatchers@isp.idaho.gov)) as soon as practical.

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### 324.3 RESPONSIBILITIES

The member receiving the abduction report shall notify the Shift Commander as soon as practical. The Shift Commander or Detective Supervisor will then determine whether or not to issue an AMBER Alert.

### 324.4 AMBER ALERTS

- (a) If immediately available, respond to the scene or command post as appropriate.
- (b) Verify AMBER Alert Plan has been activated, or activate if necessary.
- (c) Evaluate need for additional resources and continue to monitor abduction situation.
- (d) Assign a member to evaluate and document incoming calls.
- (e) Work with the Public Information officer (PIO) and the Detectives Supervisor to ensure information for public dissemination is properly filtered and released.
- (f) Upon notification and confirmation that the child has been located, ensure a CANCELLATION of the AMBER Alert is issued to media outlets, using the official AMBER Alert form.

### 324.5 DETECTIVE RESPONSIBILITIES

- a. Ensure a flyer is completed and disseminated as soon as possible, including the listed information as appropriate.
- b. Conduct further investigations, follow-up and brief Detective supervisors when further information develops.
- c. Should not be involved in the media relations unless specifically asked by a Supervisor.

### 324.6 MEDIA PROCEDURE

In the event of a confirmed child abduction the following procedures designed to alert the media shall be followed.

- (a) The Public Information Officer, Shift Commander or Detective Supervisor will prepare an initial press release that includes all available information which might aid in locating the child, such as:
  1. The child's identity, age, and description.
  2. Photograph if available.
  3. The suspect's identity, age, and description, if known.
  4. Pertinent vehicle description.
  5. Detail regarding location of incident, direction of travel, potential destinations, etc., if known.

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6. Name and phone number of the Public Information Officer or other authorized individual to handle media liaison.
  7. A telephone number for the public to call in with leads/information.
- (b) Fax the press release to the local television and radio stations.
  - (c) The information in the press release should also be forwarded to the Idaho State Police that general broadcasts can be made to local law enforcement agencies.
  - (d) Central should send a teletype to local law enforcement agencies.
  - (e) The individual responsible for making notifications shall also consider the following resources as the circumstances dictate:
    1. Emergency Alert System sites (EAS).
    2. Idaho State Police (ISP).
    3. Federal Bureau of Investigation (FBI Local Office).
    4. Prompt entry of information into the Department of Justice Missing Person System (MUPS/NCIC).
    5. National Center for Missing and Exploited Children (800) 843-5678.
  - (f) The Detective Supervisor investigating the abduction or other individual responsible for making notifications shall prepare and fax to the previously described locations, follow-up press releases with updates regarding the search and investigation, or immediately upon locating the abducted child.

### **324.7 BLUE ALERTS**

Blue Alerts are used to provide a statewide system for the rapid dissemination of information regarding a violent criminal who has seriously injured or killed a peace officer or when a peace officer becomes missing in the line of duty under circumstances warranting concern for the officer's safety (Idaho Code 67-2920).

#### **324.7.1 CRITERIA**

A Blue Alert may be activated if all of the following criteria are met (Idaho Code 67-2920):

- (a) A peace officer has been killed, seriously injured, or is missing in the line of duty under circumstances warranting concern for his/her safety.
- (b) The suspect has not been apprehended and may be a serious threat to the public.
- (c) Sufficient information is available to disseminate to the public that could assist in locating the suspect or the missing peace officer.

#### **324.7.2 PROCEDURE**

The supervisor should notify the Idaho State Police to request activation of a Blue Alert after verification of all criteria has been met. The request should include information about the

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## *Public Alerts*

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appropriate boundaries of the alert, based on information about the suspect and the nature of the crime or the last known location of the missing officer (Idaho Code 67-2920).

## Victim and Witness Assistance

### 325.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

### 325.2 POLICY

The Coeur d'Alene Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Coeur d'Alene Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

### 325.3 CRIME VICTIM LIAISON

The Chief of Police may appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Coeur d'Alene Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

#### 325.3.1 SPECIFIC VICTIM LIAISON DUTIES

The victim liaison should ensure that the Department affords victims the rights as described in Idaho Code 19-5306.

The victim liaison should also ensure that victims of sexual assault (or their parents or guardians when applicable) are notified of the following upon written request (Idaho Code 67-2919).

- (a) When a sexual assault evidence kit is submitted to the Idaho State Police Forensic Services Laboratory.
- (b) When a related sample DNA profile is entered into the Idaho DNA database.
- (c) When a DNA match has occurred (notification should not contain any genetic or other identifying information).
- (d) When there is any change in the status of the case or reopening of the case.

### 325.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

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## *Victim and Witness Assistance*

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### **325.5 VICTIM INFORMATION**

The Administration Division Commander shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims including domestic violence and sexual assault victims.
- (b) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).
- (c) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (d) A clear explanation of relevant court orders and how they can be obtained (Idaho Code 18-7907; Idaho Code 39-6308; Idaho Code 18-920).
- (e) Information regarding available compensation for qualifying victims of crime (Idaho Code 72-1001 et seq.).
- (f) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (g) Notice regarding U-Visa and T-Visa application processes.
- (h) Resources available for victims of identity theft.
- (i) A place for the officer's name, badge number and any applicable case or incident number.
- (j) All victim information required by Idaho Code 39-6316(2), including information about requesting the prosecuting attorney to file charges, protective orders and the right to sue for losses suffered as a result of abuse.
- (k) Information to victims of domestic violence indicating that they may have their address protected from disclosure on their voter registration card per Idaho Code 74-106.
- (l) An explanation of the rights of victims during an investigation, prosecution and disposition of a crime under Idaho Code 19-5306.
- (m) Information about the address confidentiality program (Idaho Code 19-5703).

### **325.6 WITNESSES**

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.



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## Information Technology Use

### 326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems. And to ensure compliancy with state and federal regulations.

#### 326.1.1 DEFINITIONS

Definitions related to this policy include:

**Computer system** - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Coeur d'Alene Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

**Hardware** - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

**Software** - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

**Temporary file, permanent file or file** - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

### 326.2 POLICY

It is the policy of the Coeur d'Alene Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

### 326.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

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## *Information Technology Use*

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### **326.4 RESTRICTED USE**

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Shift Commanders.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

#### **326.4.1 SOFTWARE**

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

#### **326.4.2 HARDWARE**

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

#### **326.4.3 INTERNET USE**

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to,

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adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail and data files.

### **326.4.4 OFF-DUTY USE**

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access department resources.

### **326.5 INSPECTION OR REVIEW**

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide an agency service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

### **326.6 PROTECTION OF AGENCY SYSTEMS AND FILES**

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

## Report Preparation

### 327.1 PURPOSE AND SCOPE

The purpose of reports is to document sufficient information to refresh the member's memory and to provide sufficient information for follow-up investigation and successful prosecution.

#### 327.1.1 REPORT PREPARATION

It is the primary responsibility of the assigned member to ensure that reports are fully prepared or that supervisory approval has been obtained to delay completion of the report before going off duty. The preparing member must ensure the report will be available in time for appropriate action to be taken, such as investigative leads or for finding probable cause when a suspect is in custody.

Citations and handwritten documents associated with reports must be prepared legibly and in blue ink. If it is not prepared legibly, the member will be required by the supervisor to promptly correct the forms or citations when applicable.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard, or assimilated by any other sense, and any actions taken. Members shall not repress, conceal or distort the facts of any reported incident, nor shall any member make a false report orally or in writing.

### 327.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate approved form unless otherwise approved by a supervisor.

#### 327.2.1 CRIMINAL ACTIVITY REPORTING

When a member responds to a call for service, or as a result of self-initiated activity becomes aware a crime has occurred, the member is required to document the incident appropriately. The fact that a victim is not desirous of prosecution is not always an exception to not documenting the incident. The following are examples of required documentation:

- (a) In every instance where a felony has occurred.
- (b) In every instance where a misdemeanor crime has occurred and the victim desires a report.
- (c) In every case where a member uses force.
- (d) All domestic violence related incidents will be documented. In instances where the domestic violence victim does not desire a report be taken, a report will still be completed and the victim's wishes documented in the report.
- (e) All arrests.
- (f) In every instance when an officer conducts a search of a residence or vehicle.
- (g) In every instance when property is damaged or reasonably thought to be damaged by law enforcement actions.

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## Report Preparation

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### 327.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate report form or other applicable format:

- (a) When a member points a firearm at any person and an arrest or crime report is not otherwise written, the member shall briefly document in the radio log or through an F.I. card as to the circumstances as to why a firearm was pointed.
- (b) Reported missing persons (regardless of jurisdiction).
- (c) Property taken as found or for safekeeping.
- (d) All incidents involving the death of a human being (see Policy Manual Death Investigations).
- (e) Traffic collisions meeting the minimum reporting requirements per the State of Idaho.
- (f) Protective custody holds (*Mental or Alcohol*).
- (g) Status offenses.
- (h) Dog bites.
- (i) Animal offenses which result in a citation being issued or follow-up investigation needed.

### 327.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with Policy Manual Death Investigations. The responding member should notify a supervisor of the circumstances surrounding the incident. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths.
- (b) Suicides.
- (c) Homicide or suspected homicide.
- (d) Unattended deaths (*No physician or qualified hospice care*).
- (e) Found dead bodies or body parts.

### 327.2.4 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require an incident report when:

- (a) The injury is a result of drug overdose.

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- (b) Attempted suicide.
- (c) The injury is a result of the discharge of a firearm, even if accidental.
- (d) The injury is major/serious, whereas death could result.
- (e) The circumstances surrounding the incident are suspicious.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct a member to document any incident he deems necessary.

### **327.3 GENERAL POLICY OF EXPEDITIOUS REPORTING**

In general, all members shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

### **327.4 REPORT CORRECTIONS**

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should return the report to the reporting member for correction as soon as practical. It shall be the responsibility of the originating member to ensure that any report returned for correction is processed in a timely manner.

### **327.5 REPORT CHANGES OR ALTERATIONS**

Reports that have been approved by a supervisor and submitted to the Records Division for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been accepted by the Records Division may be corrected or modified by the authoring member only.

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## Media Relations

### 328.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

### 328.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Shift Commanders and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

#### 328.2.1 MEDIA REQUEST

- (a) Any media request for information or access to a law enforcement situation shall be referred to the media representative as designated by this department, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:
  - 1. At no time shall any member of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated media representative.
  - 2. In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
  - 3. Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.
  - 4. Restricted information not authorized for release (for example, as outlined in § 328.4.1).
- (b) Information authorized for routine release includes:
  - 1. Defendant Information: Defendant's name, age, city of residence, employment, and similar identifying information **unless** defendant is a juvenile.
  - 2. Violations: The substance of the charge and statutes violated.
  - 3. Agency: The identity of the investigating and/or arresting agency and the duration of the investigation.
  - 4. Circumstances: The circumstances immediately surrounding an arrest or incident including the time and place, resistance, if any, and description of items seized at the time of arrest.

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5. Victim Information: The name, age and city of residence of the victim, unless a juvenile, and unless in the opinion of the investigating officer the disclosures are not required at the time due to the state of the investigation, or the nature of the case, or other factors involving the safety, privacy or welfare of the victim, such as in sex crimes.

### 328.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
  1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency operations or a criminal investigation. All information released to the media should be coordinated through the Public Information Officer or other designated spokesperson.
  2. Whenever the presence of media or other aircraft poses a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR § 91.137).
- (c) No member of this department who is currently under investigation shall be subjected to media visits or interviews without the consent of the involved member.
- (d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media should be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media.



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### 328.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

### 328.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The release and inspection of public records is controlled by Idaho Code 9-337 through 9-350. A public record includes any writing containing information relating to the conduct or administration of the public's business, prepared, owned, used or retained by any state agency, independent public body corporate and politic or local agency regardless of physical form or characteristics. There is a presumption that all public records in Idaho are open at all reasonable times for inspection except as otherwise provided by statute.

There are several exemptions to records being provided under the public records law, included are records relating to investigatory information compiled for criminal law purposes. The record of an arrest or the report of a crime shall be disclosed unless and only for so long as there is a clear need to delay disclosure in the course of a specific investigation, including the need to protect the complaining party or the victim. Nothing in this section shall limit any right constitutionally guaranteed or granted by statute to discovery in criminal cases (Idaho Code 9-335 through 9-350).

#### 328.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized member dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

- (a) Members' confidential information (Idaho Code 9-340C).
- (b) Records of buildings, facilities, infrastructures and systems when the disclosure of such information would jeopardize the safety of persons or the public safety (Idaho Code 9-340B).
- (c) Member Involved Critical/Major Incidents: The identities of members involved in shootings or other major incidents may only be released to the media pursuant to consent of the involved member or upon a formal request filed and processed in accordance with the Public Records Law.
- (d) Confessions: The existence or content of any purported confession, admission or statement given by the defendant or his/her refusal or failure to make such statement.

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- (e) Opinions: Any opinion of the defendant's guilt or innocence or of matters relating to the merits of the case.
- (f) Juvenile Information: The identity of persons involved in the incident or crime who are less than 18 years of age.
- (g) Evidentiary Materials: Video, tapes of lineups, photographs, interviews or confessions which are items of evidence.
- (h) Suspect Information Prior to Arrest: All information unless the release would aid in capturing the suspect or if the information would warn the public of potential danger.
- (i) Administrative Investigations: All information will be confidential until released through the Legal Advisor.
- (j) Other information protected by Idaho Code 9-335.

### 328.4.2 REPORTS AND DOCUMENTS

Requests for reports and documents from this department shall be made through the Public Records process.

### 328.4.3 OTHER INFORMATION RELEASES

**Crime Scene Videos and Photos:** The taking of press or media photographs, video tape or movies within a crime scene may only be accomplished after the investigating member receives permission from a supervisor and then only made under the supervision of the investigating officer at the scene.

**Release of Information Relating to a Civil Case:** The sole authority to disclose or release information concerning civil cases involving this department or its members rests with the Chief of Police and Legal Advisor. Members may not discuss any civil case involving themselves, this department or Coeur d'Alene or otherwise disclose any information relating to any civil case without the specific permission of the Chief of Police. This is not to be construed to limit attorney/client relationships between a member and his attorney.

**Medical Records of Inmates and Others:** Pursuant to Idaho Code 9-340C(13), and related Department of Health and Welfare regulations, all medical data is confidential.

### 328.4.4 PERMISSION TO USE DEPARTMENT FACILITIES

All requests for use of facilities, department vehicles, personnel, or equipment for multi-media productions must be forwarded to the Chief of Police or his designee for approval.

Media production staff shall be accompanied by the Public Information Officer or other designated member while interviewing or filming on premises.

## Court Appearance & Subpoenas

### 329.1 PURPOSE AND SCOPE

This procedure has been established to provide for the acceptance of subpoenas and to ensure that members appear when subpoenaed, or are available to appear in court when requested, and present a professional appearance.

Members who receive subpoenas related to their employment with this department are subject to the provisions of this policy. Members should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed.

### 329.2 COURT SUBPOENAS

#### 329.2.1 SERVICE OF CITY ATTORNEY SUBPOENA

- (a) The subpoena will be e-mailed as an attachment to the member along with a "Read Receipt" and the member will accept the receipt. If there is a schedule conflict, the member shall e-mail the City Attorney's Office indicating the details of the conflict and a request to be excused. The member must first be excused from the subpoena by the City Attorney's Office before disregarding it.
- (b) Subpoenas for Reserves will be e-mailed as described above in section (a), but shall be e-mailed to the Reserve Program Supervisor (*Special Activities Sergeant*). This Sergeant shall ensure the Reserve is properly notified and accepts service of the subpoena.
- (c) Members who are scheduled for their regular duty assignment are required to check their e-mail throughout their shift and immediately reply to any e-mail containing a subpoena attachment. Members are not required to print, sign and return a copy of the subpoena to the Records Division. The "Read Receipt" shall serve as notification to the City Attorney's Office that the member has been served the subpoena.

#### 329.2.2 CANCELLATION OF CITY ATTORNEY SUBPOENAS

**Jury Trials:** The Records Division will provide a daily recording of Jury Trial Status call-offs that members shall check by calling the designated phone number.

**Other Court Hearings:** The City Attorney's Office will cancel the subpoena by:

- Sending the member an e-mail; or
- If a cancellation is within five (5) days of the scheduled court hearing, a phone call, in addition to an e-mail, will be made by the City Attorney's Office.

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### 329.2.3 "RUSH" CITY ATTORNEY SUBPOENAS

There are times when a subpoena needs to be served immediately upon a member and an e-mail may not be read in time. In these circumstances, the City Attorney's Office will send the subpoena:

- (a) Electronically to the Records Division and the member;
- (b) The Records Division will forward the subpoena via e-mail to the appropriate Supervisor who will then be responsible for contacting the member;
- (c) Once the supervisor makes verbal or personal contact with the member, the Supervisor will send an e-mail to the City Attorney's Office confirming the member has been notified of the subpoena;
- (d) If there is a scheduling conflict, the member shall immediately inform the notifying Supervisor of the conflict and the member shall contact the City Attorney's Office as soon as possible.

### 329.2.4 LEAVE AFFIDAVIT FOR CITY ATTORNEY'S OFFICE

The dates for Court hearings are set by the Court, who then prepare a "Notice of Hearing" which is forwarded to the City Attorney's Office. The City Attorney's Office will then prepare a subpoena to be served upon the appropriate member(s).

In the event a member has a scheduling conflict with a Court hearing date, an established procedure will be followed by members to assist the City Attorney's Office with a request to the Court to re-schedule the hearing. It shall be understood by the member, that the fact a Leave Affidavit has been forwarded to the City Attorney's Office does not formally excuse the member from a conflicting subpoena. It shall be the member's responsibility to follow up with the City Attorney's Office in the event a subpoena is served and it conflicts with a previously approved leave request.

The Leave Affidavit shall be used for the following types of approved leaves:

- (a) Vacation;
- (b) Military Leave;
- (c) Training;
- (d) Medical Leave; and/or
- (e) Out of Town on Scheduled Day(s) Off
  1. In regard to sub-section (e), it is the responsibility of the member to notify his immediate supervisor in writing, and prior to receiving a subpoena, when he has previous plans to be out of town on a scheduled day off that could conflict with possible Court dates during a week day.
- (f) The following procedure shall be used to submit Leave Affidavit's to the City Attorney's Office:

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1. Whenever a member requests any leave from their normal duty assignment, which could potentially conflict with future Court hearings set during a week day, the member shall request their immediate supervisor prepare a Leave Affidavit and forward it to the City Attorney's Office once the leave is approved.
2. The supervisor shall complete the Leave Affidavit by filling in the appropriate boxes and then forward the completed affidavit electronically to the member and to the City Attorney's Office.
3. It shall be the member's responsibility to follow up with the City Attorney's Office in the event a subpoena is served and it conflicts with a previously approved leave request.

### 329.3 SUBPOENA PROCEDURE FOR COUNTY PROSECUTOR

#### 329.3.1 SERVICE OF COUNTY PROSECUTOR SUBPOENAS

The County Prosecutor will generally send subpoenas for members of this Department via e-mail to the Records Division. Periodically, the KCSD Civil Division may deliver them to the Records Division. The following procedure for service and acceptance shall be followed by members:

- (a) Upon receiving a subpoena, the Records Division will fill out a "Subpoena Log", specifically noting the date & time the subpoena was received by Records, whether it was received via e-mail or KCSD Civil, the case number (*not CDAPD report number*), defendant name and officer name;
- (b) Records personnel will electronically send the subpoena and an Acceptance of Service (AOS) via e-mail to the member named in the subpoena. The subject of the e-mail shall include the Case Number (*not CDAPD report number*), Defendant Name (*Last, First*), Officer Name (*Last Name & K #*);
  1. *Example: F12-1234 / Smith, John / Officer Jones K90*
- (c) Members who are scheduled for their regular duty assignment are required to check their e-mail throughout their shift and immediately open any e-mail titled with a subject line as mentioned above;
  1. Subpoenas for Reserves will be e-mailed as described above, but shall also be e-mailed to the Reserve Program Supervisor (Traffic Sergeant), who shall ensure the Reserve is notified that a subpoena has been e-mailed and that they accept service of the subpoena as described in this Policy.
- (d) The member shall open the attachment, print out the subpoena and the AOS, date and sign the AOS, and then forward both to the Records Division;
  1. If there is a schedule conflict with the dates of the subpoena, the member shall contact the Attorney assigned to the case and explain the reason for the conflict and request to be excused. The member must first be excused from the subpoena before disregarding it.

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- (e) Upon receiving a signed and dated AOS, the Records Division will note in the "Subpoena Log" the date the AOS was received;
  - 1. Signed AOS forms for subpoenas received via e-mail will be forwarded to the District Court via inter-office mail by Records.
  - 2. Signed AOS forms for subpoenas received via KCSD Civil Division will be forwarded to the KCSD Civil Division via inter-office mail or e-mail.

In the event that the member does not receive the subpoena until after the date on the subpoena that the member was scheduled to appear (*i.e. member was not on scheduled duty between the date the member received the subpoena and the date the subpoena was requiring appearance*), the member shall still follow the above mentioned procedures but should add a notation on the AOS briefly explaining why it was not received by the member on time.

### 329.3.2 CANCELLATION OF COUNTY PROSECUTOR SUBPOENAS

**Preliminary Hearings:** Members can check the status of preliminary hearing cases by checking the Kootenai County Prosecutor's Office web page or their office voice mail system after 1100 hours. If a preliminary hearing is cancelled on the same day, the County Prosecutor will call the member at the contact number they have on file.

**Other Court Hearings:** If a court hearing is cancelled prior to the date of the hearing, the County Prosecutor will e-mail the Records Division for the daily voice mail recording for call-offs. If the court hearing is cancelled on the same date as the hearing, the County Prosecutor will call the member at the contact number they have on file.

### 329.3.3 LEAVE AFFIDAVIT FOR COUNTY PROSECUTOR'S OFFICE

The dates for Court hearings are set by the Court, who then prepare a "Notice of Hearing" which is forwarded to the County Prosecutor's Office. The County Prosecutor's Office will then prepare a subpoena to be served upon the appropriate member(s).

In the event a member has a scheduling conflict with a Court hearing date, an established procedure will be followed by members to assist the County Prosecutor's Office with a request to the Court to re-schedule the hearing. It shall be understood by the member, that the fact a Leave Affidavit has been forwarded to the County Prosecutor's Office does not formally excuse the member from a conflicting subpoena. It shall be the member's responsibility to follow up with the County Prosecutor's Office in the event a subpoena is served and it conflicts with a previously approved leave request.

The Leave Affidavit shall be used for the following types of approved leaves:

- (a) Vacation;
- (b) Military Leave;
- (c) Training;

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- (d) Medical Leave; and/or
- (e) Out of Town on Scheduled Day(s) Off
  1. In regard to sub-section (e), it is the responsibility of the member to notify his immediate supervisor in writing, and prior to receiving a subpoena, when he has previous plans to be out of town on a scheduled day off that could conflict with possible Court dates during a week day.
- (f) The following procedure shall be used to submit Leave Affidavit's to the County Prosecutor's Office:
  1. Whenever a member requests any leave from their normal duty assignment, which could potentially conflict with future Court hearings set during a week day, the member shall request their immediate supervisor prepare a Leave Affidavit and forward it to the County Prosecutor's Office once the leave is approved.
  2. The supervisor shall complete the Leave Affidavit by filling in the appropriate boxes and then forwarding the completed affidavit electronically to the member and a signed copy via inter-office mail to the County Prosecutor's Office.
  3. It shall be the member's responsibility to follow up with the County Prosecutor's Office in the event a subpoena is served and it conflicts with a previously approved leave request.

### 329.3.4 SUBPOENAS FOR OUT OF STATE OR OUT OF COUNTY PROCEEDINGS

A member shall consult with a supervisor and/or the Legal Department in the event the member is served with a subpoena for an out of county or out of state subpoena.

### 329.3.5 SUBPOENAS FOR CIVIL PROCEEDINGS

For civil cases related to on duty business, personal service of the subpoena upon the member is required. In the event the member is on duty and available, (*i.e. not on a call for service*), when a Process Server is attempting service of a subpoena, reasonable accommodations may be made to facilitate the service of the subpoena. Additionally the member should demand witness fees and reimbursement for mileage (*one way*) at the time of service of the subpoena, per Idaho Civil Rule 54(d)(1). In order for the member to be compensated by the City, the member shall submit (*endorse*) his received witness fee to the City.

If the member who needs to be served is not on duty at the time the Process Server is attempting service, a Supervisor or Records personnel may inform the Process Server the next date and assigned shift the member is on duty.

### 329.3.6 SUBPOENAS FROM PRIVATE DEFENSE COUNSEL OR PRIVATE PROCESS SERVERS

In the event defense counsel (*private attorney or public defender*) or a private process server is attempting to serve a subpoena, then personal service of the subpoena upon the member is required. In the event the member is on duty and available (*i.e. not on a call for service*) when

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service is attempted, reasonable accommodations may be made to facilitate the service of the subpoena. If the member who needs to be served is not on duty at the time, Records personnel or a Supervisor may inform the process server of the next date and assigned shift the member is scheduled for duty.

### **329.3.7 SUBPOENAS DELIVERED BY THE KOOTENAI COUNTY SHERIFF'S DEPARTMENT CIVIL DIVISION**

The Kootenai County Sheriff's Department Civil Division may deliver criminal subpoenas for members of this department to the Records Division. The subpoenas may be from the County Prosecutor, the Public Defender's Office or a Private Criminal Attorney.

Any subpoena delivered by the Kootenai County Sheriff's Department Civil Division shall be processed and accepted using the same procedure as outlined in Policy Manual §329.3.

### **329.4 FAILURE TO OBEY SUBPOENA**

- (a) Failure by any member without adequate excuse to obey a subpoena properly served may be deemed a contempt of the court for which there are penalties provided by law, and may be grounds for discipline up to and including termination of employment.

### **329.5 COURTHOUSE DECORUM AND TESTIFYING**

- (a) Members shall be punctual, observe all rules of the court in which they are appearing, refrain from smoking or chewing gum and not use their cell phone in any manner while in the courtroom. Members shall remain alert to changes in the assigned courtroom where their matter is to be heard.
- (b) Prior to the date of testifying, the subpoenaed member shall review copies of relevant reports and become familiar with their content in order to be prepared for court. Should the court require the member to bring evidence to court with them, the member should give the Property Office at least 24 hours advance notice, excluding weekends and Holidays, so arrangements can be made for the member to take possession of the evidence.

### **329.6 OFF-DUTY RELATED SUBPOENAS**

Members receiving valid subpoenas for actions taken off-duty not related to their employment with the department shall comply with the requirements of the subpoena. Members receiving these subpoenas are not compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

### **329.7 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE**

In the event a member is subpoenaed or has agreed to testify on behalf of any person or entity other than the City of Coeur d'Alene or County of Kootenai, said member shall notify his immediate supervisor without delay. The supervisor will then notify the member's Division Commander and



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Chief of Police. The Chief of Police or his designee shall ensure the Legal Department and/or appropriate Department Head of the City and/or County are notified, as may be indicated by the case.

This includes, but is not limited to the following situations:

- (a) Providing testimony or information for the defense in any criminal trial or proceeding;
- (b) Providing testimony or information for the plaintiff in a civil proceeding against any State, any County, any City, or their employees;
- (c) Providing testimony or information on behalf of or at the request of any party in any administrative proceeding, including but not limited to personnel and/or disciplinary matter.

## Outside Agency Assistance

### 330.1 PURPOSE AND SCOPE

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

### 330.2 POLICY

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

### 330.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Shift Commander's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Shift Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

#### 330.3.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Coeur d'Alene Police Department shall notify his/her supervisor or the Shift Commander and Central Dispatch as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

### 330.4 REQUESTING OUTSIDE ASSISTANCE

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

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The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

### **330.5 REPORTING REQUIREMENTS**

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Shift Commander.

### **330.6 MANDATORY SHARING**

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administration Division Commander or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
  - 1. The use of the supplies and equipment.
  - 2. The members trained in the use of the supplies and equipment.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to the Division Commander to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The department should maintain documentation that the appropriate members have received the required training.

## Megan's Law

### 331.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Coeur d'Alene Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex offenders.

### 331.2 POLICY

It is the policy of the Coeur d'Alene Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

### 331.3 REGISTRATION

The Investigation Section Supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Employees assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that within three working days the registration information is provided to the Idaho State Police in accordance with Idaho Code 18-8307(3).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

#### 331.3.1 CONTENTS OF REGISTRATION

All sex offenders required to register must appear in person and provide the following information (Idaho Code 18-8305; Idaho Code 18-8307):

- Name and all aliases
- Complete physical description of registrant
- Address or physical description of his/her residence or residences
- If the offender is a student and attending classes at a physical location, the name and address of the school or schools
- License plate and description of any and all vehicles owned or regularly operated by the registrant
- All telephone numbers and e-mail addresses used by the offender

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- Name and address of place of paid or unpaid employment
- Any professional license information
- Passport information and immigration status if applicable
- Driver's license or state-issued identification card

The completed form must be signed by the registrant.

The registering employee shall take photographs, fingerprints and palm prints of all registering sex offenders.

### **331.4 MONITORING OF REGISTERED OFFENDERS**

The Investigation Section Supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.
- (b) Review of information on the Idaho Central Sex Offender Registry.
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the Idaho State Police.

The Investigation Section Supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Coeur d'Alene Police Department personnel, including timely updates regarding new or relocated registrants.

### **331.5 DISSEMINATION OF PUBLIC INFORMATION**

Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be directed to the Idaho Central Sex Offender Registry or the Coeur d'Alene Police Department's website.

The Records Supervisor shall release local registered offender information to residents in accordance with Idaho Code 18-8323 and in compliance with a request under the Idaho Public Records Act.

#### **331.5.1 RELEASE NOTIFICATIONS**

Registrant information that is released should include notification that:

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- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to commit a crime or cause physical harm may be subject to criminal prosecution (Idaho Code 18-8326).

## Major Incident Notification

### 332.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this Department in determining when, how and to whom notification of major incidents should be made.

### 332.2 POLICY

The Department recognizes that certain incidents should be brought to the immediate attention, as soon as practical, to the Chief of Police and/or affected Division Commander to facilitate the coordination of activities and ensure that inquiries from City officials, the media and the public may be properly addressed.

### 332.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Department and the affected Division Commander. The list of incident types in the Major Incident Notification attachment is provided as a guide for notification and is not intended to be all-inclusive:

[See attachment: Major Incident Notification Feb 2016.pdf](#)

### 332.4 STAFF NOTIFICATION

The Shift Commander or on-scene supervisor is responsible for making the appropriate notifications as soon as practical.

In the event an incident occurs which requires the notification of the Chief of Police or affected Division Commander, the on-scene supervisor or Shift Commander shall first attempt notification of the affected Division Commander, who in turn may contact the Chief of Police and/or any other member of the department he feels requires notification.

#### 332.4.1 DETECTIVE NOTIFICATION

If the incident requires that a detective respond, the on scene supervisor or Shift Commander shall contact the Investigations Division Supervisor.

#### 332.4.2 PUBLIC INFORMATION OFFICER

The Public Information Officer may be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

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# PERSONNEL MOBILIZATION PLAN-TACTICAL ALERT

## 333.1 TACTICAL ALERT

A tactical alert is the preliminary stage of the Department Mobilization Plan for unusual occurrences. It provides for the controlled redistribution of on-duty personnel to achieve the resolution of a major police incident.

## 333.2 PURPOSE OF A TACTICAL ALERT

A tactical alert is initiated to achieve the following objectives:

- Alert all Department personnel to the possibility of personnel redistribution, and announce the existence of a major police incident; (i.e. either natural or man-made disasters, civil disturbances, major crimes, or any other event that would drastically affect critical staffing levels in the patrol division.)
- Provide a personnel reserve which can be used to achieve control and safe resolution of an incident.
- Control the depletion of field forces and discourage uncontrolled voluntary response to the scene of a major police incident.
- Encourage the use of the Incident Command System to clarify response roles and assignments.

## 333.3 INITIATING A TACTICAL ALERT PLAN

The watch commander (any rank) or the incident commander (any rank) may initiate a tactical alert. When there is a need for a tactical alert, it SHALL be initiated as soon as possible to restrict voluntary responses and avoid depletion of personnel from the involved area and surrounding areas.

The officer declaring a tactical alert shall provide the dispatch supervisor of Kootenai County Emergency Communications Center with the following information:

- Location and nature of the incident.
- Anticipated personnel and equipment needs.
- Anticipated duration of the incident.
- Likelihood of the incident escalating (short and long term)
- Staging area and contact information for internal and external resources requested.

## 333.4 TACTICAL ALERT BROADCAST

When a tactical alert has been declared, the declaring commander (any rank) SHALL request the Kootenai County Emergency Communications Center broadcast notice of the tactical alert



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department wide via radio. This notification should include any surrounding agencies in which the tactical alert may affect.

When requested by the declaring commander, the Kootenai County Emergency Communications Center SHALL make notifications of the tactical alert and the situation status to the Operations Division Commander who will then notify:

- Chief of Police
- Support Services Division Commander
- Public Information Officer

### **333.5 EFFECTS OF A TACTICAL ALERT**

When the department is placed on tactical alert, the following provisions shall take effect:

- All field units shall continue patrol unless reassigned by the watch commander and/or incident commander.
- Unless otherwise directed, officers working shall confine their activities to **police work of major importance. Priority 3 and priority 4 calls will be automatically pended to the City, by the Kootenai Emergency Communications Center.**
- Watch Commanders and field supervisors shall ensure that all on-duty personnel are aware of the tactical alert.
- Uniformed patrol officers off the air shall, whenever possible, be required to resume patrol and/or begin patrol, and await further instructions by the watch commander.
- Kootenai County Emergency Communications Center shall screen all incoming calls and whenever possible, direct citizens to the Coeur d'Alene PD's website for online reporting.
- Watch commanders shall maintain an account of on-duty uniformed personnel, including duties performed during a tactical alert.
- Investigative personnel shall continue to perform their regular duties; however, they should be prepared to assist the patrol division, unless they may be needed for either activation by the SWAT (if so assigned), or if they are needed as part of a call-out.
- Twelve hour shifts may be established by the Chief of Police or by the Operations Division Commander.
- Lunches/breaks may be restricted during a tactical alert.
- The Operations Division Commander or Patrol Watch Commander may, if deemed necessary, direct a patrol sergeant to notify and request additional personnel to report to work for a tactical alert. Call-outs will be undertaken in the order deemed appropriate:
  - Next incoming shift.
  - Other members, if needed.

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- Members on regular days off.
- Members just completing shift.
- Civilian personnel such as report writers and records personnel may also be called upon to assist with the tactical alert.
- Off-duty personnel should not respond unless requested, but may contact an on-duty supervisor to advise of availability.

### **333.6 HOLDING OVER WATCHES DURING A TACTICAL ALERT**

When a tactical alert is initiated, on-duty shifts **SHALL** be held over as follows:

- The Operations Division Commander or Patrol Watch Commander **SHALL** determine which department entities will be held over. This decision **SHALL** be based on an evaluation of the situation status provided by the Incident Commander, the likelihood of an escalation of activity, and the likelihood of additional resources being needed.
- All division supervisors **SHALL** have the authority to hold over off-going shifts when it reasonably appears that their resources may be needed, even though a department wide tactical alert has yet been declared.

### **333.7 CANCELLATION OF A TACTICAL ALERT**

- Once the incident has been resolved, the Operations Division Commander, or Patrol Watch Commander, has the authority to cancel the tactical alert.
- When a tactical alert is cancelled, the person initiating the cancellation **SHALL** notify the Kootenai County Emergency Communications Center, who **SHALL** then broadcast the cancellation via radio, and to any surrounding agencies that were originally notified of the tactical alert.
- The Public Information Officer should notify the media at their discretion.

### **333.8 AUTHORITY TO RELEASE PERSONNEL**

- The Operations Division Commander or Patrol Watch Commander **SHALL** be responsible for releasing off-going shifts, including uniformed personnel not assigned to patrol.
- Personnel assigned to the actual incident will be relieved as directed by the Incident Commander.

### **333.9 MODIFIED TACTICAL ALERT**

A modified tactical alert provides the department with a method of holding over shifts without the disruption of "routine" police duties. The following provisions apply during a modified tactical alert:

- Achieves the same objectives as a tactical alert, but without the restrictions of "police work of major importance."

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- Alerts department personnel, not assigned to patrol, of a possibility that they may be re-deployed if necessary.
- Alerts all department personnel of a possible major event, such as a planned protest where additional resources may be needed.
- Alerts Kootenai County Emergency Communications Center to alter the dispatching protocols.

### **333.10 HOLDING OVER SHIFTS DURING A MODIFIED TACTICAL ALERT**

When a modified tactical alert is initiated, the holding over of on duty shifts shall remain the same as holding over shifts during a tactical alert (Policy 358.6).

### **333.11 CANCELLATION OF A MODIFIED TACTICAL ALERT**

Cancellation of a modified tactical alert shall remain the same as a tactical alert cancellation (Policy 358.7).

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## Death Investigation

### 334.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially.

### 334.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Medical personnel shall be called in all suspected death cases unless the death is obvious (*i.e. decapitated, decomposed, etc.*). Members are not authorized to pronounce death. A supervisor shall be notified in all death investigations.

Upon discovering any individual who is dead or near death, the investigating member shall make a reasonable search of the individual for the purpose of locating anatomical gift donor information. If such donor information is located the officer shall promptly notify the coroner or ensure such information accompanies the individual to the hospital as appropriate (Idaho Code 39-3413).

#### 334.2.1 DEATH NOTIFICATION

The primary responsibility for death notification to the next of kin lies with the investigating member.

Calls from other jurisdictions with a request to deliver a death message will be routed to the Shift Commander for determination of how the request will be handled.

#### 334.2.2 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented in a written incident report.

#### 334.2.3 SUSPECTED HOMICIDE

If the initially assigned member suspects that the death involves a homicide, suicide or other suspicious circumstances, the Investigations Division shall be notified to determine the possible need for a Detective to respond to the scene for further immediate investigation.

## Identity Theft

### 335.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

### 335.2 REPORTING

- (a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (Idaho Code 18-3126) shall initiate a report for victims residing within the jurisdiction of this department. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:
  1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.
- (b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).
- (c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
- (d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and ITD) with all known report numbers.
- (e) Following supervisory review and processing by this department, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

## Citizens Arrests

### 336.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of a citizen's arrest made pursuant to Idaho Code 19-604.

### 336.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Although Idaho law does not expressly require members to advise citizens about their rights to make a private persons arrest, it is recommended that members advise citizens how to safely execute such an arrest.

- (a) When advising any individual regarding the right to make a private person's arrest, members should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.
- (b) Citizens should be discouraged from using force to effect a citizen's arrest, and absent immediate threat to their own safety or the safety of others, citizens should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

### 336.3 ARRESTS BY PRIVATE PERSONS

Idaho Code 19-604 provides that a private person (*citizen*) may arrest another:

- (a) For a public offense committed or attempted in his or her presence.
- (b) When the person arrested has committed a felony, although not in his or her presence.
- (c) When a felony has been in fact committed, and he or she has reasonable cause for believing the person arrested has committed it.

### 336.4 OFFICER RESPONSIBILITIES

Any sworn member presented with a citizen wishing to make an arrest should determine whether or not there is reasonable cause to believe that such an arrest would be lawful.

- (a) Should the member determine that there is no reasonable cause to believe that a citizen's arrest is lawful, the member should, out of the presence of the potential arrestee, explain to the citizen wishing to make the arrest the concerns about the absence of reasonable cause for the arrest and the potential ramifications should the citizen chose to proceed with the arrest.
  - 1. If, after being informed of the concerns of reasonable cause being absent, the citizen still wishes to pursue charges, the member shall only complete a crime report, which shall be forwarded to the Investigations Division for any possible follow-up investigation and/or to the appropriate Prosecutor's office for review.

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- (b) If the crime is a misdemeanor, the member should also explain that another option available would be for the citizen to sign a uniform citation against the person which could result in a trial date being set and the citizen needing to appear as a witness in the trial against the person he wanted arrested.
- (c) Should an arrest be made, a citation issued, or only a crime report taken, the member shall document all pertinent facts regarding the incident to assist with any required follow-up investigation or prosecution.

## Limited English Proficiency Services

### 337.1 PURPOSE AND SCOPE

Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from gaining meaningful access to, or an understanding of important rights, obligations and services. It is therefore the policy of this department to follow the plan established by the City of Coeur d'Alene, located on CityNet at <http://citynet/deptimages/LEP.pdf>.



# Communications with Persons with Disabilities

## 338.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

### 338.1.1 DEFINITIONS

Definitions related to this policy include:

**Auxiliary aids** - Tools used to communicate with people who have a disability or impairment. They include but are not limited to the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers or a qualified interpreter.

**Disability or impairment** - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

**Qualified interpreter** - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary interpreters. Qualified interpreters should be licensed as required by Idaho Code 54-2904.

## 338.2 POLICY

It is the policy of the Coeur d'Alene Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects, and arrestees, have equal access to law enforcement services, programs, and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights, or programs based upon disabilities.

### 338.2.1 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members of this department should remain alert to the possibility of communication problems and exercise special care in the use of all gestures, and verbal and written communication in an effort to minimize initial confusion and misunderstanding when dealing with any individual(s) with known or suspected disabilities or communication impairments.

## 338.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by and directly responsible to the Patrol Division Commander or the authorized designee.

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The responsibilities of the ADA Coordinator shall include but not be limited to:

- (a) Working with the City ADA coordinator regarding the Coeur d'Alene Police Department's efforts to ensure equal access to services, programs, and activities.
- (b) Developing reports or new procedures or recommending modifications to this policy.
- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs, and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Shift Commander and Dispatch Supervisor. The list should include information regarding:
  1. Contact information.
  2. Availability.
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs, and activities.

### 338.3.1 FIELD RESOURCES

Members are encouraged to utilize resources immediately available to them in any contact with a known or suspected disabled or impaired person. Examples of this would include such simple methods as:

- (a) Hand gestures or written communications exchanged between the member and a deaf or hearing impaired individual.
- (b) Facing an individual utilizing lip reading and speaking slowly and clearly.
- (c) Slowly and clearly speaking or reading simple terms to any visually or mentally impaired individual.

### 338.3.2 AUDIO RECORDINGS AND ENLARGED PRINT

This department may develop audio recordings of important information needed by blind or visually impaired individuals. In the absence of such audio recordings, members may elect to read aloud forms or documents or utilize a photocopier to enlarge printed forms for a visually impaired individual.

### 338.3.3 TELEPHONE INTERPRETER SERVICES

Central has a list of interpreter services to be contacted to assist deaf or hearing impaired individuals upon approval of a Supervisor. Prior to approving an interpreter to respond, the

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Supervisor shall inquire from the interpreter as to whether or not a fee would be charged for such services, and if so, what the total fee would be.

Requests to such interpreters for their services shall be made at the earliest reasonable opportunity and the interpreter should be available to respond within a reasonable time.

### **338.3.4 TTY AND RELAY SERVICES**

Individuals who are deaf or hearing impaired must be given the opportunity to use available text telephones (TTY or TDD). All calls placed by such individuals through such services shall be accepted by this department.

### **338.3.5 COMMUNITY VOLUNTEERS**

Depending on the circumstances, location and availability, responsible members of the community may be available to provide qualified interpreter services, such as those who are proficient in American Sign Language (ASL). Sources for these individuals may include local businesses, banks, churches, neighborhood leaders and school officials.

### **338.3.6 FAMILY AND FRIENDS OF DISABLED OR IMPAIRED INDIVIDUAL**

While family and friends of a disabled or impaired individual may frequently offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the disabled individual and the individual offering services must be carefully considered (e.g., victim/suspect).

## **338.4 FACTORS TO CONSIDER**

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs, and activities. These factors may include but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

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### 338.4.1 CUSTODIAL INTERROGATIONS AND BOOKINGS

In an effort to ensure the rights of all disabled and impaired individuals are protected during arrest and custodial interrogation, this department will provide reasonable communication assistance during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, members providing communication assistance in these situations will make every reasonable effort to accurately and effectively communicate with disabled or impaired individuals.

Members providing such assistance shall also be aware of the inherent communication impediments to gathering information from disabled or impaired individuals throughout the booking process or any other situation in which a disabled or impaired individual is within the control of this department's members.

- (a) Individuals who require communication aids (e.g., hearing aids) should be permitted to retain such devices while in the custody of a member of this department.
- (b) While it may present safety or other logistical problems to allow a physically disabled individual to retain devices such as a wheel chair or crutches during a custodial situation, the removal of such items will require that other reasonable accommodations be made to assist such individuals with access to all necessary services.
- (c) Whenever a deaf or hearing impaired individual is detained or arrested and placed in handcuffs, members should consider, safety permitting, placing the handcuffs in front of the body in order to allow the individual to sign or write notes.

### 338.4.2 FIELD ENFORCEMENT AND INVESTIGATIONS

Enforcement contacts will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts which may involve disabled or impaired individuals. The scope and nature of these activities and contacts will inevitably vary, therefore this department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member in the field. Each member must, however, assess each such situation to determine the need and availability for communication assistance to any and all involved disabled or impaired individuals.

Although not every situation can be addressed within this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with a disabled or impaired individual. For example, it would be meaningless to verbally request consent to search if the member is unable to effectively communicate with a deaf individual.

### 338.4.3 COMMUNITY OUTREACH

Community relations programs offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this

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department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to disabled individuals and groups.

## Chaplains

### 339.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Coeur d'Alene Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

### 339.2 POLICY

It is the policy of this department that the Chaplain Program shall be a non-denominational, ecumenical ministry provided by volunteer clergy without financial compensation.

### 339.3 GOALS

Members of the Chaplain Program shall fulfill the program's purpose in the following manner:

- (a) By serving as a resource for department members when dealing with the public in such incidents as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse, and other such situations that may arise.
- (b) By providing an additional link between the community, other chaplain programs and the department.
- (c) By providing counseling, spiritual guidance and insight for department members and their families.
- (d) By being alert to the spiritual and emotional needs of department members and their families.
- (e) By familiarizing themselves with the role of law enforcement in the community.

### 339.4 REQUIREMENTS

Candidates for the Chaplain Program shall meet the following requirements before formally being designated as a Police Chaplain:

- (a) Must be above reproach, temperate, prudent, respectable, hospitable, able to teach, not be addicted to alcohol or other drugs, not contentious and free from excessive debt. Must manage their household, family and personal affairs well. Must have a good reputation with those outside the church.
- (b) Should but not required to be ecclesiastically certified and/or endorsed by a religious body.
- (c) Must successfully complete an appropriate level background investigation.
- (d) Membership in good standing with an approved and recognized Chaplains Association is preferred but not required.
- (e) Possess a valid driver license.

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## Chaplains

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### **339.5 SELECTION PROCESS**

Chaplain candidates are encouraged to participate in the ride-along program before and during the selection process. Chaplain candidates shall successfully complete the following process prior to deployment as a Chaplain:

- (a) Appropriate written application.
- (b) Obtain a letter of endorsement from someone qualified to attest the the candidate's character / standing.
- (c) Interview with Chief of Police and/or his designee.
- (d) Successfully complete an appropriate level background investigation.
- (e) Complete an appropriate probationary period as designated by the Chief of Police.

### **339.6 DUTIES AND RESPONSIBILITIES**

The duties of a Chaplain include, but are not limited to, the following:

- (a) Assist in making notification to families of department members who have been seriously injured or killed.
- (b) After notification, respond to the hospital or home of the department member.
- (c) Visit sick or injured law enforcement personnel in the hospital or home.
- (d) Attend and participate, when requested, in funerals of active or retired members of the department.
- (e) Assist sworn members in the diffusion of a conflict or incident when requested.
- (f) Respond to natural and accidental deaths, suicides, attempted suicides, and any other incident that in the judgment of the Supervisor aids in accomplishing the department's mission.
- (g) Counsel members with personal problems when requested.
- (h) Attend department and academy graduations, ceremonies and social events and offer invocations and benedictions, as requested.
- (i) Provide liaison with other religious leaders of the community.
- (j) Assist public safety personnel and the community in any other function of the clergy profession as requested.
- (k) Participate in in-service training classes.
- (l) Willingness to train to enhance effectiveness.

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- (m) Facilitate requests for representatives or ministers of other denominations promptly.
- (n) Make referrals in cases where specialized attention is needed.

Chaplains may not accept gratuities offered for their services or follow-up contacts while functioning as a Chaplain for the department.

### **339.7 CLERGY-PENITENT CONFIDENTIALITY**

Except as otherwise specified, matters of a personal nature that are discussed between chaplains and others shall remain private and confidential. Members of the clergy are not required to reveal penitential communications; however, clergy must report child, elder or dependent adult abuse discovered while acting in any of the following capacities:

- Marriage, family or child counselor.
- Religious practitioner, who diagnoses, examines or treats children, elders or dependent adults.

### **339.8 COMMAND STRUCTURE**

- (a) Although under the general direction of the Chief of Police, the chaplain shall generally report to the Operations Division Commander or his designee.
- (b) The Chief of Police shall make all appointments to the Chaplain Program.

### **339.9 OPERATIONAL GUIDELINES**

- (a) Chaplains are volunteer members who will normally only be on call, but they shall be required to volunteer a minimum of 8 hours of department service per month.
- (b) Chaplains shall be permitted to ride with sworn members during any shift, provided the Shift Commander has been notified and approved of the activity.
- (c) Chaplains shall not be evaluators of members and shall not be required to report on a member's performance or conduct.
- (d) In responding to incidents, a chaplain shall never function as a sworn member.
- (e) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- (f) Chaplains shall serve only within the jurisdiction of the department unless otherwise authorized by the Chief of Police or his designee.
- (g) Each chaplain shall have access to current personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in their duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the information.



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## *Chaplains*

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### **339.9.1 UNIFORMS AND BADGES**

A distinct uniform, badge and necessary safety equipment will be provided for the Chaplains. The Chaplains must conform to applicable sections of Policy Manual §1021 *Personal Appearance Standards* and §1022 *Uniform Regulations*, unless otherwise authorized by the Chief of Police or his designee.

### **339.10 TRAINING**

In order to maintain professional credibility, and upon approval of the Chief of Police or his designee, the Chaplain may be authorized to attend training at various conferences and seminars relative to police chaplaincy issues.

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# Crime Prevention and Community Relations Programs

## 340.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of Crime Prevention and Community Relations Programs offered by the department.

The goals are to develop a strong partnership between the department and the community to reduce crime and to instill a sense of safety for all citizens and visitors in the City.

### 340.1.1 FUNCTION

The department and the member assigned crime prevention duties shall work closely with the community to identify concerns and implement solutions through proactive community-based programs and crime prevention techniques.

### 340.1.2 CRIME PREVENTION DUTIES

The member assigned to crime prevention duties, commonly referred to as the Crime Prevention Officer, is an experienced sworn member trained in crime prevention, public speaking, community policing, and community relations programs. The duties of this position shall include, but not be limited to, the following:

- Coordinating the Neighborhood Watch Program to include sitting up new Neighborhood Watch Programs.
- Coordinating the Citizens on Patrol Program.
- Coordinating the Children's I.D. Program.
- Coordinating the Multi-Agency Citizens Academy.
- Coordinating the Citizens on Patrol (COPS) Program and Academy.
- Coordinating Community Meetings.
- Coordinating Town Hall Meetings.
- Coordinating other type programs such as Free Summer Movie Night in the Park.
- Coordinating Community Relations Programs that may include:
  - Stranger Danger Presentations
    - Personal Safety
    - Bicycle Safety
    - Dog Owner Responsibilities
    - Proper Helmet Fit Program
    - Robbery Prevention

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## *Crime Prevention and Community Relations Programs*

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- o Holiday Safety
- o Tips for Seniors
- o Visitor Guide
- o Home Security
- o Women and Safety
- o Safe Winter Driving

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## Child and Vulnerable Adult Safety

### 341.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and vulnerable adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or vulnerable adult investigation. These are covered in the Child Abuse Policy and the Adult Abuse Policy.

#### 341.1.1 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested.

### 341.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Coeur d'Alene Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

#### 341.2.1 AFTER AN ARREST

Whenever an arrest is made, the members should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or vulnerable adults.

Members should allow the arrestee reasonable time to arrange for care of minor children and vulnerable adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a child-care solution that is in the best interest of the child or vulnerable adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of minor children and vulnerable adults with a responsible party, as appropriate.
  1. Unless there is evidence to the contrary (*i.e., signs of abuse, drug use, unsafe environment*), members should respect the parent or caregivers judgment regarding arrangements for care. It is generally best if the child or vulnerable adult remains with relatives or family friends they know and trust because of their familiarity with surroundings and consideration for comfort, emotional state and safety are important.
  2. Except when a court order exists limiting contact, the member should attempt to locate and place children or vulnerable adults with the non-arrested parent, guardian or caregiver.

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## *Child and Vulnerable Adult Safety*

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- (b) Provide for the immediate supervision of children or vulnerable adults until an appropriate caregiver arrives.
- (c) Notify Department of Health & Welfare Child Protective Services or to the Idaho Commission on Aging or Area Agency of Aging if appropriate.
- (d) Notify the Supervisor of the disposition of children or vulnerable adults.

If children or vulnerable adults are at school or another known location outside the household at the time of arrest, the arresting member should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregivers arrest and of the arrangements being made for the care of the arrestee's dependent, and the result of such actions should be documented in the incident report.

### **341.3 PROCEDURES DURING AN ARREST**

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or vulnerable adult, the investigating member should consider contacting the appropriate welfare service for the age of the individual for assistance, which may include placing the child or vulnerable adult into protective custody.

Under no circumstances should a child or vulnerable adult be left unattended or without appropriate care.

## Service Animals

### 342.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure that the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act (ADA).

#### 342.1.1 DEFINITIONS

Definitions related to this policy include:

**Service Animal** - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability. Service animal also includes a dog-in-training for an individual with a disability (28 CFR 35.104; Idaho Code 56-701A).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

### 342.2 POLICY

It is the policy of the Coeur d'Alene Police Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

### 342.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

The following examples are some of the ways service animals may be used to provide assistance:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.

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- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

### **342.4 MEMBER RESPONSIBILITIES**

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Coeur d'Alene Police Department affords to all members of the public (28 CFR 35.136).

#### **342.4.1 INQUIRY**

If it is apparent or if an officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

#### **342.4.2 CONTACT**

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

#### **342.4.3 REMOVAL**

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. Barking alone is not a threat, nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually, and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to

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## *Service Animals*

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an individual with disabilities. Members of this department are expected to provide all services that are reasonably available to an individual with a disability, with or without a service animal.

### 342.4.4 COMPLAINTS

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).



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## Volunteer Program

### 343.1 PURPOSE AND SCOPE

Volunteers are intended to supplement and support, rather than supplant, sworn members and civilian personnel. Volunteers can be an important part of any organization and are proven to be a valuable asset to law enforcement agencies. Volunteers help to increase responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

Prior to being authorized as a Volunteer, an appropriate level background investigation must be completed on each applicant.

The Volunteer Program will be administered through the Support Services Division and program members are subject to the rules, policies and guidelines outlined in the department's Reference Book for Civilian Volunteers, which shall be issued to all new Volunteers. It can also be located on the department network in the F: Drive in the Volunteer folder (*F:\Volunteers\Reference Book for Civilian Volunteers*).

Volunteers also subject to applicable policies outlined in this Policy Manual.

# Landlines, Cellular Telephones and other Personal Communication Devices

## 344.1 PURPOSE AND SCOPE

To establish procedures for the proper and safe usage of department telephones and personal/ department cellular telephones or other personal communication devices while on duty; and establish guidelines for the use of Department issued communications devices and restriction of personally owned devices while on duty and/or work-related purposes..

Due to evolving technical advances and varying manufacturer nomenclature, this policy will generally refer to all types of personal communication devices (PCD) or Department Communication Devices (DCD), but it is intended to include all mobile/cellular telephones, PDA's and other wireless two-way communication and/or portable Internet access devices.

### 344.1.1 PRIVACY POLICY

Any member utilizing any computer, Internet service, phone service or other wireless service provided by or funded by the department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the member, the sender and the recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication.

The department also expressly reserves the right to access and audit any and all communications, including content sent, received or stored through the use of such service.

### 344.1.2 RESIDENTIAL OR CELLULAR TELEPHONE REQUIREMENT

All sworn members, and every civilian member designated by a Division Commander as being subject to recall during off-duty hours, shall maintain either a landline telephone at their residence, or maintain a cellular telephone.

Members must keep the department advised of the current landline and/or cellular telephone numbers.

### 344.1.3 RELEASE OF MEMBER TELEPHONE NUMBERS

Members personal telephone numbers will not be given out to anyone requesting such information, unless the person inquiring is another department member. However, the member may be contacted by the department and given the name and phone number of the person making the request. DCD numbers may be given out to other City or public safety entities but shall not be given to the public without the approval of the member or the member's supervisor.

### 344.1.4 DEPARTMENT LANDLINE TELEPHONES

Use of department landline telephones should be limited to official business, however, members may make personal local telephone calls if necessary during their shift, but those shall be limited and not for extended durations.

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## *Landlines, Cellular Telephones and other Personal Communication Devices*

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Long distance personal telephone calls shall not be made by a member except in emergency situations.

When answering a department telephone, members shall identify themselves and be professional and courteous throughout the duration of the call.

### 344.1.5 USE OF PERSONALLY OWNED CELLULAR TELEPHONES OR PERSONAL COMMUNICATION DEVICES ON DUTY

In general, personal business should not be conducted during the members on duty time; therefore the use of a member's personal cellular telephone or any other PCD while on duty should be limited.

Members who carry a PCD while on duty are subject to the following conditions and limitations:

- (a) The device shall not be used for work-related purposes except in exigent circumstances. Members will have a reduced expectation of privacy when using a PCD in the workplace and have no expectation of privacy with regard to any department business-related communication. When a member uses an individually owned PCD during the course and scope of employment, it is subject to subpoena by a court and the member may have to disclose personal records of communication during that time period.
- (b) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or his authorized designee.
- (c) Extended or frequent use of any PCD while on duty for personal use that interferes with the member's work may result in discipline.

The department will not be responsible for any repair or replacement of a member's personal cellular telephone or PCD should they be lost, stolen or damaged while on duty, except under limited circumstances approved by the Chief of Police.

### 344.1.6 CELLULAR TELEPHONE OR PERSONAL COMMUNICATION DEVICE USE WHILE DRIVING

The department recognizes that cellular telephone related collisions occur. Although the department understands that on occasion a member may need to talk on a cellular telephone on duty while driving, the use of a cellular telephone while driving is discouraged due to the distraction associated with their use and the potential for the member to be involved in a traffic collision. Members are encouraged to use a speaker or hands-free device.

Members shall not text message via a cellular telephone or a hand held PCD/DCD while driving on duty.

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### 344.1.7 OFFICER SAFETY AND PUBLIC PERCEPTION

Members should be aware that as representatives of this department, it is important to always present a positive image to the public we serve. Continual use of a cellular telephone or PCD/DCD may give the perception that members are handling personal issues when they should be attentive to what is going on around them. Additionally, sworn members often face elevated levels of danger due to the nature of their activities and the continued use of a cellular telephone or PCD/DCD creates distractions or could lessen their officer safety awareness.

### **344.2 DEPARTMENT COMMUNICATION DEVICES**

The Coeur d'Alene Police Department will issue department issued DCD to authorized personnel which shall be used primarily for work related purposes. It is the policy of the Coeur d'Alene Police Department to restrict personally-owned communications devices (PCD) use for personal matters and DCD to work-related matters and limited personal calls.

The inappropriate use of a DCD while on duty may impair officer safety. Additionally members are advised and cautioned that the use of a PCD or their issued DCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD and/or DCD records to civil or criminal discovery or disclosure under applicable public records laws. It is for this reason it is the policy of the Coeur d'Alene Police Department to restrict PCD use for personal matters only and not to be used for work related purposes.

#### 344.2.1 DCD PRIVACY EXCEPTION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any DCD and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. Additionally the Department will be using mobile device management to restrict certain applications / capabilities of the device to prevent network intrusions and unauthorized use of DCD.

No member is authorized to be the sole possessor of a DCD. DCD can be retrieved, reassigned, or accessed by any member as directed by a supervisor without notice. Member use of a DCD at work or for work-related business constitutes consent to access.

#### 344.2.2 ISSUANCE OF A DCD

DCD are provided as a means of conducting work related duties without subjecting PCD to disclosure. Such DCD and the associated phone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Except with prior express authorization from their supervisor, members are not obligated or required to carry, access, monitor or respond to electronic communications using a . If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage in business-related communications. Should members engage in such approved off-duty communications or work,

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members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

Based on the member's specific unit or assignment such as SWAT, Investigations, etc. the member may be required to carry the DCD and respond to communications while off duty or when required by a supervisor. Overtime applies when a member is placed on-call for Investigations Division, when placed on standby and need to be available for immediate call back by a department head or subpoena, or when otherwise directed by a supervisor. Merely answering the DCD does not, in itself, constitute overtime compensation.

Members issued a DCD will maintain the device in a department issued case or in a personally owned case approved by the Department's IT or Logistics staff members. Personally owned cases shall not be of a color or design that is extravagant, gaudy, or offensive. Logos, slogans, and designs are not permitted without the Chief of Police or his designee's approval. The American flag, officer name and badge number or Department logo are authorized designs on the case.

The case must be impact resistant or designed to protect the DCD from dropping or impact.

Additionally members are responsible for reimbursing the department for any charges incurred as a result of personal use of a DCD.

### 344.2.3 USE OF A DCD

The following protocols shall apply to all DCDs that are carried while on-duty or used to conduct department business:

- (a) A DCD may not be used to conduct personal business while on duty, except for brief personal communications (e.g., informing family of extended hours). While members may use PCD's for personal business during authorized breaks, such usage should be limited as much as practical to areas where the call will not be seen or heard by the public. Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (b) Members are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.
- (c) A DCD shall not be used for pictures, audio or video recordings except in emergency situations. If used in an emergency, the file(s) shall be uploaded into the Department's digital evidence retention system (currently VIPER) under the case number which it was generated.
- (d) Members will not access social networking sites on DCDs for any purpose that is not official department business.

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- (e) Using DCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.
- (f) Members may not install any application not approved by the Department on their DCD. This is to prevent cyber incidents including malware, ransomware, and other volatile programs. Members may only use the Blu-Tooth function to connect to Department authorized peripherals. These devices include but not limited to: body worn cameras, patrol vehicles for hands-free operation, and external speakers.
- (g) Passcodes, passwords and other authentication configurations granting access to the DCD or the "hotspot" shall not be shared with family or co-workers.
- (h) No personal accounts, like an Apple profile, shall be connected to the DCD. This includes personal e-mails.
- (i) If the DCD is hotspot enabled, data connectivity is allowed only for work related purposes. Data plans are currently capped at 10 GB a month. Users shall monitor their usage to prevent overage.

### 344.2.4 OFFICIAL USE

Members are reminded that DCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing DCDs to ensure that sensitive information is not inadvertently transmitted.

## Off-Duty Law Enforcement Actions

### 345.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place a member, as well as others, at great risk and must be done with careful consideration. This policy is intended to provide guidelines for sworn members with respect to taking law enforcement action while off-duty.

### 345.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Members should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Members are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, members should first consider reporting and monitoring the activity and only take direct action as a last resort.

Members should remember that their authority as a peace officer may not extend to actions taken outside their jurisdiction unless there is probable cause to believe the crime to be addressed is a felony or presents an immediate threat of serious bodily injury or death (Idaho Code § 67-2337).

### 345.3 FIREARMS

Members of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in Policy §312 *Firearms*. When carrying firearms while off-duty, sworn members shall also carry their department-issued badge or identification.

Members should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any member who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the member's senses or judgment.

### 345.4 DECISION TO INTERVENE

There is no legal requirement for off-duty members to take law enforcement action. However, should members decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

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- The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- The inability to communicate with responding units.
- The lack of equipment, such as handcuffs, OC or baton.
- The lack of cover.
- The potential for increased risk to bystanders if the off-duty member were to intervene.
- Unfamiliarity with the surroundings.
- The potential for the off-duty member to be misidentified by other peace officers or members of the public.

Members should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

### 345.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the member should attempt to call or have someone else call 9-1-1 to request immediate assistance. The call-taker should be informed that an off-duty member is on-scene and should be provided a description of the member if possible.

Whenever practicable, the member should verbally identify himself as a Coeur d'Alene Police Officer until acknowledged. Official identification should also be displayed.

### 345.4.2 INCIDENTS OF PERSONAL INTEREST

Members should refrain from handling incidents of personal interest, (*i.e. family or neighbor disputes*) and should remain neutral. In such circumstances members should call the responsible agency to handle the matter.

### 345.4.3 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed members should wait for acknowledgement by the non-uniformed officer in case he needs to maintain an undercover capability.

## **345.5 REPORTING**

Members should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.



# CUSTODIAL INTERFERENCE

## 346.1 PURPOSE

This policy provides the Coeur d Alene Police Department members with guidelines for investigating custodial interference incidents.

## 346.2 CUSTODIAL INTERFERENCE

Definition:

A person commits child custodial interference if the person, whether a parent or other, or agent of that person, intentionally and without lawful authority:

- Takes, entices way, keeps or withholds any minor child from a parent or another person or institution having custody, joint custody, visitation or other parental rights, whether such rights arise from temporary or permanent custody order, or from the equal custodial rights of each parent in the absence of a custody order: or
- Takes, entices away, keeps or withholds a minor child from a parent after commencement of an action relating to child visitation or custody but prior to the issuance of an order determining custody or visitation rights.

## 346.3 CONSIDERATIONS

Child custody cases are often complicated and volatile. Emotions are high, and allegations of abuse are frequently made.

- One or both parties may produce court documents granting permanent or temporary custody of the children.
- The officer will usually not be able to verify the validity of court documents, and it is often difficult to determine if there is a custodial interference violation.

Exigent circumstances may include but are not limited to:

- Stranger abductions.
- Non-custodial parents who are attempting to flee out of the state with the child/children.
- Any person who had not established custodial rights to the child/children

DO NOT make arrests at the scene for custodial interference unless exigent circumstances exist.

Defense to Prosecution,

It shall be an affirmative defense to a violation of the provisions of this section that:

- The action is taken to protect the child from imminent physical harm.
- The action is taken by a parent fleeing from imminent physical harm to himself.
- The action is consented to by the lawful custodian of the child.

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- The child is returned within twenty-four (24) hours after expiration of an authorized visitation privilege.

Consult a supervisor prior to making an arrest.

### **346.4 PROCEDURES**

Perform a civil standby while the complaining party makes a demand for the child/children.

Investigate allegations of physical or sexual abuse; check the welfare of the children, investigate appropriately, and document your findings.

If the alleged non-custodial parent refuses to surrender the child/children:

- Explain the custodial interference statute and advise the parent that they may be prosecuted if they do not comply with the law.

If the child/children cannot be located, enter the the child/children into NCIC as "involuntary missing."

If an arrest is necessary, the following will apply:

- Book the suspect into jail.
- Write and forward a report (include court documents if possible).
- Place the child/children with the custodial parent or Child Protection Services as appropriate.

## Chapter 4 - Patrol Operations

## Patrol Function

### 400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the Uniformed Patrol section of the Operations Division. Uniformed Patrol shall primarily consist of members assigned to specific patrol shifts, as well as those members assigned to the Traffic Unit (CARE).

#### 400.1.1 FUNCTION

Sworn members will generally patrol in clearly marked vehicles or unmarked vehicles, patrol assigned jurisdictional areas of the City of Coeur d'Alene, respond to citizen calls for assistance, act as a deterrent to crime, enforce local ordinances as well as state laws, and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

- Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions.
- Crime prevention activities, to include extra patrol requests of residences, businesses or certain geographical areas of the community.
- Calls for service, both routine and emergency in nature.
- Investigation of criminal acts and traffic collisions.
- The apprehension of criminal offenders.
- Community Oriented Policing and Problem Solving activities such, as citizen assists and individual citizen contacts of a positive nature.
- The sharing of information between divisions within this department, as well as other law enforcement or criminal justice agencies.
- The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and Problem Solving strategies.
- Traffic direction and control.

#### 400.1.2 TERRORISM

It is the goal of the department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Members should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI). The supervisor should ensure that all terrorism related reports and FIs are forwarded to the Investigations section as soon as practical.

## Watch Commanders

### 401.1 PURPOSE AND SCOPE

Each Uniformed Patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with the policies, procedures, practices, functions and objectives of this department.

#### 401.1.1 WATCH COMMANDERS

A Sergeant shall be designated as the Watch Commander. A Lieutenant or Captain may fill that role in the absence of a Sergeant or assume Incident Command over a scene as circumstances dictate.

## Bias-Based Policing

### 402.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Coeur d'Alene Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

#### 402.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

### 402.2 POLICY

The Coeur d'Alene Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

### 402.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

#### 402.3.1 OTHER PROHIBITIONS

Members of the Coeur d'Alene Police Department shall not engage in motorcycle profiling. Motorcycle profiling includes arbitrary use of facts such as a person riding a motorcycle or wearing motorcycle-related paraphernalia as factors in deciding to stop and question, take enforcement action, arrest, or search a person or vehicle under the United States Constitution or Idaho State Constitution (Idaho Code 49-1431).

### 402.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to

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a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

### 402.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

### 402.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
  - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review MAV recordings, portable audio/video recordings, Mobile Data Computer (MDC) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
  - 1. Supervisors should document these periodic reviews.
  - 2. Recordings that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

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## Uniformed Patrol Briefing

### 403.1 PURPOSE AND SCOPE

Briefing provides an opportunity for an important exchange of information between members and supervisors. A supervisor generally will conduct the briefing; however other members may present training on assigned or applicable subjects that are pertinent to the shift or the department.

### 403.2 PREPARATION FOR DUTY AND MEMBER RESPONSIBILITIES

Briefing will generally begin at 10 minutes past the assigned hour the member's shift begins. Prior to briefing beginning, the member shall check out and inspect the patrol vehicle he will be using for the shift and have it outfitted with his duty bag, patrol rifle and less lethal shotgun. This is to allow for immediate response to calls for service when necessary.

Supervisors from shifts that are going off duty, shall ensure the on-coming supervisors are notified of any vital or important information that other department members need to be aware of throughout their shifts. This information can be passed on verbally, but shall also be in written form on a "Daily Briefing Report" and placed on a clipboard in the briefing room.

The supervisor conducting the briefing is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate member in his absence, or for training purposes.

Briefing should accomplish, at a minimum, any or all of the following basic tasks:

- Briefing members with information regarding daily patrol activity, activity that occurred during previous shifts, with particular attention given to officer safety alerts, wanted persons, stolen vehicles, major investigations, extra patrol requests, high crime locations and issuance of Civil Protection Orders to be served, etc.
- Notifying members of changes in schedules and assignments.
- Notifying members of new Directives or changes in Directives.
- Reviewing recent incidents for training purposes.
- Providing training on a variety of subjects.
- Issuing any paperwork to members.

Supervisors shall:

- Set an example in appearance, conduct and promptness;
- Ensure briefings begin promptly and end in a reasonable amount of time;
- Account for all members assigned to the shift;
- Ensure all pertinent information is relayed to shift members;



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- Informally inspect members to ensure adherence to uniform, equipment and grooming standards.
  - Supervisors may conduct formal inspections at their discretion, including vehicle inspections.
- Ensure that the briefing room is clean and organized after briefing;
  - Supervisors going off duty shall also ensure the report writing room and break room are clean and organized prior to members of their shift going off duty.

### Members shall:

- Be punctual in their attendance at briefing;
- Be dressed in uniform and groomed appropriately;
- Refrain from conversation or interruption during the briefing or training unless it is necessary and pertinent to the topic or discussion;
- Prior to leaving the briefing room, share the responsibility for securing sensitive or confidential information, and keep the room clean and organized.
  - Members going off duty shall ensure the report writing room and break room are clean and organized prior to going off duty.

Briefing times should generally last no longer than 20 minutes. Supervisors may allow a reasonable amount of time for shift conversation and information sharing after the briefing, but members shall be expected to begin their patrol duties as soon as possible unless they have prior reports or other paperwork to complete, e-mails to read, voice mail messages to check or return, or have been given an assignment by their supervisor. Members shall not congregate in the police department for extended periods of time if they are not on a call for service, writing reports, conducting police business, or on other assigned duties.

## Crime & Disaster Scene Integrity

### 404.1 PURPOSE AND SCOPE

The protection and integrity of a crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally critical for the protection of life and property and investigation by proper authorities.

### 404.2 CRIME SCENE RESPONSIBILITY

The first member at the scene of a crime or major incident is generally responsible for the preservation of the scene. Members shall however, also consider officer safety and public safety issues, including rendering medical aid for any injured parties. Once a member has assumed or been assigned to maintain the integrity of the crime/disaster scene, it shall be maintained until relieved by a supervisor.

#### 404.2.1 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive and is not necessarily in order and may be altered according to the demands of each situation:

- Ensure no suspects are still within the area;
- Broadcast emergency information including all requests for additional assistance;
- Provide first aid to injured persons if it can be done safely;
- Secure the inner perimeter with crime scene tape;
- Protect items of apparent evidentiary value;
- Start chronological log noting critical times and personnel allowed access.

#### 404.2.2 MEDIA ACCESS

- (a) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
  1. In situations where media access would reasonably appear to interfere with emergency operations and/or a criminal investigation, every reasonable effort should be made to provide media representatives with access to a Press Information Officer at the nearest location that will not interfere with such activities.
- (b) No member of this department shall be subjected to media visits or interviews without the consent of the involved member and authorization of the Chief of Police or his designee.

The scene of a tactical operation is the same as a crime scene, except that the news media may be permitted within the outer perimeter of the scene, subject to any restrictions as set forth by the

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supervisor in charge. Members shall not jeopardize a tactical operation in order to accommodate the news media, and all comments to the media shall be coordinated through a supervisor or the Press Information Officer.

## Tactical Response Teams

### 405.1 PURPOSE AND SCOPE

The purpose of tactical response teams is to provide a group of sworn members who are trained and skilled in the use of specialized equipment and tactics for the resolution of critical or tactical incidents. Each team should maintain standard operating procedures (SOPs) regarding membership, selection criteria, training, equipment, command and control, tactics and overall operations.

Tactical response teams consist of the Special Weapons and Tactics Team (SWAT), Hostage Negotiations Team (HNT), and Special Intervention Response Team (SIRT).

- SWAT is a joint agency tactical team with the Kootenai County Sheriff's Department and may be deployed for high-risk incidents such as barricaded suspects, hostage situations, or warrant service;
- HNT is a joint agency team with the Kootenai County Sheriff's Department and is generally deployed along with SWAT.
- SIRT is the department's crowd management team which may be deployed for planned or unplanned events that require crowd management, control or dispersement.

#### 405.1.1 SPECIAL WEAPONS AND TACTICS TEAM

The Special Weapons and Tactics team is a joint agency team comprised of members of this department and the Kootenai County Sheriff's Department. It is the policy of our department to provide equipment, staffing and training to help maintain an effective team in order to provide an appropriate tactical response when team deployment is authorized.

The SWAT team should be supplied with sufficient resources to perform the basic functions of:

- Command and Control
- Containment
- Entry/Apprehension/Rescue

#### 405.1.2 USE OF THE SWAT TEAM

The following are examples of incidents which may result in the deployment of the SWAT Team:

- Barricaded suspects who refuse an order to surrender.
- Incidents where hostages are taken.
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- Arrests of dangerous persons.
- Sniper situations where a suspect is firing upon citizens and/or law enforcement.
- High-risk warrant service.
- Pre-planned events.
- High profile events involving VIP's or witnesses and security is required based on a threat or the potential threat to their safety.
- Resolve critical incidents involving a threat to public safety which would otherwise exceed the capabilities of traditional law enforcement first responders and/or investigative units.
- Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

### 405.1.3 ACTIVATION OF THE SWAT TEAM

A request for the SWAT team to be activated and respond to an incident within our jurisdiction shall be made by the Shift Commander.

During emergency situations which may be rapidly evolving, the Shift Commander, via Central, shall contact the SWAT Team Commander or his designee and advise details of the incident and request SWAT deployment for the incident. The Shift Commander shall also contact the Operations Division Commander or his designee as soon as practical.

For all other situations in which the Uniformed Patrol Division is requesting SWAT deployment, the Shift Commander shall contact the Operations Division Commander or his designee and advise them of the details of the incident.

The Shift Commander shall become the Incident Commander unless otherwise delegated or relieved. The Incident Commander shall also:

- Establish inner and outer perimeters; and
- Determine safe locations for a Command Post and Staging Area(s) for responding personnel and equipment.

At any time SWAT is deployed within our jurisdiction at the request of the Investigations Division, Community Action Team or other specialized Department team or any other agency, the Shift Commander and the Operations Division Commander, or his designee, shall be notified as soon as practical.

### 405.1.4 SCENE MANAGEMENT DURING SWAT DEPLOYMENT

If the SWAT team is deployed for any incident within our jurisdiction at the request of this department, an Incident Command System (ICS) protocol will be established. The Incident Commander shall be a ranking member of this department. The SWAT Team Commander or his

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designee will assume tactical command over the incident but shall maintain communications at all times with the Incident Commander in order to safely and effectively resolve the incident.

The scope of the incident will determine what major functions of the ICS system should be activated at any given time during the incident.

- Incident Command
- Operations
- Planning
- Logistics
- Finance/Administration

### 405.1.5 USE OF FORCE

Policies related to the use of force for members of our department are contained in Policy Manual §300 Use of Force, §306 Control Devices and Techniques and §307 Conducted Energy Devices respectively.

### 405.1.6 DEMOBILIZATION AND DEBRIEFING

The Incident Commander shall determine when the incident is concluded and no longer requires law enforcement resources to be deployed. The demobilization shall be conducted in an orderly manner and all personnel and equipment accounted for.

Department members assigned to the incident shall not clear from the incident without first being authorized to do so by the Incident Commander or his designee.

A debriefing of the incident should be held as soon as practicable.

### 405.1.7 AFTER-ACTION REPORT

The Incident Commander should complete an after-action report as soon as practical after the incident. The report shall be submitted to the Chief of Police through the Incident Commander's chain of command. The report should include the following information:

- (a) Type of Occurrence (*including the date, time, location, duration of event, and related case numbers*);
- (b) Command Post location and staffing assignments;
- (c) Chronological Narrative detailing all significant events and times;
  1. Crimes
  2. Arrests
  3. Deaths and/or Injuries

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4. Property Damage
  5. Personnel Deployed (*including sworn and non-sworn members and mutual aid agencies*)
  6. Logistical Data (*including equipment used and costs of expended items*)
  7. Press Release, if applicable.
- (d) Use of Force Incidents
- (e) Evaluation
1. Training needs
  2. Equipment needs
  3. Critiques of operation and procedures

### 405.1.8 SEARCH WARRANTS AND ARREST WARRANTS FOR SWAT OPERATIONS

In most situations that involve a SWAT operation entering onto or into private property to effect a search and/or arrest, the SWAT Team Commander or his designee will request our department first obtain a search warrant. The search warrant should, if at all possible, be a day or night warrant with a service time frame of longer than 24 hours to allow for operations that may not be resolved immediately.

For situations that involve the arrest of a person(s), an arrest warrant, if applicable, should also be obtained prior to SWAT effecting the search and/or arrest attempt. It is understood that the identity of suspects involved in a crime may not be known prior to the SWAT operation and an arrest warrant not issued prior to the operation taking effect.

### **405.2 HOSTAGE NEGOTIATIONS TEAM**

The Hostage Negotiations Team (HNT) is a joint agency team comprised of members of this department and the Kootenai County Sheriff's Department. Members assigned to the HNT are trained communicators who may be utilized to attempt de-escalation and surrender during critical incidents where suspects may have taken hostages, barricaded themselves or have suicidal tendencies.

#### 405.2.1 USE AND ACTIVATION OF THE HNT TEAM

The Hostage Negotiations Team will be deployed in conjunction with a SWAT deployment upon authorization of the SWAT Team Commander or his designee. The following are examples of incidents which HNT members may assist in SWAT operations:

- Barricaded suspects who refuse an order to surrender.
- Incidents where hostage are taken.
- Suicidal subjects who are in a location or position of advantage that makes it unsafe for uniformed members to immediately approach or make contact.

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- Intelligence Gathering.
- Other situations as determined by an Incident Commander, SWAT Team Commander or HNT Team Leader.

### **405.3 SPECIAL INTERVENTION RESPONSE TEAM**

The Special Intervention Response Team (SIRT) is comprised of members of this department and has been established to provide support with crowd management and event coordination for planned special events, or for un-planned or spontaneous crowd management incidents that arise in which crowd control or dispersement is required and can not be adequately or safely managed by on duty uniformed patrol members.

It is the policy of our department to provide equipment, staffing, and training to help maintain an effective team in order to provide an appropriate tactical response when team deployment is authorized.

#### **405.3.1 USE AND ACTIVATION OF SIRT**

The use and activation of SIRT is outlined in Policy Manual §416 *Crowd Management and Control*.



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## Ride-Along Policy

### 406.1 PURPOSE AND SCOPE

The Coeur d'Alene Police Department Ride-Along Program is offered to potential employees, other sworn Officers and other persons authorized by the Chief of Police or his designee described in 410.1.1.

#### 406.1.1 ELIGIBILITY

The following are eligible for the ride-along program:

1. Family members, friends, or an individual recommended by an employee of the Coeur d'Alene Police Department.
2. Students over the age of sixteen (16) for the purpose of completing an assigned school project with supervisor approval.
3. Members of the Press with the approval of the PIO.
4. City Council, Mayor, and City employees with supervisor approval.
5. Members of the public who have applied with the Coeur d'Alene Police Department with hiring Lieutenant approval.
6. Members of local, state and federal law enforcement agencies, parole and probation agencies and/or other local government or private organizations which provides related services to the community with supervisor approval.

Supervisors should review criminal history and any issues of mental illness prior to approving the ride-along.

#### 406.1.2 RIDE-ALONG SCHEDULING

The ride-along scheduling shall be up to the discretion of the Shift Commander, but generally should be kept to three to six (3-6) hours per shift.

### 406.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Shift Commander. The participant will complete a ride-along waiver form. Information requested will include a valid ID or Idaho driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Shift Commander will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Shift Commander as soon as possible for his/her scheduling considerations. A FI will be completed upon completion of the ride-along by the Shift Commander.

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## *Ride-Along Policy*

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If the ride-along is denied after the request has been made, a representative of this department will contact the applicant and advise him/her of the denial.

### 406.2.1 SUITABLE ATTIRE

Any person approved to ride-along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. The Shift Commander or field supervisor may refuse a ride-along to anyone not properly dressed.

### 406.3 OFFICER'S RESPONSIBILITY

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Shift Commander is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the yellow form shall be returned to the Shift Commander with any comments which may be offered by the officer.

### 406.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- (a) The ride-along will follow the directions of the officer.
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment.
- (c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties.
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.
- (e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.
- (f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person.

# Hazardous Material Response

## 407.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to members resulting from their exposure. The following is to be the policy of this department.

### 407.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

## 407.2 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill, or fire.

If at all possible, members responding to a hazardous materials call should attempt to plan their approach upwind. Also, if the type of hazardous material is known prior to the members arrival, consideration to researching an "Emergency Response Guide" book should be taken so the member is aware of possible toxic effects, symptoms of exposure, reaction and health effects.

Members generally only have an awareness level of hazardous material training, and do not have the proper equipment or training to safely handle or contain hazardous materials. Therefore, members should make every effort to not expose themselves to hazardous materials.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Attempt to identify type of hazardous substance from a safe distance;
  1. Identification may be determined by placard, driver's manifest or statements from the person transporting or having any knowledge of material.
- (b) Notify Fire Department with as much information as possible at the time (*i.e. type of hazardous substance, location of substance, number of injured or exposed persons, safest direction/approach for fire and medical personnel*);
- (c) Provide first-aid for injured parties if it can be done safely and without contamination;
- (d) Depending upon type and/or amount of substance, an evacuation of immediate and surrounding areas may be necessary. Voluntary evacuation should be considered; however depending on the substance, mandatory evacuation may be required.
  1. Regarding mandatory evacuations, only the Governor can order a mandatory evacuation under a declaration of a state of disaster emergency, per Idaho code 46-1008.

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## *Hazardous Material Response*

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### 407.2.1 HAZARDOUS MATERIAL ROLE AND RESPONSIBILITY

The department defers incidents involving hazardous materials to the Fire Department, who will generally have primary control over a hazardous material incident. Depending on the incident, a Unified Command system involving our department may be required.

Members of our department will assist with evacuations, crowd and traffic control, and any related criminal investigation.

### **407.3 REPORTING EXPOSURE(S)**

Members who have been exposed to, or believe they have been exposed to, a hazardous material shall report the exposure to a Supervisor as soon as practical. The member shall seek medical treatment or evaluation from medical personnel at the scene, or at the hospital, as soon as possible. The Supervisor shall ensure the member receives immediate medical treatment and that appropriate action is taken to lessen the exposure.

A Supervisor receiving notification from a member of an exposure or possible exposure shall investigate how the exposure may have occurred. If practical, photographs of any related injury to the exposure and/or location of where the exposure occurred should be taken if applicable. The following steps shall also be taken:

- (a) The Supervisor shall complete the First Report of Injury and Supervisors Accident Report forms as soon as practical.
- (b) The Supervisor shall print out both forms upon their completion and have the concerned member review the First Report of Injury form for accuracy as soon as practical.
- (c) If the form is not an accurate account of how the exposure occurred, the member shall advise the Supervisor what changes are needed.
- (d) An accurate form shall be dated and signed by the member if they are able to do so within a reasonable amount of time.
- (e) The Supervisor will forward both the original First Report of Injury and Supervisors Accident Report forms to the member's Division Commander.
- (f) The Supervisor shall also electronically send both forms to the Human Resources Department. *(The electronic version does not have to be the original signed forms, but must be the accurate form the member reviewed).*

The Supervisor should also forward a brief memorandum or e-mail to the member's Division Commander summarizing how the exposure occurred if additional details regarding the incident are warranted.

## Hostages and Barricade Incidents

### 408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where sworn members have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of those members by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that members encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

#### 408.1.1 DEFINITIONS

Definitions related to this policy include:

**Barricade situation** - An incident where a person maintains a position of cover or concealment and ignores or resists sworn members, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

**Hostage situation** - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

### 408.2 POLICY

It is the policy of this department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

### 408.3 COMMUNICATION

When circumstances permit, initial responding members should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Members should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the surrender of the suspect.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

#### 408.3.1 CRITERIA FOR SPECIALWEAPONS AND TACTICS TEAM NOTIFICATION

The Special Weapons and Tactics Team (SWAT), along with its Hostage Negotiation Team (HNT) may be activated to significantly increase our ability to safely and effectively resolve high-risk situations.

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## *Hostages and Barricade Incidents*

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See *Policy §405 Tactical Response Teams* for further information regarding SWAT and HNT response criteria.

### **408.4 FIRST RESPONDER CONSIDERATIONS**

First responding members should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding member should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding member shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The member shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The member should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

#### **408.4.1 BARRICADE SITUATION**

Unless circumstances require otherwise, members handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign members to a contact team to control the suspect should he attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed (*i.e. canine team, air support*).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

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- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the department, such as command officers and the Public Information Officer.
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

### 408.4.2 HOSTAGE SITUATION

Members presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that members react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign members to a contact team to control the suspect should attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see Policy §413Rapid Deployment Response).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (*i.e. canine team or air support*).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

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- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the department, such as command officers and the Public Information Officer.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

### **408.5 SUPERVISOR RESPONSIBILITIES**

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Special Weapons and Tactics Team (SWAT) response if appropriate and apprising the SWAT Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.
- (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.
- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.
- (g) Consider contacting utility and communication providers when restricting such services (*i.e. restricting electric power, gas, telephone service*).
- (h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor.
- (i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the News Media Relations Policy.
- (j) Identify the need for mutual aid and the transition of relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.



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### **408.6 REPORTING**

Unless otherwise relieved by a supervisor or Incident Commander, the first responding member at the scene is responsible for completion and/or coordination of incident reports.

## Response to Explosives Incidents

### 409.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist members in their initial response to incidents involving explosives, explosive devices, or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

### 409.2 FOUND EXPLOSIVES/SUSPECT DEVICES

When handling an incident involving a suspected explosive device, the following guidelines should be followed. When in doubt, the Spokane City/County Explosive Disposal Unit may be contacted for assistance.

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging. The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (b) A minimum perimeter of 300 hundred feet should be established around the location of the device. An access point should be provided for support personnel.
- (c) As much information as is available should be promptly relayed to the Shift Commander including:
- (d) The stated threat, if applicable.
  1. Exact comments, if applicable.
  2. Time of discovery.
  3. Exact location of the device.
  4. Full description (*i.e. size, shape, markings, construction*) of the device.
- (e) The device should not be touched or moved except by qualified bomb squad personnel.
- (f) All equipment within 300 feet of the suspected device capable of producing radio frequency energy should be turned off. This includes two-way radios, cell phones and other personal communication devices.
- (g) Consideration should be given to evacuating any buildings near the device.
- (h) A search of the area should be conducted for secondary devices or other objects that are either hazardous or foreign to the area and a perimeter should be established around any additional suspicious device found.

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## *Response to Explosives Incidents*

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- (i) Other hazardous devices such as commercial fireworks, improvised fireworks, containers of gunpowder and large caliber ammunition (.50 caliber and over) should be referred to the bomb squad for assistance or disposal.

Explosive or military ordnance of any type should be handled only by a bomb squad or military ordnance disposal team.

### **409.3 EXPLOSION/BOMBING INCIDENTS**

When an explosion has occurred, there are multitudes of considerations which may confront the responding members. As in other catastrophic incidents, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds, or additional damage by resulting fires or unstable structures. Whether the explosion was the result of an accident or a criminal act, the responding members should consider the following actions:

- (a) Securing the perimeter.
- (b) Sweeping for possible secondary devices.
- (c) Assessing the scope of the incident, including the number of victims and extent of injuries.
- (d) Assisting with first aid (*Fire Department has primary responsibility*).
- (e) Assisting with evacuation of victims.
- (f) Requesting additional resources as needed.
- (g) Identifying witnesses.
- (h) Preserving evidence and securing possible crime scene(s).

#### **409.3.1 NOTIFICATIONS**

When an explosion has occurred, the following personnel should be notified as soon as practical if their assistance is needed:

- Fire/Medical Personnel
- Additional Uniformed Patrol Personnel
- Supervisor/Shift Commander
- Detectives
- Operations Division Commander
- Public Information Officer
- Spokane City/County Explosive Disposal Unit
- Other Emergency Service Personnel

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## *Response to Explosives Incidents*

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### 409.3.2 CROWD CONTROL

Only authorized personnel with a legitimate need shall be permitted access to the scene. Spectators and other unauthorized individuals shall be excluded to a safe distance as is reasonably practicable given the available resources and personnel.

### 409.3.3 SCENE OF INCIDENT

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a long distance. Evidence may be imbedded in nearby structures or hanging in trees and bushes.

## **409.4 BOMB THREATS RECEIVED AT POLICE FACILITY**

The following procedure should be followed should a bomb threat call be received at the department.

### 409.4.1 BOMB THREATS RECEIVED BY TELEPHONE

The following questions should be asked if a bomb threat is received by telephone:

- When is the bomb going to explode?
- Where is the bomb?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?
- Who are you? *(to avoid possible termination of the call this should be the last question asked)*

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these five basic questions.

During this time, document the following:

- Time of the call.
- Exact words of the person as accurately as possible.
- Estimated age and gender of the caller.
- Speech patterns and/or accents.
- Background noises.

If the incoming call is received at the police facility on a recorded line, steps shall be taken to ensure that the recording is preserved in accordance with current department evidence procedures.

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## *Response to Explosives Incidents*

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### 409.4.2 RESPONSIBILITIES

The member handling the call shall ensure a Supervisor is immediately advised and fully informed of the details. The Supervisor will then direct and assign members as required for coordinating a general building/property search or evacuation as he deems appropriate.

If any known or suspected device is located, the department should be evacuated and perimeter secured. The following units and personnel shall also be promptly notified:

- Fire/Medical Personnel
- Operations Division Commander
- Chief of Police
- Spokane City/County Explosive Disposal Unit
- Detectives

The Supervisor shall also ensure a crime report is completed.

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## Civil Commitments

### 410.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under protective custody for civil commitment (Idaho Code 66-326).

### 410.2 POLICY

It is the policy of the Coeur d'Alene Police Department to protect the public and individuals through legal and appropriate use of the civil commitment process.

### 410.3 AUTHORITY

An officer may take a person into protective custody when he/she has reason to believe that the person is gravely disabled due to mental illness or poses an imminent danger to him/herself or others based upon (Idaho Code 66-326):

- Personal observation (e.g., the person's statements, injuries, emotional state, apparent means to carry out the threat, previous history of depression/suicide attempts).
- Witness observations.
- Medical professional's observations.

After determining that an emergency mental hold is appropriate, the officer shall:

- Obtain any needed medical clearance.
- Transport, or facilitate the transport, of the person to a treatment facility.

#### 410.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for civil commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the officers should:

- (a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person as a civil commitment.
- (b) If at any point the individual changes his/her mind regarding voluntary evaluation, officers should proceed with the civil commitment, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

#### 410.3.2 PROTECTIVE CUSTODY OF CHILDREN

An officer may take a child 17 years of age or younger into protective custody and transport the child to an approved treatment facility or program for an emergency mental health evaluation when the officer determines (Idaho Code 16-2411):

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- (a) An emergency situation exists, there is probable cause to believe the child is suffering from a serious emotional disturbance and the child is likely to cause harm to him/herself or others.
- (b) The child is unable to preserve his/her health and safety in his/her present surroundings and both immediate detention and treatment is necessary to prevent harm to the child or others.

Probable cause shall be based upon the officer's personal observation, information from the child's parents or the recommendation of a mental health professional (Idaho Code 16-2411).

The officer shall inform the medical staff in writing of the facts that caused the detention and specifically state whether the child is otherwise subject to being held for juvenile or criminal offenses (Idaho Code 16-2411).

The law enforcement agency shall notify the child's parent, guardian or custodian as soon as possible, but no later than 24 hours, of the child's status, location and the reasons for the child's detention. If the parents cannot be located or contacted, both the efforts made and the reasons for failure to contact the parent shall be documented in a written report (Idaho Code 16-2411).

### **410.4 CONSIDERATIONS AND RESPONSIBILITIES**

Any officer handling a call involving an individual who may qualify for a civil commitment should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Civil commitments should be preferred over arrest for people who have mental health issues and are suspected of committing minor crimes or creating other public safety issues.

#### **410.4.1 SECURING PROPERTY OF CHILDREN**

Upon taking a child into protective custody for a mental health evaluation, the officer shall ensure that any property of the child is safeguarded and preserved unless a parent or responsible relative is able to do so (Idaho Code 16-2411).

### **410.5 TRAINING**

This department will endeavor to provide department-approved training on interaction with mentally disabled persons, civil commitments and crisis intervention.

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### **410.6 CRIMINAL OFFENSES**

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody for a civil commitment should resolve the criminal matter by issuing a warning or a uniform citation, as appropriate.

When an individual who may qualify for a civil commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the civil commitment.
- (c) Facilitate the individual's transfer to the jail facility.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a civil commitment.

In the supervisor's judgment, the individual may instead of being arrested or booked, be transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

### **410.7 TRANSFER TO APPROPRIATE FACILITY**

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for civil commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

### **410.8 TRANSPORTATION**

When transporting any individual for a civil commitment, the transporting officer should have Central Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Shift Commander approval is required before transport commences.



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### **410.8.1 TRANSPORTING CHILDREN**

If the examining physician determines that a child does not meet the criteria for emergency evaluation and treatment, and the child is subject to detention for a juvenile or criminal offense, the officer shall return to the treatment facility or mental health program to transport the child to a juvenile custody facility (Idaho Code 16-2413).

### **410.8.2 TRANSPORTING BETWEEN MEDICAL FACILITIES**

Whenever an officer deems it necessary to apply restraints to an individual while transporting an individual from one medical facility to another and that restraint is against the medical advice of a licensed physician, the officer shall document the use of restraints in a report (Idaho Code 66-345).

### **410.9 FIREARMS AND OTHER WEAPONS**

Whenever an individual is taken into custody for a civil commitment, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officers should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

### **410.10 DOCUMENTATION**

The officer should complete an application for emergency admission, provide it to the facility staff member assigned to the individual and retain a copy of the application for emergency admission for inclusion in the case report.

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

## Citation Releases

### 411.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Coeur d'Alene Police Department with guidance on when to release adults who are suspected offenders on a uniform citation obtaining a written promise to appear in court for a criminal offense, rather than having the person held in custody for a court appearance or released on bail (Idaho Code 19-3901; I.M.C.R. Rule 5).

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Violence Policy.

### 411.2 POLICY

The Coeur d'Alene Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a uniform citation with a promise to appear in court, when authorized to do so.

### 411.3 RELEASE

When a misdemeanor or infraction is triable by a magistrate, an officer may, in lieu of making a written complaint, issue a uniform citation containing a complaint and summons to appear in a form and in the manner prescribed by rule of the supreme court (Idaho Code 19-3901).

A suspected offender for a misdemeanor traffic violation who is not taken before a magistrate as required or permitted by the motor vehicles statutes shall be released on issuance of a uniform citation with a promise to appear in court (Idaho Code 49-1409).

Release by uniform citation for misdemeanor offenses can be accomplished in two separate ways:

- (a) A field release is when the violator is released in the field without being transported to a jail facility.
- (b) A jail release is when a violator is released after being transported to the jail and booked.

### 411.4 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, officers should consider:

- (a) The type of offense committed.
- (b) The known criminal history of the suspected offender.
- (c) The ability to identify the suspected offender with reasonable certainty.
- (d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.
- (e) The individual's ties to the area, such as residence, employment or family.

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- (f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.

# Foreign Diplomatic and Consular Representatives

## 412.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Coeur d'Alene Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

## 412.2 POLICY

The Coeur d'Alene Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

## 412.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

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### **412.4 ENFORCEMENT ACTION**

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
  - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
  - 1. Diplomatic-level staff of missions to international organizations and recognized family members
  - 2. Diplomatic agents and recognized family members
  - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
  - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
  - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
  - 2. Support staff of missions to international organizations
  - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
  - 4. Honorary consular officers

### **412.5 DOCUMENTATION**

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

### **412.6 DIPLOMATIC IMMUNITY TABLE**

Reference table on diplomatic immunity:

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Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
<b>Diplomatic Agent</b>	No, see note b	No	Yes	No	No	Same as sponsor full immunity and inviolability
<b>Member of Admin and Tech Staff</b>	No, see note b	No	Yes	No	No	Same as sponsor full immunity and inviolability
<b>Service Staff</b>	Yes, see note a	Yes	Yes	Yes	No for official acts. Yes otherwise, see note a	No immunity or inviolability, see note a
<b>Career Consul Officer</b>	Yes if for a felony and pursuant to a warrant, see note a	Yes, see note d	Yes	No for official acts. Testimony may not be compelled in any case	No for official acts. Yes otherwise, see note a	No immunity or inviolability
<b>Honorable Consul Officer</b>	Yes	Yes	Yes	No for official acts. Yes otherwise	No for official acts. Yes otherwise	No immunity or inviolability
<b>Consulate Employees</b>	Yes, see note a	Yes	Yes	No for official acts. Yes otherwise	No for official acts. Yes otherwise, see note a	No immunity or inviolability
<b>Int'l Org Staff (note (b))</b>	Yes, see note c	Yes, see note c	Yes	Yes, see note c	No for official acts. Yes otherwise, see note c	No immunity or inviolability
<b>Diplomatic-Level Staff of Missions to Int'l Org</b>	No, see note b	No	Yes	No	No	Same as sponsor full immunity and inviolability
<b>Support Staff of Missions to Int'l Orgs</b>	Yes	Yes	Yes	Yes	No for official acts. Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

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- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

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## Rapid Response and Deployment

### 413.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

### 413.2 POLICY

The Coeur d'Alene Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

### 413.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.



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- (f) Whether planned tactics can be effectively deployed.
- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (SWAT and/or crisis negotiation team response).

### **413.4 CONSIDERATIONS**

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

### **413.5 PLANNING**

The Patrol Division Commander should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

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### **413.6 TRAINING**

The Training Lieutenant should include rapid response to critical incidents in the training plan.

This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

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## Immigration Violations

### 414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Coeur d'Alene Police Department relating to immigration and interacting with federal immigration officials.

### 414.2 POLICY

It is the policy of the Coeur d'Alene Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

### 414.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Idaho constitutions.

### 414.4 DETENTIONS

An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

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An officer should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

### **414.4.1 SUPERVISOR RESPONSIBILITIES**

When notified that an officer has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

### **414.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT**

Generally, an officer should not notify federal immigration officials when booking arrestees at a jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

### **414.6 FEDERAL REQUESTS FOR ASSISTANCE**

Requests by federal immigration officials for assistance from this Department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts.

### **414.7 INFORMATION SHARING**

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity

#### **414.7.1 IMMIGRATION DETAINERS**

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

### **414.8 U VISA AND T VISA NONIMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

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Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigation Section supervisor assigned to oversee the handling of any related case. The Investigation Section supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
  1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

## Emergency Utility Service/Hazards

### 415.1 PURPOSE AND SCOPE

Members of the Uniformed Patrol Division may either observe or respond to a call for service regarding a non-working City utility or hazard. The purpose of this policy is to provide guidelines for members to notify responsible parties about the problem.

#### 415.1.1 TRAFFIC CONTROL DEVICES

Non-working, damaged or missing traffic control devices (*i.e. traffic signals or stop sign*) should be reported immediately to the entity responsible for the repair and maintenance of such devices.

The City of Coeur d'Alene Street Department is responsible for any such devices controlling city streets and the Idaho Transportation Department is responsible for any such devices controlling any highways within our jurisdiction.

#### 415.1.2 EMERGENCY STREET OR SIDEWALK REPAIRS/HAZARDS/CLOSURES

The Street Department should be notified of any damaged public streets or public sidewalks. They shall also be notified of any large oil spills, glass or other debris constituting a hazard in the street or sidewalk.

When practical, the member observing or responding to a hazard may remove any debris from the street or sidewalk.

The Street Department may also be requested to assist members in providing temporary barricades to assist in the closure of a public street and/or sidewalk.

#### 415.1.3 MISSING OR DAMAGED MANHOLE COVERS

The Street Department and/or Water Department shall be notified of any missing or damaged manhole cover on a public street or public sidewalk.

#### 415.1.4 BROKEN POWER OR TRANSMISSION LINES

A power or transmission line which is broken and creates a hazardous condition shall be reported to the responsible entity for correcting the condition. Such entities are the local power, phone and cable companies.

If a power or transmission line is creating a hazard that impacts the safe flow of vehicular or pedestrian traffic on any public street or public sidewalk, members may be required to respond and assess the incident and provide traffic control until the responsible entity can be notified and arrive on scene. The Fire Department may also be notified and requested to respond. The Street Department may also be requested to provide barricades if necessary.

### 415.2 NATURAL GAS LEAKS

Natural gas leaks shall be considered a hazard that requires immediate response from the responsible entity, which will generally be the local power company. The Fire Department shall also be requested to respond.

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## *Emergency Utility Service/Hazards*

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Members of this department will generally only be involved if traffic control and/or local evacuation of residences or businesses is necessary.

### 415.2.1 BROKEN WATER LINES

The Water Department shall be notified of any water leak on public property, including public streets and sidewalks. Traffic control may be required by members of this department if the amount of water is creating an immediate hazard on a public street that could result in traffic collisions occurring . The Street Department should be notified if temporary barricades are required.

# Crowd Management and Control

## 416.1 PURPOSE AND SCOPE

The department strives to ensure the Constitutional rights of individuals to peacefully gather and freely express views in an environment where the rights of every individual are protected. The Department is primarily responsible for ensuring public safety, protecting persons and property, and maintaining order.

The ultimate goal in the management of any event is to mitigate and eventually restore the affected area to the conditions that prevailed before the incident occurred. The enforcement of law shall be carried out consistent with state and federal law, and department policy and procedures.

## 416.2 OBJECTIVES

Members may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events.

Members should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Members responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and rights of those present with applicable public safety concerns before taking enforcement action. Members are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns. Members should consider enforcement of applicable state and local laws, when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

Members' objectives include but are not limited to the following:

- Protection of life and property.
- Protection of individual Constitutional rights.
- Protection of disruption to the community.
- Protection of vital facilities.
- Prosecution of violators.
- Fair and impartial enforcement of the law.
- Expedite vehicular and pedestrian movement.

## 416.3 DEFINITIONS

Crowd behavior exists on a continuum ranging from lawful assembly to civil disobedience to rioting.



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**Crowd Management** - Refers to techniques used by members in response to a known event, activity or occurrence. These techniques primarily involve incident planning and crowd containment. In crowd management situations, law enforcement often has the ability to assist in the planning, coordination and management of the event to ensure the event remains lawful. Law enforcement presence at the vent is usually a low profile preventive measure. Events that may require law enforcement crowd management include, but are not limited to:

- First Amendment Demonstrations and Activities
- Parades
- Concerts
- Sporting Events
- Dignitary Events
- Community or Holiday Celebrations

**Crowd Control** - Refers to techniques used by law enforcement in response to a planned or spontaneous event that has a potential for, or imminent threat of, violence. The constitutional rights of the individuals within the crowd must be weighed against the rights of the public to carry on business.

Events with a greater level of potential disorder may include demonstrations involving a political or social issue. Some events draw large crowds that are normally peaceful, but have a potential for problems. Examples include:

- Concerts
- Sporting Events
- Holiday Celebrations (i.e. New Year's Eve, Fourth of July, etc.)

**Civil Disobedience** - An act of civil disobedience is an illegal protest, normally non-violent in nature. When the law disobeyed is the same law which is being protested, the disobedience is direct. Indirect disobedience is the disobedience of a law unrelated to the object of protest.

**Riot Control** - Refers to the techniques used by law enforcement in response to an escalation of crowd violence where reasonable force may be necessary to prevent additional violence, injuries, death or destruction of property. Riot control is generally a contingency plan that is part of a well-prepared crowd management plan.

Law enforcement should concentrate on the basic mission of protecting life and property. This should be done in a rapid, firm, fair and impartial manner, using force which is objectively reasonable and necessary to accomplish the mission.

### **416.4 COMMAND AND CONTROL**

Members should utilize the Incident Command System (ICS) when managing events and controlling crowds. The ICS system can accommodate incidents ranging from a single member

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monitoring a small demonstration to a large-scale operation involving multiple resources and a large crowd. Large events may also require a Command Post.

Members should follow the principles of crowd management and control, including, but not limited to:

- If a demonstration, identifying the group, its leadership, apparent purpose for demonstrating, history of past demonstrations, and date and time of demonstration;
- Identifying and working with key individuals in the crowd and community;
- Pre-planning when possible, including determining action priorities;
- Law enforcement presence, including sufficient deployment, equipment and resources;
- Isolation and containment of the crowd;
- Determining the operational area and safe routes of access/egress;
- Selective arrests versus mass arrests;
- Taking action in teams/squads versus independently;
- Adherence to use of force policies;
- Dispersal of unlawful assemblies.

### 416.4.1 USE OF SPECIAL INTERVENTION RESPONSE TEAM AND/OR MUTUAL AID

In the event a demonstration or crowd management situation can not be effectively controlled by on duty uniformed patrol members, the Incident Commander shall determine a location for a command post and staging area and request mutual aid from surrounding law enforcement agencies. Additionally, the Incident Commander may request authorization from the Operations Division Commander or his designee for the deployment of the department's Special Intervention and Response Team.

If mass arrests are anticipated, the Incident Commander shall request assistance from the Kootenai County Sheriff's Department for mobile booking assistance.

Unless otherwise directed, department members and personnel from assisting agencies should respond to the command post or staging area for assignments.

### 416.4.2 SCOPE OF INCIDENT COMMAND SYSTEM

Depending upon the scope of a crowd management incident, planned or un-planned, will determine what major management functions of the ICS system should be activated at any given time during the incident.

- Incident Command
- Operations
- Planning

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- Logistics
- Finance/Administration

### **416.5 UNLAWFUL ASSEMBLY AND DISPERSAL ORDERS**

**Unlawful Assembly** - Per Idaho code 18-6404, whenever two or more persons assemble together to do an unlawful act, and separate without doing or advancing toward it, or do a lawful act in a violent, boisterous or tumultuous manner, such assembly is an unlawful assembly.

**Dispersal Orders** - Dispersal orders are intended to permanently disperse a crowd, not to merely relocate the problem. When the dispersal order is given, it should be made clear that the crowd is expected to immediately leave the area. Dispersal orders should not be given until sufficient control forces are in position to support the crowd movement. Members should specify a route for the crowd to leave and allow a reasonable amount of time for dispersal.

The dispersal order must be given in such a manner that it can be heard and understood by the intended persons. Based on circumstances, members issuing the order, typically a supervisor, should consider the need to:

- Issue multiple announcements from various locations;
- Used amplified sound;
- Position members to the rear of the crowd to confirm and document that the order could be heard; and/or
- Use video and/or audio recordings for documentation purposes.

The following language should be used when an unlawfully assembly has been declared and a dispersal order needs to be given:

- ***"I am rank/name of the Coeur d'Alene Police Department. I hereby declare this to be an unlawful assembly. In the name of the people of the State of Idaho, I command all those assembled at give location to immediately disperse. If you remain you will be arrested per Idaho code 18-6404, which prohibits remaining at an unlawful assembly." (Established egress routes and a reasonable time limit shall also be given).***

In the event that an unlawful assembly is occurring as a result of a planned or un-planned demonstration, and if no exigent circumstances exist (*i.e. a riot situation presently occurring*), an Incident Commander or his designee should consider meeting with the demonstration group's leadership to discuss various options available to them prior to any law enforcement action taking place, including the declaration of an unlawful assembly being given.

### **416.6 USE OF FORCE**

Policies related to the use of force are contained in Policy Manual §300 *Use of Force*, §306 *Control Devices and Techniques* and §307 *Conducted Energy Devices* respectively.

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Due to the dynamics of crowd or riot situations, the tactical use of force may be required even though no arrests are being attempted (*i.e. dispersing a crowd*).

### **416.7 TACTICAL USE OF FORCE**

The decision to commence a tactical use of force rests with the ranking member on scene unless otherwise delegated.

Whether in an arrest or a tactical situation, members must consider the nature of the resistance they face as they select force options.

- **Active Aggression** - A threat or overt act of an assault (*through verbal or physical means*), coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to a person appears imminent.
- **Actively Resisting** - Evasive physical movements to defeat a member's attempt to control, including bracing, tensing, linking arms, flailing, kicking, elbowing, punching, head butting, shoving, jerking, pulling away, twisting or verbally signaling an intention to avoid or prevent being taken into custody.
- **Passively Resisting** - Actions that do not prevent a member's attempt to control a subject and is not engaged in any motion reasonably likely to injure, resist or attempt to remove restraints applied by a member.

### **416.8 DEPLOYMENT OF CONTROL DEVICES AND RIOT CONTROL AGENTS**

No member shall deploy a control device or chemical agent for which he has not been trained.

The use of chemical agents for crowd control or dispersal shall be based on the circumstances. The Shift Commander or Incident Commander may authorize the delivery and use of tear gas after first evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary to result in the safe control of any suspect(s) or regaining control of the impacted area. When practical, fire personnel should be alerted or summoned to the scene to control any fires and to assist in providing medical aid when the scene is safe.

The tactical use of ECD's, batons, OC spray or specialty impact munitions in a riot situation shall be pursuant to the order of the Incident Commander, although this does not preclude members in a rapidly evolving incident from defending themselves or others with an ECD, baton, OC spray or specialty impact munitions.

Considerations for the tactical use of these items include, but are not limited to:

- Crowd size and actions;
- Weather conditions;
- Proper equipment and supplies for members on scene;
- Escape routes;
- First aid and decontamination;

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- Consequences for the community;
- Command structure in place;
- Lethal concentrations.

In crowd control or management situations that require a tactical deployment and use of control devices or agents, the Incident Commander or his designee will provide instructions to the members on the deployment of the techniques or devices. The Incident Commander will determine whether the tactical situation allows for members to safely contact subjects and determine the effect of the use of control devices or agents and whether or not those subjects require immediate assessment on scene by medical personnel or if they need to be transported to another location or medical facility for evaluation or treatment.

### **416.9 MASS ARRESTS**

In the event a situation requires mass arrest, the Incident Commander should direct arrest teams to affect the arrests. The number of arrest teams needed to safely control arrestees and the types of restraining techniques or devices applied will be determined by, but not limited to the following factors:

- The size of the area impacted;
- The size of the crowd/number of potential arrestees;
- The type or amount of resistance given by the crowd or arrestees;
- The amount of law enforcement resources and personnel available, including tactical teams to contain or isolate crowds from arrest teams and arrestees; detention methods (*flex cuffs, handcuffs*); arrestee transport methods; staging areas; and booking teams.

The Incident Commander or his designee shall ensure that all arrestees are properly booked, arresting/responsible members identified, and all associated citations and reports are properly completed.

### **416.10 DEMOBILIZATION AND DEBRIEFING**

- (a) The Incident Commander shall determine when the incident is concluded and no longer requires law enforcement resources to be deployed. The demobilization shall be conducted in an orderly manner and all personnel and equipment accounted for.
- (b) Department members assigned to the incident shall not clear from the incident without first being authorized to do so by the Incident Commander or his designee.
- (c) A debriefing of the incident should be held as soon as practicable.

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### **416.11 AFTER-ACTION REPORT**

The Incident Commander will ensure that an after-action report is completed as soon as practical after the incident. The report shall be submitted to the Chief of Police through the Incident Commander's chain of command. The report should include the following information:

- Type of Occurrence (*including the date, time, location, duration of event, and related case numbers*).
- Command Post location and staffing assignments.
- Chronological Narrative detailing all significant events and times.
  - Crimes
  - Arrests
  - Deaths and/or Injuries
  - Property Damage
  - Personnel Deployed (*including sworn and non-sworn members and mutual aid agencies*)
  - Logistical Data (*including equipment used and costs of expended items*)
  - Press Release
- Use of Force Incidents.
- Evaluation.
  - Training needs
  - Equipment needs
  - Critiques of operation and procedures

## Aircraft Accidents

### 417.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

#### 417.1.1 DEFINITIONS

Definitions related to this policy include:

**Aircraft** - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

### 417.2 POLICY

It is the policy of the Coeur d'Alene Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

### 417.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

### 417.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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### **417.5 NOTIFICATIONS**

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

### **417.6 CONTROLLING ACCESS AND SCENE AUTHORITY**

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) [Medical Examiner/JOP].
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

### **417.7 DANGEROUS MATERIALS**

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.



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- (c) Fluids, batteries, flares and igniters.
- (d) Evacuation chutes, ballistic parachute systems and composite materials.

### **417.8 DOCUMENTATION**

All aircraft accidents occurring within the City of Coeur d'Alene shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of CDAPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

#### **417.8.1 WRECKAGE**

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
  - 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

#### **417.8.2 WITNESSES**

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

### **417.9 MEDIA RELATIONS**

The Public Information Officer ([PIO]) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should

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be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The [PIO] should coordinate with other involved entities before the release of information.

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## Field Training and Evaluation Program (FTEP)

### 418.1 PURPOSE AND SCOPE

It is the policy of this department to assign all new sworn members to a structured Field Training & Evaluation Program (FTEP) that is designed to prepare the new member to perform in a Uniformed Patrol assignment possessing skills needed to operate in a safe, productive and professional manner.

### 418.2 FIELD TRAINING OFFICER

The Field Training Officer (FTO) is a sworn member trained in supervising, training and evaluating newly hired sworn entry level and lateral members in the application of their previously acquired knowledge and skills.

#### 418.2.1 SELECTION PROCESS

FTO's will be selected based on the following:

- Department need for an FTO.
- Desire to be an FTO.
- Members hired as an entry level officer must have a minimum of two years of patrol experience with this department after the completion of their FTEP.
- Members hired as lateral officers must have had a minimum of two years patrol experience with their previous department
- Demonstrated ability as a positive role model.
- Have no below standard evaluations within the previous three evaluation cycles.
- Successful completion of a written exam and/or oral interview.
- Recommendations and/or feedback from immediate supervisors, current FTO's, and the FTEP Supervisor and Administrator.
- The Chief of Police will approve final selection of FTO based on recommendation from the Operations Division Commander.

#### 418.2.2 TRAINING

A member selected as a Field Training Officer (FTO) shall successfully complete an approved Field Training Officer's Course prior to being assigned as an FTO.

#### 418.2.3 REQUIRED MINIMUM YEARS OF SERVICE AS AN FTO

Once selected as an FTO, that member will be required to remain assigned to the Uniformed Patrol Division as an FTO for a minimum of three years. The only exceptions to this requirement will be:

- Opportunity for promotion to the rank of Sergeant; or

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- Upon approval of the Chief of Police and the Operations Division Commander to resign as an FTO; or
- With prior approval of the Chief of Police and Operations Division Commander to transfer to a specialty assignment that would conflict with FTO duties or require transfer from the Uniformed Patrol Division.

### 418.2.4 REMOVAL AS AN FTO FROM FTEP

Members selected as an FTO may be removed from the FTEP by the Chief of Police or his designee upon recommendation of the FTEP Supervisor, FTEP Administrator or Operations Division Commander for reasons including, but not necessarily limited to:

- Below standard evaluations;
- Display of a negative attitude toward this department or any of its members;
- Disciplinary actions that result in a written reprimand, suspension and/or the member being placed on probation;
- Excessive use of sick time or personal time (*vacation/comp time use*) that could have a negative impact on the FTEP, trainees and other FTO's.

### 418.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training & Evaluation Program (FTEP) supervisor will be selected from the rank of Sergeant or above by the Operations Division Commander or his designee.

The FTEP supervisor shall have the responsibility of, but not be limited to the following:

- Assignment of trainees to FTO's.
- Conducting FTO meetings.
- Approving and maintaining all FTO/Trainee performance evaluations.
- Monitoring individual FTO performance.
- Monitoring overall FTEP.
- Maintain liaison with other agency's FTO Coordinators.
- Develop ongoing training for FTO's.
- Provide progress reports on a Trainee to the FTEP Administrator and the Operations Division Commander.

### 418.4 TRAINEE DEFINED

Any sworn entry level or lateral member newly appointed who has not successfully completed FTEP training as required by this department and POST.

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## *Field Training and Evaluation Program (FTEP)*

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### 418.4.1 FTO/TRAINEE RELATIONSHIP

All members assigned as an FTO shall conduct themselves in a professional manner at all times while on duty, whether or not a Trainee is assigned to them or another FTO.

The relationship between an FTO and Trainee should be that of a student/teacher and supervisor/subordinate relationship. In order to eliminate allegations of possible bias towards a Trainee by an FTO, FTEP Supervisor or FTEP Administrator, members of the FTEP shall:

- (a) Limit socializing with a Trainee while off duty;
- (b) Not live with or enter into any financial arrangements with a Trainee;
- (c) Not accept gifts from a Trainee nor give gifts to a Trainee;
- (d) Not harass, make discriminatory, sexist or sexual remarks or sexual advances towards any Trainee;
- (e) Not date, or attempt to date Trainees while in the FTEP.

If any FTO's are related to a Trainee or had a special relationship with a Trainee that began before the Trainee entered the FTEP, the FTEP Supervisor and Administrator shall be notified prior to the Trainee beginning training so that consideration can be given to placing the Trainee with another FTO.

### **418.5 REQUIRED TRAINING**

Entry level members shall be required to successfully complete the approved department FTEP and any required POST documents.

Upon authorization of the Operations Division Commander, the training period for lateral members may be modified depending on the Trainee's demonstrated performance and level of experience.

#### 418.5.1 FIELD TRAINING MANUAL

Each Trainee will be issued a FTEP Manual at the beginning of his Pre-Observation Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as a member with the Department. The Trainee shall become knowledgeable of the subject matter as outlined and shall also become proficient with those skills as set forth in the manual.

The FTEP Manual will specifically cover those policies, procedures, rules and regulations enacted by the Department.

### **418.6 EVALUATIONS**

Evaluations are an important component of the training process and shall be completed as outlined below.

#### 418.6.1 FIELD TRAINING OFFICER

- (a) FTO's shall complete and submit a written evaluation on the performance of the Trainee to the FTO Supervisor on a daily basis.

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- (b) FTO's shall review the Daily Trainee Performance Evaluations with the Trainee each day.
- (c) A detailed end-of-phase performance evaluation on the Trainee shall be completed by the FTO at the end of each phase of training.
- (d) FTO's shall be responsible for signing off all completed topics contained in the FTEP Manual, noting the method(s) of learning and evaluating the performance of the Trainee.

### 418.6.2 FIELD TRAINING ADMINISTRATOR

The Field Training & Evaluation Program Administrator will be the Administrative Lieutenant assigned to the Operations Division.

The FTEP Administrator shall monitor the overall progress of the FTEP and act as a liaison between the FTEP Supervisor and the Operations Division Commander.

### 418.6.3 TRAINEE

At the completion of the Field Training & Evaluation Program, the Trainee shall submit a confidential performance evaluation on each of their FTO's and on the FTEP.

## **418.7 DOCUMENTATION**

All documentation of the Field Training & Evaluation Program will be retained in the Trainee's training files and will consist of the following:

- (a) Daily Trainee Performance Evaluations (D.O.R.s, Remedial Training evaluations, examinations, etc.).
- (b) End of phase evaluations.
- (c) At completion of the Trainee's Final Phase of training, the FTEP Supervisor shall notify the FTEP Administrator and the Operations Division Commander in writing that the Trainee has successfully completed the training program.

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## Contacts and Temporary Detentions

### 419.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

#### 419.1.1 DEFINITIONS

Definitions related to this policy include:

**Consensual encounter** - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

**Field interview (FI)** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

**Field photographs** - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile/Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

**Pat-down search** - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

**Reasonable suspicion** - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

**Temporary detention** - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

### 419.2 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Coeur d'Alene Police Department to strengthen community involvement, community awareness, and problem identification.

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### 419.2.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the [officer\_deputy] should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) Actions suggesting that he/she is engaged in a criminal activity.
- (c) Presence in an area at an inappropriate hour of the day or night.
- (d) Presence in a particular area is suspicious.
- (e) Carrying of suspicious objects or items.
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon.
- (g) Location in proximate time and place to an alleged crime.
- (h) Physical description or clothing worn that matches a suspect in a recent crime.
- (i) Prior criminal record or involvement in criminal activity as known by the officer.

### 419.3 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or area where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

### 419.4 PERSON DETENTIONS

Investigative Detention:

Elements



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- A reasonable suspicion, grounded in specific facts, taken together with rational inferences from those facts, which reasonably warrants the intrusion (i.e.: the investigation of possible criminal behavior). The officer must have some reasonable grounds to believe that criminal activity is "afoot."

### Scope

- May "freeze the scene".
- Detain only for time necessary:
  - To verify identification, if necessary.
  - For an account of person's presence or conduct.
  - For an account of suspected offense.
  - To determine if person should be arrested or released.
  - Generally limited to 20 minutes or less.

### Procedures

- Do not stop an individual based only on race, religion, national origin, gender, sexual orientation, or economic status.
- Refusal to cooperate, answer questions, or produce identification does not alone establish PC.
- Refusals may be considered along with other facts as elements of PC.
- Act with as much restraint and courtesy as possible under circumstances.
- Do not search unless elements required for a "frisk" are present.

## **419.5 SEARCH OF PERSON - CONSENT/INCIDENT TO ARREST**

This provides members with guidelines when searching a person with consent, incident to arrest.

### General guidelines - Consent

#### Elements

Voluntariness (possible factors in proving consent):

- Knowledge of right to refuse.
- Subject assists in search.
- Cooperative attitude.
- Prior knowledge of police procedures.
- Low number of officers present.
- Short length of time used to seek consent.
- No threat of consequences.
- Weapons not drawn: subject not handcuffed.

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- Most likely if free to leave; least likely if under arrest.
- Has ability to understand request for consent.
- Age, education, and intelligence of subject.

### Scope

- Limited by consent given.
- Subject can stop or limit search at any time.

### Procedures

- It is recommended that a consent search be witnessed by at least two (2) officers, and/or
- Complete consent to search form and have subject giving consent sign the form.
- Video/audio record

### Search Incident to Arrest

#### Elements

- Permissible in conjunction with a lawful arrest.
- Must be a custodial arrest i.e.: arrestee is transported from the scene of arrest.
- Search should be done contemporaneously with arrest unless circumstances are unsafe at the scene.

#### Scope

- Person arrested.
- Area within arrestee's immediate control.

#### Procedures

- Do not search subjects cited and released.

### **419.6 POLICY**

The Coeur d'Alene Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

### **419.7 WITNESS IDENTIFICATION AND INTERVIEWS**

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

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- (a) Identifying all persons present at the scene and in the immediate area.
  - 1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
  - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department members.
  - 1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

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## Mobile Audio Video

### 420.1 PURPOSE AND SCOPE

The Coeur d'Alene Police Department has equipped marked patrol cars with Mobile Audio Video (MAV) recording systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

#### 420.1.1 POLICY

The Coeur d'Alene Police Department may provide members with access to recorders, either audio or video and digital still image, for the use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

#### 420.1.2 COORDINATOR

The Chief of Police or the authorized designee should designate a coordinator responsible for:

- (a) Establishing procedures for the security, storage and maintenance of data and recordings.
- (b) Establishing procedures for accessing data and recordings.
- (c) Establishing procedures for logging or auditing access.
- (d) Establishing procedures for transferring, downloading, tagging or marking events.

#### 420.1.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity of this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

#### 420.1.4 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

#### 420.1.5 PROHIBITED USE OF RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

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Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Shift Commander. Any person who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

### **420.1.6 RETENTION OF RECORDINGS**

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

### **420.1.7 RELEASE OF AUDIO/VIDEO RECORDINGS**

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

## **420.2 POLICY**

It is the policy of the Coeur d'Alene Police Department to use mobile audio and video technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

## **420.3 OFFICER RESPONSIBILITIES**

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment. In the event an officer works at a remote location and reports in only periodically, additional recording media may be issued. Only Coeur d'Alene Police Department identified and labeled media with tracking numbers is to be used.

At the start of each shift, officers should test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

System documentation is accomplished by the officer recording his/her name, serial number, badge or PIN number and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

## **420.4 ACTIVATION OF THE MAV**

The MAV system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the officer whenever appropriate. When audio is being recorded, the video will also record.

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### 420.4.1 MOBILE VIDEO SYSTEMS

Mobile video systems are installed in some department vehicles. At the beginning of each shift, members operating a vehicle with a video system shall check the system to make sure it is properly working. If the system is malfunctioning, the member shall properly note the information on the vehicle inspection checklist and notify his supervisor and the Equipment Specialist as soon as practical.

If the system malfunctions at any time during the member's shift, the member shall notify his supervisor and the Equipment Specialist as soon as practical.

All audio devices assigned to a video system will be placed into the designated charging or storage area at the end of the member's shift.

### 420.4.2 OPERATION OF MOBILE VIDEO SYSTEMS

Due to ever changing technology and vendors, mobile video systems may periodically change and therefore the operation of various systems may differ. Members who routinely operate department vehicles that have mobile video systems installed shall familiarize themselves with the proper operation of the systems currently in use by this department.

### 420.4.3 REQUIRED ACTIVATION OF MOBILE VIDEO SYSTEMS

This policy is not intended to describe every possible situation where the system may be used, however there are many situations where the use of the system is appropriate. In addition to any required situations, members may activate the system anytime it is believed its use would be appropriate and/or valuable to document an incident.

It is understood that in some circumstances it is not possible to capture images of the incident due to certain conditions or location of the camera; however, the audio portion of the video system should still be activated in these instances, and the member should note in the incident report why the actual incident may not have been captured on video.

- An exception to not activating the audio portion of the mobile video system in circumstances where the video would not capture images of an incident, is when the member is issued a body worn camera and is able to activate it to record the contact.

Additionally, it is recognized members are expected to make split second decisions during rapidly changing circumstances. In the event a member is not able to activate the video system, the member shall document in the incident report the reasons why the system was not activated.

At no time should a member jeopardize his safety in order to activate a mobile video system if timing and circumstances dictate otherwise.

The activation of the mobile video system is required in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within audio or video range of the system, which includes:

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1. Traffic stops.
  2. Vehicle pursuits.
  3. Suspicious persons or vehicles.
  4. Arrests.
  5. DUI investigations, including field sobriety evaluations when practical.
  6. Consensual contacts.
  7. Responding to an in-progress call where the video recording may aid in the apprehension and/or prosecution of a suspect.
  8. Any other contact that becomes adversarial after the initial contact.
  9. Any other circumstances where the member believes that a recording of an incident would be beneficial.
- (b) Once the video system is activated, it shall remain on until the incident has concluded. For the purposes of this section, conclusion of an incident has occurred when, and if applicable:
1. All arrests on scene have been made.
  2. All interviews on scene have been completed.
  3. All arrestees have been transported to the jail, police department or other designated location.
  4. The member no longer has contact with a suspect, victim or witness on scene.
  5. The recording may be stopped during an incident to converse privately with another member or supervisor on scene. Every effort should be made to verbally announce on the audio/video as to why the recording is temporarily being stopped during an incident. The audio/video should commence immediately following the private conference.
- (a) Recordings may cease if the member is:
1. Out of audio and video recording range, or
  2. Simply waiting for somethin or someone, such as a tow truck or family member, or during similar situations in which continued activation of the system would not be reasonable.

### 420.4.4 REVIEW OF MOBILE VIDEO SYSTEM RECORDINGS

Recordings may be reviewed by members in any of the following situations:

- (a) By a Supervisor:
1. Investigating a citizen complaint against a member.
  2. Conducting an administrative investigation.

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3. Conducting an audit.
  4. Approving a related report.
  5. Gathering information that may be useful for any presentation or report for the department, City Administration, Mayor and Council, or other approved person or group upon authorization of the Chief of Police or his designee.
- (b) By a Detective who is participating in an official investigation and such review is needed in furtherance of the investigation.
  - (c) By members who need to review their own recordings in order to write a police report of prepare for court.
  - (d) By any technical personnel, upon authorization of a Division Commander, for the purpose of trouble shooting equipment malfunctions.
  - (e) Upon authorization of the Chief of Police or his designee, recordings that may serve a valuable purpose in a training environment may be used when the recording is no longer needed as evidence in a criminal or civil proceeding.
  - (f) At no time shall any recording be used or shown for the sole purpose of curiosity, entertainment or personal use.

### 420.4.5 DOCUMENTING MOBILE VIDEO SYSTEM USE

Any incident that was recorded with a mobile video system shall be documented in the member's related report. If the video and/or audio system malfunctioned during the time of the incident, the member shall document that fact as well in any related report.

### 420.4.6 MOBILE VIDEO STORAGE AND INTEGRITY

Video and/or audio data recorded via a mobile video system will be uploaded and properly tagged into VIPER, either manually by the member or automatically, depending on the type of video system in use.

If the recording is related to an arrest, or an active investigation that may require follow-up investigation as soon as possible, the recording shall be uploaded prior to the member going off duty.

Any video recorded that is associated with a citation, arrest or written report whether the member was assigned as primary or back up will be properly labeled in Viper within 48 hours or prior to going on scheduled days off, whichever is sooner. Uploading daily will reduce the time needed to upload at the end of the week.

Videos recorded that do not meet these criteria need to be uploaded to Viper within 48 hours prior to going on scheduled days off, but do not need to be labeled.



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### 420.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images, and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed, or otherwise inserted into any device not approved by the department MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

- (a) For use when preparing reports or statements
- (b) By a supervisor investigating a specific act of officer conduct
- (c) By a supervisor to assess officer performance
- (d) To assess proper functioning of MAV systems
- (e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry, or a criminal investigation
- (f) By department personnel who request to review recordings
- (g) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment
- (h) By court personnel through proper process or with permission of the Chief of Police or the authorized designee
- (i) By the media through proper process
- (j) To assess possible training value
- (k) For training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the command staff to determine if the training value outweighs the officer's objection
- (l) As may be directed by the Chief of Police or the authorized designee

Members desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Shift Commander. Approved requests should be forwarded to the MAV technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any member.

#### 420.5.1 BODY WORN VIDEO CAMERAS

Body worn video cameras may be issued to sworn members. At the beginning of each shift, members who are issued a body worn video camera will check the camera to make sure it is properly working. If the camera is malfunctioning and the problem can not be immediately remedied, the member shall notify his supervisor and the Information Technology (I.T.) Sergeant as soon as practical.

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If the camera malfunctions at any time during the member's shift, the member shall notify his supervisor and the I.T. Sergeant as soon as practical.

A body worn video camera that is inoperable shall not continue to be worn by the member during their shift. It shall be maintained by the member until contacted by the I.T. Sergeant, or until otherwise notified.

### 420.5.2 WEARING OF BODY WORN VIDEO CAMERAS

Members who are issued body worn video cameras and assigned to the Uniformed Patrol Division shall wear and use the camera while on duty in accordance with any other provisions of this policy. The only exceptions to not wearing the camera when on duty is if the camera has malfunctioned or upon approval of the Watch Commander.

The camera shall be worn in a manner and position as authorized by the Operations Division Commander. Generally, the camera will be worn on the front torso of the member, along the button/zipper line of the uniform shirt or jacket. If the camera is wireless, there are times it may be beneficial for the member to remove the camera from their body and use it in a hand-held manner or place it in a stationary location to get the best field of view of what needs to be recorded.

### 420.5.3 OPERATION OF BODY WORN VIDEO CAMERAS

Due to ever changing technology and vendors, body worn video cameras may periodically change and therefore the operation of various body worn video cameras may differ. Members shall familiarize themselves with the proper operation of any camera issued to them.

### 420.5.4 REQUIRED ACTIVATION OF BODY WORN VIDEO CAMERAS

This policy is not intended to describe every possible situation where the body worn video camera may be used, however, there are many situations where the use of the camera is appropriate. In addition to any required situations, members may activate the camera anytime it is believed its use would be appropriate and/or valuable to document an incident.

It is understood that in some circumstances it is not possible to capture video images of the incident due to certain conditions or how the camera is positioned on the member's body in relation to what should be recorded; however, the audio portion of the camera should still be able to capture data that may be useful. The member shall note in any related incident report why the actual incident was not video recorded.

Additionally, it is recognized that members are expected to make split second decisions during rapidly changing circumstances. In the event a member is not able to activate the camera, the member shall document in the related incident report the reasons why the camera was not activated.

At no time should a member jeopardize his safety in order to activate a body worn video camera if timing and circumstances dictate otherwise.

The activation of the body worn video camera shall be used in any of the following situations:  
*(It is understood that members may also be operating a vehicle with a mobile video system, but*

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*the mobile video system may not be able to capture important video recordings if the violator or incident ends up out of field of view, i.e. a traffic stop that result in a foot pursuit, therefore the body worn video camera may be able to capture additional video recordings).*

- (a) All field contacts involving actual or potential criminal conduct within audio or video range of the camera, which includes but is not necessarily limited to:
  - 1. Traffic stops.
  - 2. Vehicle pursuits.
  - 3. Foot pursuits.
  - 4. Building searches.
  - 5. Investigations inside a business or residence.
  - 6. Interviews with suspects and/or victims.
  - 7. Suspicious person or vehicles.
  - 8. Arrests.
  - 9. DUI investigations, including field sobriety evaluations when practical.
  - 10. Consensual contacts.
  - 11. Immediate arrival at an in-progress call where the video recording may aid in the apprehension and/or prosecution of a suspect.
  - 12. Any other contact that becomes adversarial after the initial contact.
  - 13. Any other circumstances where the member believes that a recording of an incident would be beneficial.
  
- (b) Once the camera is activated, it shall remain on until the incident has concluded. For the purposes of this section, conclusion of an incident has occurred when, and if applicable:
  - 1. All arrests on scene have been made.
  - 2. All interviews on scene have been completed.
  - 3. All arrestees have been transported to the jail, police department or other designated location.
  - 4. The member no longer has contact with suspect, victim or witness on scene.
  - 5. The recording may be stopped during an incident to converse privately with another member or supervisor on scene. Every effort should be made to verbally announce on the audio/video as to why the recording is temporarily being stopped during an incident. The audio/video should commence immediately following the private conference.

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- (a) Recordings may cease if the member is:
  - 1. Simply waiting for somethin or someone, such as a tow truck or family member, or during similar situations in which continued activation of the system would not be reasonable.

### 420.5.5 REVIEW OF BODY WORN VIDEO CAMERA RECORDINGS

Recordings may be reviewed by members in any of the following situations:

- (a) By a Supervisor:
  - 1. Investigating a citizen complaint against a member.
  - 2. Conducting an administrative investigation.
  - 3. Conducting an audit.
  - 4. Approving a related report.
  - 5. Gathering information that may be useful for any presentation or report for the Department, City Administration, Mayor and Council, or other approved person or group upon authorization of the Chief of Police or his designee.
- (b) By a Detective who is participating in an official investigation and such review is needed in furtherance of the investigation.
- (c) By members who need to review their own recordings in order to write a police report of prepare for court.
- (d) By any technical personnel, upon authorization of a Division Commander, for the purpose of trouble shooting equipment malfunctions.
- (e) Upon authorization of the Chief of Police or his designee, recordings that may serve a valuable purpose in a training environment may be used when the recording is no longer needed as evidence in a criminal or civil proceeding.
- (f) At no time shall any recording be used or shown for the sole purpose of curiosity, entertainment or personal use.

### 420.5.6 DOCUMENTING BODY WORN VIDEO CAMERA USE

Any incident that was recorded with a body worn video camera shall be documented in the member's related report. If the camera malfunctioned during the time of the incident, the member shall document that fact as well in the report.

### 420.5.7 BODY WORN VIDEO CAMERA STORAGE AND INTEGRITY

Video and/or audio data recorded via a body worn video camera will be uploaded and properly tagged into VIPER.

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If the recording is related to an arrest, or an active investigation that may require follow-up investigation as soon as possible, the recording shall be uploaded prior to the member going off duty.

Any video recorded that is associated with a citation, arrest or written report whether the member was assigned as primary or back up will be properly labeled in Viper within 48 hours or prior to going on scheduled days off, whichever is sooner. Uploading daily will reduce the time needed to upload at the end of the week.

Videos recorded that do not meet these criteria need to be uploaded to Viper within 48 hours or prior to going on scheduled days off, but do not need to be labeled.

### **420.6 DIGITAL AUDIO RECORDERS**

#### 420.6.1 DIGITAL AUDIO RECORDERS

Digital audio recorders are issued to all full-time sworn members.

**Uniformed Members:** Members assigned to the Uniformed Patrol Division shall carry their issued digital audio recorders on their person during their shift and it shall be used in accordance with this policy. At the beginning of each shift, uniformed members will check their recorder to make sure it is properly working. If the recorder is malfunctioning at the beginning of the shift and the problem can not be immediately remedied, the member shall immediately notify his supervisor. The member shall also notify the Equipment Specialist as soon as practical. If the recorder malfunctions at any time during the member's shift, the member shall notify his supervisor and Equipment Specialist as soon as practical.

**Non-Uniformed Members:** Sworn members assigned to any non-uniformed assignment may carry their issued recorder and use the recorder whenever the member believes a recording would be beneficial, unless their Supervisor requires its use otherwise.

#### 420.6.2 ACTIVATION OF DIGITAL AUDIO RECORDERS

Members are encouraged to activate their digital audio recorders at any time the member believes a recording of a telephone or field contact with a citizen would be of value to the reason for the contact, arrest, investigation or prosecution. Additionally, in the event that a uniformed member assigned to patrol duties does not have access to a body worn video recorder or mobile video system, or if the same are inoperable, their digital audio recorder shall be activated under the same requirements as outlined in Policy. It is recognized that members are expected to make split second decisions during rapidly changing circumstances. In the event a member is not able to activate the digital audio recorder, the member shall document in the related incident report the reasons why the recorder was not activated.

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## *Mobile Audio Video*

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Citizen complaints against members frequently involve instances where there is no audio or video recording of the contact between the member and the complainant. A supervisor taking and/or investigating the complaint will many times have to rely solely on after the fact statements from the member, complainant and witness(es) to assist the supervisor in coming to a final conclusion. The complainant and/or witness(es) may not always tell the complete truth or will exaggerate about what the member may or may not have done. Having an audio recording of the contact can often times help exonerate the member and clear them of any wrong doing.

At no time should a member jeopardize his safety in order to activate a digital audio recorder if timing and circumstances dictate otherwise.

### 420.6.3 REVIEW OF DIGITAL AUDIO RECORDINGS

Recordings may be reviewed by members in any of the following situations:

- (a) By a Supervisor:
  - 1. Investigating a citizen complaint against a member.
  - 2. Conducting an administrative investigation.
  - 3. Conducting an audit.
  - 4. Approving a related report.
  - 5. Gathering information that may be useful for any presentation or report for the Department, City Administration, Mayor and Council, or other approved person or group upon authorization of the Chief of Police or his designee.
- (b) By a Detective who is participating in an official investigation and such review is needed in furtherance of the investigation.
- (c) By members who need to review their own recordings in order to write a police report of prepare for court.
- (d) Upon authorization of the Chief of Police or his designee, recordings that may serve a valuable purpose in a training environment may be used when the recording is no longer needed as evidence in a criminal or civil proceeding.
- (e) At no time shall any recording be used or shown for the sole purpose of curiosity, entertainment or personal use.

### 420.6.4 DOCUMENTING DIGITAL AUDIO RECORDER USE

Any incident that was recorded with a digital audio recorder shall be documented in the member's report. If the recorder malfunctioned during the time of the incident or at any time was intentionally turned off, the member shall document that fact as well in the report.

### 420.6.5 DIGITAL AUDIO RECORDING STORAGE AND INTERGRITY

Audio recordings will be uploaded into VIPER.

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If the recording is related to an arrest, or an active investigation that may require follow-up investigation as soon as possible, the recording shall be uploaded prior to the member going off duty.

Any other recording will be uploaded no later than the day before the member is going on scheduled days off, vacation, training or any other time off from his normal work week schedule.

Any video recorded that is associated with a citation, arrest or written report whether the member was assigned as primary or back up will be properly labeled in Viper prior to going on scheduled days off. Uploading daily will reduce the time needed to upload at the end of the week. Videos recorded that do not meet these criteria need to be uploaded to Viper prior to going on scheduled days off, but do not need to be labeled.

### 420.6.6 DIGITAL STILL IMAGE CAMERA & DIGITAL HANDHELD VIDEO CAMERA

Digital cameras for taking still images, or digital handheld video cameras, may also be issued to or made available to members for their use in providing a visual documentation of an incident.

Procedures for reviewing, documenting and uploading data shall be the same as outlined in this Policy for the mobile video and body worn video systems.

### 420.6.7 FIXED VIDEO CAMERAS

Fixed, or stationary, video cameras may be installed either visibly or covertly in assigned interview rooms within the department. This type of video system will generally be used to video record interviews with suspects, victims or witnesses.

Procedures for reviewing, documenting and uploading data shall be the same as outlined in this Policy for the mobile video and body worn video systems.

## Mobile Data Computer Use

### 421.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Central Dispatch.

### 421.2 POLICY

Coeur d'Alene Police Department members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

### 421.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

### 421.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Shift Commanders.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDC system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

#### 421.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.



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## *Mobile Data Computer Use*

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In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

### **421.6 EQUIPMENT CONSIDERATIONS**

#### **421.6.1 MALFUNCTIONING MDC**

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify Central Dispatch. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

#### **421.6.2 BOMB CALLS**

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

### **421.7 DOCUMENTATION OF ACTIVITY**

Except as otherwise directed by the Shift Commander or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

#### **421.7.1 STATUS CHANGES**

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

#### **421.7.2 EMERGENCY ACTIVATION**

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Shift Commander are notified of the incident without delay.

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Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

## Bicycle Patrol

### 422.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

### 422.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic and parking enforcement, or special events. The use of the patrol bicycle will maximize the effectiveness of their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of members shall be coordinated through the designated supervisor.

### 422.3 SELECTION OF PERSONNEL

Bicycle Patrol will be a function of the Uniformed Patrol Division during dates and times designated by the Operations Division Commander.

Members interested in this position must submit a written request through their chain of command to their appropriate Division Commander. Members may be subject to an oral interview. The oral board will consist of members designated by the Chief of Police or his designee. Final selection will be based upon recommendations by the members of the oral board through the Operations Division Commander.

Should no members volunteer for the position, the Chief of Police or his designee shall assign members to this position.

#### 422.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Unit supervisor will be selected from the rank of Sergeant by the Operations Division Commander or his designee.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

- Organizing bicycle patrol staffing and scheduling.
- Organizing bicycle patrol training.
- Inspecting and maintaining inventory of patrol bicycles and program equipment.
- Scheduling maintenance and repairs.
- Evaluating performance of members.
- Coordinating activities with the Patrol Division.
- Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit.

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## *Bicycle Patrol*

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### **422.4 TRAINING**

Members must complete an initial department approved bicycle-training course. The initial training shall minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

Members will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

### **422.5 UNIFORMS AND EQUIPMENT**

Members shall follow the uniform guidelines in Policy §1011*Body Armor*, §1021*Personal Appearance Standards* and §1022*Uniform Regulations*.

Members will be responsible for obtaining necessary forms, citation books and other needed equipment to keep available while on bike patrol.

### **422.6 CARE AND USE OF PATROL BICYCLES**

- Members will be assigned specially marked and equipped patrol bicycles.
- Bicycles utilized for uniformed bicycle patrol shall be equipped with front and rear reflectors and head lights and may be equipped with emergency lighting.
- Bicycles shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment and forms.
- Members shall conduct an inspection of the bicycle and equipment prior to use to ensure proper working order of the equipment. Members are responsible for the routine care and maintenance of their assigned equipment (*i.e. tire pressure, chain lubrication, overall cleaning*).
- If a needed repair is beyond the ability of the member, the supervisor will be notified in writing as soon as possible for repair by an approved technician.
- Each bicycle will be inspected by a department-approved repair shop/technician at the beginning of each season. At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.
- Members shall not modify the patrol bicycle, remove, modify or add components except with the expressed approval of the bicycle supervisor, or in the event of an emergency.
- Vehicle bicycle racks are available should the member need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk is discouraged.

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## *Bicycle Patrol*

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- Bicycles shall be properly secured when not in the member's immediate presence.

## Drug Recognition Experts

### 423.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for when a Drug Recognition Expert (DRE) may be utilized by members in the investigation of a person believed to be under the influence of drugs.

### 423.2 DRUG RECOGNITION EXPERT

A Drug Recognition Expert (DRE) is capable of gathering evidence to substantiate impairment by drugs. A trained DRE can reach reasonably accurate conclusions concerning the general kind of drugs and medical conditions causing impairment observed in a subject through use of a standardized and systematic 12-step evaluation. Based on these conclusions and any other articulable evidence that may emerge during contact with the subject, the DRE may request the collection and analysis of an appropriate biological sample to obtain corroborative, scientific evidence of the subject's drug use. Only members who have been certified/currently certified as a DRE may perform such evaluations.

#### 423.2.1 UTILIZATION OF A DRE

A DRE may be considered to perform an evaluation under the following circumstances:

- A subject placed under arrest for DUI and submits to a Blood Alcohol Content (BAC) test which indicates a BAC under .08, but their level of impairment is not consistent with that BAC level;
- The subject is under arrest for being intoxicated in a public place and the member suspects the impairment is a result of a drug other than alcohol;
- A school administrator or department School Resource Officer has requested the evaluation of a possibly impaired minor, per I.C. 33-210;
- A Detective may request a DRE evaluation on a victim or suspect involved in a serious crime against persons (*i.e. rape victim drugged prior to and/or during assault*).

#### 423.2.2 DUI DRUG IMPAIRMENT ARRESTS

When a member has probable cause to believe a subject is DUI and the impairment is the result of ingesting drugs other than alcohol, the member should administer Standardized Field Sobriety Evaluations (SFST's). If the subject fails the SFST's and is arrested and transported to jail, the member should observe the subject for the required 15-minute observation period and read the 18-8002 Advisory form to the subject and request they submit to a Blood Alcohol Content (BAC) breath test.

- If the subject refuses the test and the member believes the subject is impaired by something other than alcohol, an evidentiary blood draw should be obtained and a DRE contacted;

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## *Drug Recognition Experts*

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- If the subject takes a breath test but the BAC is below .08 and the subject's level of impairment is inconsistent with that BAC, a DRE should be contacted.

## Automated License Plate Recognition (ALPR)

### 424.1 PURPOSE AND SCOPE

Automated License Plate Recognition (ALPR) technology provides automated detection of license plates. ALPRs are used by the department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. ALPRs may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

### 424.2 ADMINISTRATION OF ALPR DATA

All installation and maintenance of any ALPR equipment owned and used by this department shall be managed by the Information Technology Sergeant. The ALPR server (BOSS) is owned, maintained and housed by the Post Falls Police Department.

### 424.3 ALPR OPERATION

Use of an ALPR is restricted to the purposes outlined below. Department personnel shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

- No member of this department shall operate ALPR equipment, or access ALPR data, without first receiving training in its use.
- An ALPR shall only be used for official and legitimate law enforcement business.
- An ALPR may be used in conjunction with any routine patrol operation or official department investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- While an ALPR may be used to canvass license plates around any crime scene. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- Members should verify an ALPR alert (*i.e. stolen vehicle*) through NCIC before taking enforcement action that is based solely upon an ALPR alert.

### 424.4 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by an ALPR are for the official use only and because such data may contain confidential ILETS information, is not open to public review. ALPR information may be used and shared with prosecutors or others only as permitted by law.

Persons approved to access ALPR data are permitted to access the data for legitimate law enforcement purposes only, such as when the data relates to a specific investigation or department-related civil or administrative action.



## Crisis Intervention Incidents

### 425.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

#### 425.1.1 DEFINITIONS

Definitions related to this policy include:

**Person in crisis** - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

### 425.2 POLICY

The Coeur d'Alene Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

### 425.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

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## *Crisis Intervention Incidents*

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Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

### **425.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS**

The Chief of Police should designate an appropriate Division Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

### **425.5 FIRST RESPONDERS**

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

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### **425.6 DE-ESCALATION**

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

### **425.7 INCIDENT ORIENTATION**

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

### **425.8 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

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- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Commander.
- (f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

### **425.9 INCIDENT REPORTING**

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

#### **425.9.1 DIVERSION**

Individuals who are not being arrested should be processed in accordance with the Civil Commitments Policy.

### **425.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS**

Civilian members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

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### **425.11 EVALUATION**

The Division Commander designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

### **425.12 TRAINING**

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

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## Medical Aid and Response

### 426.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

### 426.2 POLICY

It is the policy of the Coeur d'Alene Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

### 426.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR and use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Central Dispatch and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Central Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
  - 1. Signs and symptoms as observed by the member.
  - 2. Changes in apparent condition.
  - 3. Number of patients, sex, and age, if known.
  - 4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
  - 5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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### **426.4 TRANSPORTING ILL AND INJURED PERSONS**

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles, unless approved by a supervisor.

### **426.5 PERSONS REFUSING EMS CARE**

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a civil commitment in accordance with the Civil Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

### **426.6 MEDICAL ATTENTION RELATED TO USE OF FORCE**

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

### **426.7 AIR AMBULANCE**

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are

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victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Patrol Division Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

### **426.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE**

An AED should only be used by members who have completed a course provided by the American Heart Association, the American Red Cross or a similar entity in cardiopulmonary resuscitation and the care and use of an AED (Idaho Code 5-337).

#### **426.8.1 AED USER RESPONSIBILITY**

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not



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functioning properly will be taken out of service and given to the Training Lieutenant who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED shall contact Central Dispatch as soon as possible and request response by EMS (Idaho Code 5-337).

### 426.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

### 426.8.3 AED TRAINING AND MAINTENANCE

The Training Lieutenant should ensure appropriate training is provided to members authorized to use an AED (Idaho Code 5-337).

The Training Lieutenant is responsible for ensuring AED devices are appropriately maintained and tested consistent with the manufacturer's operational guidelines, and will retain records of all maintenance in accordance with the established records retention schedule (Idaho Code 5-337).

## **426.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION**

Trained members may provide an opioid antagonist to a person experiencing an opiate-related overdose.

### 426.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Lieutenant, or designee.

Members shall store the medication in a lifelock box provided by the department and should at all times ensure the medication is not exposed to extreme temperatures, both high and low.

Any member that provides an opioid antagonist shall contact Central Dispatch as soon as possible and request response by EMS (Idaho Code 54-1733B). Any subject given overdose medication by a member of from this agency, shall ensure the subject is cleared by EMS or a medical provider.

Considerations for use by members:

- Proximity of EMS
- Type of exposure
- Age of suspected overdose victim
- Available personnel to assist with a potential combative subject
- Is the subject unconscious, unresponsive, or having a seizure

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- Evidence of ingestion, inhalation, or injection (needles, spoons, tourniquets, needle track marks, bloody nose, baggies, etc.)

### 426.9.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

### 426.9.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Lieutenant should ensure training is provided to members authorized to administer opioid overdose medication.

Training should be coordinated with the Idaho Department of Health and Welfare (Idaho Code 54–1733B).

## **426.10 SICK OR INJURED ARRESTEE**

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

## **426.11 FIRST AID TRAINING**

Subject to available resources, the Training Lieutenant should ensure officers receive periodic first aid training appropriate for their position.

## Public Recording of Law Enforcement Activity

### 427.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

### 427.2 POLICY

The Coeur d'Alene Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

### 427.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
  - 1. Tampering with a witness or suspect.
  - 2. Inciting others to violate the law.
  - 3. Being so close to the activity as to present a clear safety hazard to the officers.
  - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officers, him/herself or others.

### 427.4 OFFICER RESPONSE

Officers should promptly request a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or

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behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

### **427.5 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

### **427.6 SEIZING RECORDINGS AS EVIDENCE**

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
  1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
  1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
  2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible.

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Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

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## Air Support Assistance

### 428.1 PURPOSE AND SCOPE

The use of law enforcement air support assistance can be invaluable in certain situations. This policy specifies potential situations where the use of air support may be requested and the responsibilities for making a request.

### 428.2 REQUEST FOR LAW ENFORCEMENT AIRCRAFT ASSISTANCE

The department has a Memorandum of Understanding with the Spokane County Sheriff's Office to provide air support assistance (SRASU) within our jurisdiction.

#### 428.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

The SRASU is used regionally and must prioritize calls for service, therefore their availability to patrol or respond to calls for service within our jurisdiction may be limited, not always immediate, or not possible due to higher priority calls for service, poor weather conditions or mechanical problems.

- The SRASU schedules routine regional patrol flights on Friday and Saturday nights, typically from 2300 to 0300 hours, although the schedule is subject to change.
- SRASU Tactical Flight Officers will notify Central when they are on and off duty, and Central will advise CDAPD patrol units.
- The SRASU may be utilized for call-outs or for pre-planned special events that are not part of their routine patrol flight schedule.
- The radio call sign for the SRASU will be "Air-1".

#### SRASU SCHEDULED PATROL FLIGHTS

- When the SRASU is on a scheduled routine patrol flight and a member of this department believes the use of the SRASU would be of assistance for a CDAPD call for service, the member shall request Central contact the SRASU to provide details and check for their availability;
- The Patrol Supervisor has the authority to cancel the request;
- The SRASU will monitor CDAPD radio frequencies when patrolling and/or responding to calls for service within our jurisdiction. Patrol officers and Tactical Flight Officers will have the ability to communicate with each other via radio.

#### SRASU EMERGENCY CALL-OUTS

- When the SRASU is not on a scheduled routine patrol flight and needs to be called out to assist our department with a call for service, a Patrol Supervisor will evaluate the situation and determine whether or not the SRASU will be requested;

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- Prior to making the call-out request, the Patrol Supervisor shall take into consideration the type of incident the call-out is being made for and the fact that there will be an extended ETA for the SRASU to arrive in our jurisdiction.
- If the Patrol Supervisor determines the SRASU will be requested, the Supervisor will provide Central the reason for the call-out and request Central contact the Spokane County Sheriff's Office. The SRASU Supervisor or designated Tactical Flight Officer will be contacted to approve or deny the call-out;
- If the SRASU is called out, the Patrol Supervisor shall notify the Operations Division Commander as soon as practical.

### **SRASU SPECIAL EVENT REQUESTS**

- The SRASU may be requested by our department for special events, such as a directed patrol flight for pre-planned law enforcement operations (*i.e. SWAT or Narcotics*), or for static display at community events;
- The requesting member shall first obtain approval from their Division Commander;
- The requesting member shall forward a written request on department letterhead to the SRASU via the Spokane County Sheriff's Office. The request shall contain the following information:
  - Reason for the need of the SRASU;
  - Contact numbers for the requesting member and any coordinators of the special event;
  - Dates and times of the special event;
  - Location of event (*A diagram or aerial photograph should be attached if possible*).
- The SRASU Supervisor will review the request and approve or deny it in a timely manner.

### **428.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED**

The SRASU may be utilized for the following situations:

- When the SRASU is activated under existing mutual aid or MOU agreements;
- Whenever the safety of law enforcement personnel is in jeopardy and the presence of the SRASU may reduce such hazard;
- When the use of the SRASU will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community;
- When the use of the SRASU will aid in the surveillance and/or detention of persons involved in suspicious activity;

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- When the SRASU is needed to locate a person who is missing or is lost and whose continued absence constitutes a serious health or safety hazard;
- Vehicle pursuits;
- Routine patrol.

The SRASU can provide valuable emergency services within our jurisdiction to include:

- Search and Rescue;
- Fugitive Searching;
- Surveillance;
- Fire Suppression;
- Homeland Security Critical Infrastructure Checks;
- Natural Disaster Damage Assessment;
- Patrol Services.

### 428.2.3 SRASU COMMUNICATIONS AND IDENTIFIERS

The SRASU has the capability to monitor and communicate with officers and Central via radio.

- The designated call sign for the SRASU will be "Air-1".

All marked CDAPD police vehicles will have rooftop numbers to assist SRASU Tactical Flight Officers (TFO) identify officers when the SRASU is providing assistance. The rooftop numbers will be the same number as the police vehicle's assigned license plate.

- Members must be aware that the TFO's may not know the member's K# when providing assistance and may need to communicate by using the rooftop number on the member's police vehicle.

### 428.2.4 SRASU ACTIVITY REPORTS WITHIN OUR JURISDICTION

Whenever the SRASU is utilized within our jurisdiction for routine patrol flights or for emergency call-outs, the Shift Commander shall forward a written report via e-mail to the Operations Division Commander. This e-mail shall be titled "*SRASU Activity Report*".

The report shall include pertinent information, such as date, time, activity, disposition and related case numbers if applicable. The report shall also include information indicating if the activity was a result of SRASU observations or assistance during routine patrol, or as a result of a request for their services.

This same procedure shall be followed by any member or supervisor utilizing the services of the SRASU for a special event.



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### 428.2.5 SRASU VIDEO RECORDING

The SRASU has the ability to record video during patrol flights. Whenever a member of this department is assisted by the SRASU which results in an arrest or other written police report, or at any other time when a video of a scene or incident would be beneficial to the department (*i.e. training*), the member shall ask the TFO via radio if the incident was recorded.

If there is video evidence of an incident which involves an arrest or investigation, the member shall:

- (a) Document in their report that the SRASU has video; and
- (b) Notify the CDAPD TFO via e-mail of the existence of the video, including the date, time and report number.
  1. The CDAPD TFO will download the video from the SRASU office, upload it into our department VIPER system and complete a supplemental report.
    - (a) The CDAPD TFO will generally attempt to obtain the video evidence at his next regularly scheduled SRASU training and/or patrol flight, which may result in a delay in having the evidence uploaded into VIPER immediately.
    - (b) In the event that a Detective, Supervisor and/or Prosecutor needs to view the video evidence immediately, and prior to the CDAPD TFO being able to obtain it, the requesting member shall contact the SRASU Supervisor for the Spokane County Sheriff's Office and make arrangements for viewing and/or obtaining a copy of the video as soon as practical.

For all other videos that are not related to an arrest or investigation that a member feels would be beneficial for department use, the member shall notify the CDAPD TFO and the Operations Division Commander via e-mail of the details of the incident, to include date/time and report number, if applicable. The Operations Division Commander shall make the determination as to whether or not a copy of the video will be obtained and how it will be used for department purposes.

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# First Amendment Assemblies

## 429.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

## 429.2 POLICY

The Coeur d'Alene Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

## 429.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest (see the Public Recording of Law Enforcement Activity Policy).

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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### 429.3.1 PHOTOGRAPHS, VIDEO RECORDINGS AND OTHER INFORMATION

Photographs, video recordings and other information may be collected at assemblies and demonstrations as they can serve a number of purposes, such as support of criminal prosecutions; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs, video recordings and other information shall not be maintained on the political, religious or social activities, views or associations of any individual, group or organization, unless those activities, views or associations directly relate to an investigation of criminal activity and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

### **429.4 UNPLANNED EVENTS**

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Central Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

### **429.5 PLANNED EVENT PREPARATION**

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

#### 429.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.
- The potential time, duration, scope, and type of planned activities.

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- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

### 429.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for the following:

- (a) Command assignments, chain of command structure, roles and responsibilities
- (b) Staffing and resource allocation
- (c) Management of criminal investigations
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields)
- (e) Deployment of specialized resources
- (f) Event communications and interoperability in a multijurisdictional event
- (g) Liaison with demonstration leaders and external agencies
- (h) Liaison with City government and legal staff
- (i) Media relations
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation
- (k) Traffic management plans
- (l) First aid and emergency medical service provider availability
- (m) Prisoner transport and detention
- (n) Review of policies regarding public assemblies and use of force in crowd control
- (o) Parameters for declaring an unlawful assembly
- (p) Arrest protocol, including management of mass arrests
- (q) Protocol for recording information flow and decisions
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force
- (s) Protocol for handling complaints during the event

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### 429.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Mutual Aid and Outside Agency Assistance Policy).

### 429.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

### 429.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER™ devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

### **429.8 ARRESTS**

The Coeur d'Alene Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

### **429.9 MEDIA RELATIONS**

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the News Media Relations Policy).

### **429.10 DEMOBILIZATION**

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

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### **429.11 POST EVENT**

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, Central Dispatch records/tapes
- (g) Media accounts (print and broadcast media)

#### **429.11.1 AFTER-ACTION REPORTING**

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances

### **429.12 TRAINING**

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

# Suspicious Activity Reporting

## 430.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

### 430.1.1 DEFINITIONS

Definitions related to this policy include:

**Involved party** - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

**Suspicious activity** - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin or religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

**Suspicious Activity Report (SAR)** - An incident report used to document suspicious activity.

## 430.2 POLICY

The Coeur d'Alene Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism, and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

## 430.3 RESPONSIBILITIES

The Investigation Division Commander and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Investigation Division Commander include, but are not limited to:

- (a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.



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- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

### **430.4 REPORTING AND INVESTIGATION**

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any civilian member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

### **430.5 HANDLING INFORMATION**

The Records Section will forward copies of SARs, in a timely manner, to the following:

- Investigation Section supervisor
- Crime Analysis Unit
- Other authorized designees

## Chapter 5 - Traffic Operations

## Traffic Function and Responsibility

### 500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

### 500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Coeur d'Alene Police Department. Information provided by this department and the Idaho Department of Transportation is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

### 500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance. The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

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### 500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

### 500.3.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

- (a) Explanation of the violation or charge.
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist.
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

### 500.3.3 PHYSICAL ARREST

Physical arrest may be made on a number of criminal traffic offenses when a citation is not issued pursuant to the Citation Releases Policy.

## **500.4 SUSPENDED OR REVOKED DRIVERS LICENSES**

Physical arrests for misdemeanor license violations may be done at the member's discretion after first considering the following:

- The member observed the violator operating a motor vehicle on a public roadway without a valid driver's license, or there is a witness to this offense and the witness wishes to do a citizen's arrest; and
- The violator cannot be satisfactorily identified; and/or
- The violator refuses to sign a handwritten citation or refuses to accept service of an electronic citation; and/or
- The violator has previous failure to appear charges; and/or
- The member has probable grounds to believe the violator will disregard a promise to appear in court.

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# Traffic Collision Reporting

## 501.1 PURPOSE AND SCOPE

The department prepares traffic collision reports to assist in gathering statistical information. Completed reports are available to the public under the Idaho Public Records law through the Records Division.

This policy also provides guidelines for department and other City fleet vehicle collisions.

## 501.2 REPORTING SITUATIONS

### 501.3 TRAFFIC COLLISION REPORTING

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances, unless otherwise provided in this policy:

- When there is a death or injury to any persons involved in the collision.
- When the damaged value is consistent with the State mandated reportable amount.
  - If the damaged value is below the State mandated reportable amount and there is no death, injury or complaint of injury, but the investigating member issues a citation or makes an arrest for an offense connected with the cause of the collision, the member shall take photos of the scene/damaged vehicles and complete the appropriate incident report or citation supplement.
- At the request of another law enforcement agency.
- When there is a death or serious injury and the collision occurred on private property.

Members shall ensure a complete investigation for any impairment from all drivers involved in the collision involving death or serious injury. This may include having a DRE respond to help determine if there is any impairment.

Members shall provide the responsible parties the department incident report number so they can obtain a copy of the collision report and/or give the incident report number to their insurance company.

All traffic collision reports shall be approved by a Supervisor and forwarded to the Records Division.

## 501.4 REPORTING SITUATIONS

**Collisions with No Serious Injury or Death:** Whenever a member of this department responds to a reported collision on a public roadway or on private property involving a vehicle owned by

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the City of Coeur d'Alene, and/or operated by a City employee other than from this Department, a report shall be taken, regardless of damage amount or lack of injury.

The investigating member and on-duty Supervisor shall also ensure the following:

- (a) Photographs of the scene and damage, or lack thereof, shall be taken.
- (b) With the exception of an arrest for a serious offense as outlined in I.C. 49-1405, no citations in connection to the cause(s) of the collision (*i.e. speeding, disregarding a traffic control device, etc.*) shall be issued to any involved citizen or City employee at the time of the investigation so as to avoid any possible conflict of interest, but an incident report shall be completed.
  1. The investigating member shall provide a report number to the drivers and/or owners of any damaged property and inform them that citations will not be issued at the time of the investigation but a completed report will be forwarded to the prosecutor's office for review to determine if any charges will be filed in relation to the collision.
    - (a) When practical, prior to making a physical arrest for a serious offense in connection to the cause of the collision, the investigating member should seek advice from a Supervisor as to whether or not this department should request the Idaho State Police or Kootenai County Sheriff's Department investigate the collision to avoid a possible conflict of interest. It shall be understood that an outside agency may not always be available to respond in a reasonable amount of time to conduct such investigation.
- (c) The Shift Commander shall ensure the involved City employee's Department Head is notified of the collision.
- (d) As soon as practical, the Supervisor approving the report shall ensure a copy is forwarded to the Operations Division Commander or his designee.
- (e) The Operations Division Commander or his designee shall ensure a copy of the report is forwarded to the City Attorney's Office for review as soon as practical.

**Collisions involving Serious Injury or Death:** Whenever a vehicle owned by the City of Coeur d'Alene, and/or operated by a City employee other than from this department, is involved in a traffic collision upon a roadway or private property within this Department's jurisdiction and results in any serious injury or fatality, the Idaho State Police or Kootenai County Sheriff's Department will be notified and requested to investigate the collision. The on-duty Supervisor shall also ensure the following:

- The Operations Division Commander and the involved City employee's Department Head are notified of the collision as soon as practical.
- The Operations Division Commander shall ensure the Chief of Police and Deputy City Administrator and/or City Administrator have been notified.

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## Traffic Collision Reporting

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### 501.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

**Supervisor Responsibilities:** Whenever a member operating a vehicle owned/used by this department is involved in a traffic collision upon a roadway or private property within this Department's jurisdiction and results in injury, fatality, or third party property damage, the on-duty Supervisor shall notify the Idaho State Police or Kootenai County Sheriff's Department and request they investigate the collision. In all other cases, the CD'A PD will investigate the collision. The Supervisor shall also ensure:

- (a) Photographs of the scene and damage, or lack thereof, shall be taken;
  - (b) Shall follow the current Coeur d'Alene City policy to determine if drug and alcohol testing is required; Located at <http://citynet/deptimages/PersonnelRules.pdf>
  - (c) As soon as practical, notify the involved member's Division Commander and the Chief of Police;
  - (d) The Supervisor shall complete a Fleet Damage Report, see *Fleet Damage Report*, regarding the collision and forward it, along with any other associated paperwork, to the involved member's Division Commander;
  - (e) The Supervisor shall inquire from the involved member(s) as to whether or not they were injured, or have a complaint of possible injury, as a result of the collision and document their response in the Fleet Damage Report.
1. Additionally, regardless if the member was injured or not, the Supervisor receiving notification of injury or complaint of injury from a member shall investigate how the injury may have occurred. If practical, photographs of the injury and/or location of where the injury occurred should be taken. The following steps shall also be taken:
    - (a) The Supervisor shall complete the First Report of Injury and Supervisors Accident Report forms as soon as practical.
    - (b) The Supervisor shall print out both forms upon their completion and have the concerned member review the First Report of Injury form for accuracy as soon as practical.
    - (c) If the form is not an accurate account of how the injury occurred, the member shall advise the Supervisor what changes are needed.
    - (d) An accurate form shall be dated and signed by the member if they are able to do so within a reasonable amount of time.
    - (e) The Supervisor will forward the original First Report of Injury and Supervisors Accident Report forms to the member's Division Commander.

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- (f) The Supervisor shall also electronically send both forms to the Human Resources Department. *(The electronic version does not have to be the original signed forms, but must be the accurate form the member reviewed).*
2. The Supervisor should also forward a brief memorandum or e-mail to the member's Division Commander summarizing how the injury occurred if additional details regarding the injury/incident are warranted.
3. If a member needs to be relieved from duty immediately due to an injury, the member's Division Commander and Chief of Police shall be notified as soon as practical.

**Exception to an Outside Agency Investigating a Fleet Collision:** An exception to not having the Idaho State Police or Kootenai County Sheriff's Department not investigate all on-duty fleet collisions will be for collisions not meeting the State mandated requirements for a collision report, or if there is not any potential conflict of interest (*i.e. a member backs a patrol vehicle into a stop sign or fire hydrant, hits a street curb, etc.*). In these cases, the on-duty Supervisor shall take photographs and complete a Fleet Damage Report form and forward to the involved members Division Commander as soon as practical.

**On Duty Member Responsibilities when involved in a Fleet Collision:** A member operating a department vehicle that is involved in a collision is expected to cooperate with the investigating law enforcement agency, but the member retains his constitutional and statutory rights to retain legal counsel should they deem it necessary. If the member so chooses to exercise their constitutional rights and not give a statement to the investigating law enforcement agency, an Administrative Investigation into the cause of the collision may still be initiated at the direction of the Chief of Police or his designee.

- If an on duty member involved in a fleet collision initially informs the Supervisor and the investigating law enforcement agency that they were not injured or did not have any complaints of injury, but later suffer any pain or injury that the member believes to be as a result of the collision, that member shall notify a Supervisor as soon as practical. The Supervisor who receives such notification shall then notify that member's Division Commander and the Human Resources Department of the updated information.

**Off Duty Member Involved in a Collision within our Jurisdiction:** If a member of this department is off-duty and is involved in a traffic collision within the City limits that results in serious injury or fatality, the Idaho State Police or Kootenai County Sheriff's Department shall be requested to investigate the collision to avoid any potential conflict of interest. The investigating agency will



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complete the collision investigation and any enforcement of criminal or infraction charges based on their policy and procedure.

### 501.4.2 TRAFFIC COLLISIONS WITH POLICE AGENCYTYPE EMPLOYEES

Whenever a member operating a vehicle owned/used by this department is involved in a traffic collision upon a roadway or private property and results in any damage, injury, complaint of injury or fatality, the member shall be required to complete a post-collision drug and alcohol test utilizing a facility authorized by the City.

- An exception to this will be for fleet collisions not meeting the State mandated requirements for a collision report involving property damage only, or if there is not any potential conflict of interest (*i.e. a member backs a patrol vehicle into a stop sign or fire hydrant, hits a street curb, etc.*), and if the Supervisor does not have reason to believe the member maybe under the influence of drugs or alcohol.

### 501.4.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

Traffic collision reports shall not be taken for collisions occurring on private property open to the public unless:

- There is injury or death to any person;
- It involves a suspect leaving the scene of a collision and the victim vehicle was occupied at the time; or
- It involves a leaving the scene of a collision and the victim vehicle was unoccupied but there is evidence that could lead to locating a possible or known suspect.

### 501.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

Reports that require additional follow up investigation will be forwarded to the Traffic Unit.

## Motor Unit

### 502.1 PURPOSE AND SCOPE

The Motor Unit is a specialized motorcycle unit within the Traffic Unit. The primary purpose of the Motor Unit is for uniformed traffic enforcement.

#### 502.1.1 TRAINING

Members assigned to the Motor Unit must have a valid motorcycle endorsement and successfully complete a basic police motorcycle certification course. If any motorcycle, other than the same make and model as the assigned department approved duty motorcycle is used to complete the course, the member must complete a transition class to the appropriate motorcycle before deploying on duty.

Members must successfully complete an annual recertification course in order to operate a motor on duty. Failure to re-certify may result in a temporary or permanent suspension from operating a Motor in an official capacity.

During motorcycle training, members must utilize appropriate protective measures and equipment in order to minimize damage to the motorcycles and themselves.

#### 502.1.2 MAINTENANCE

Members will make no alteration or addition to a motorcycle unless authorized by the Traffic Unit supervisor. Members will keep their motorcycle clean, waxed and full of all necessary fluids. All maintenance will be completed only by a certified motorcycle technician.

#### 502.1.3 USE OF MOTORS

Motors will normally only be used from April through October, weather permitting. Exceptions may be made as approved by the Traffic Unit supervisor.

Motors will not be taken outside of the City limits except during the course of the members normal duty, or with prior approval of the Traffic Unit supervisor.

Members will either store their assigned motor at the department or in a secure garage at their residence.

Motors will not be operated by any member who has not successfully completed a basic police motorcycle certification course. The only exception will be for those members who have a motorcycle endorsement and are authorized by the Chief or Police or his designee to transport the motor for maintenance, repair or special events.

#### 502.1.4 SPECIAL EVENTS

Members assigned to Motors will at times be required to attend and/or participate in special events where the motor is used or on display.

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### 502.1.5 PURSUITS

It is generally recommended that motors not be directly involved in a vehicular pursuit due to the increased probability of injury or death. However, due to the dynamic nature of law enforcement and emergency situations, a member may be faced with exigent circumstances and it is determined that it is necessary to take appropriate enforcement action, up to and including being involved in a pursuit. Therefore, a member operating a motor may initiate a pursuit if it falls within the pursuit guidelines governed by Policy Manual §310Pursuits. Whenever possible the motor should follow at a safe distance keeping the suspect vehicle in sight. The motor will yield the pursuit over to a patrol vehicle at the earliest opportunity.

### 502.1.6 MEMBERS

#### **Traffic Unit Supervisor:**

- Responsible for the overall supervision of the operations and activities of the Motor Unit. This position can also be a motors position.
- Establishes goals and directives to reduce collisions and enforce traffic violations.
- Coordinates the involvement of the members in special events.
- Coordinates the budget and prioritizes training and equipment.
- Handles all other tasks which are required to complete the mission of the Motor Unit.

#### **Motor Officer:**

- Responsible for providing traffic enforcement and collision reduction duties.
- Responsible for the maintenance of assigned motorcycle, all uniform items and equipment.

#### **Motor Instructor:**

- Responsible for ensuring the training of new members and conducting in-service motors training.
- The motors instructor shall exemplify the standards of the Motors Unit, and promote safety, equipment care, maintenance, uniform pride and policies.

### 502.1.7 UNIFORMS AND EQUIPMENT

Members shall follow the uniform guidelines in Policy §1011Body Armor, §1021Personal Appearance Standards and §1022Uniform Regulations.

## Traffic Safety Vests

### 503.1 PURPOSE AND SCOPE

In order to reduce the danger to members exposed to the hazards of approaching traffic, high visibility or reflective traffic safety vests shall be provided.

Although intended primarily for traffic-related use, safety vests may be worn at any time increased visibility would improve the safety and/or efficiency of the member.

#### 503.1.1 USE OF TRAFFIC SAFETY VESTS

It is intended that traffic safety vests be worn at any time a member anticipates prolonged exposure to the hazards of approaching traffic created by assignment to duties such as traffic control and traffic collision investigation. Use is required while directing traffic during hours of darkness or when visibility is limited due to inclement weather conditions or when traffic conditions exist that a traffic vest would enhance safety.

Federal Highway requirements mandate the wearing of such traffic safety vests by law enforcement personnel when directing traffic, investigating traffic collisions, handling lane closures, obstructed roadways and disasters within the right of way of a Federal-aid highway, which includes U.S. Highway 95 and Interstate 90 within the jurisdiction of this department.

Use of the traffic safety vests shall also be mandatory whenever a Supervisor directs their use to be appropriate.

#### 503.1.2 CARE AND STORAGE OF TRAFFIC VESTS

- One traffic safety vest shall be issued to each sworn member.
- Traffic safety vests will be made available for other members working special events where their use may be required.
- Members assigned to Uniformed Patrol shall carry the traffic safety vest with them in their vehicles or motors.
- A supply of traffic safety vests will be maintained for replacement of damaged or unserviceable vests.

## Vehicle Towing Policy

### 504.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the department.

### 504.2 RESPONSIBILITIES

The responsibilities of those members storing or impounding a vehicle are as follows.

#### 504.2.1 COMPLETION OF FORMS

Police Department members requesting storage of a vehicle shall complete a towed vehicle notice. The notice must contain, at minimum, the following information (Idaho Code 49-1803A):

- Name and addresses of the registered owner and lienholder.
- Complete vehicle description, including license plate number and vehicle identification number.
- Date, time, and reason for tow.
- Case number assigned.
- Whether the value of the vehicle is \$750 or less. The officer's valuation should be independently verified by the Records Supervisor before any disposition process is initiated under Idaho Code 49-1814 (Disposition of low-valued vehicles).
- The daily storage rate.
- Name, address, and telephone number of towing company.
- Signature of tow truck operator taking receipt of the vehicle and its contents.

A copy of the notice is to be given to the tow truck operator and the original is to be submitted to the Records Section as soon as practicable after the vehicle is stored.

If a copy of the towed vehicle notice is not provided to the legal and registered owner at the time of storage, it shall be the responsibility of the Records Section to determine the legal and registered owners of the vehicle and to mail a copy of the notice to all such individuals within 72 hours, excluding weekends and holidays. A copy of the notice shall also be mailed to any lienholder within 72 hours, excluding weekends and holidays (Idaho Code 49-1803A(3)).

#### 504.2.2 TOWING SERVICES

The City of Coeur d'Alene will periodically enter into a contract agreement with a towing company to provide services. This company will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) When a vehicle is being held as evidence in connection with an investigation.

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- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the removal of vehicles from city streets which are obstructing traffic in violation of state or local laws, or involving the recovery of a stolen vehicle in which the owner is unable to immediately take possession of the vehicle.

### 504.2.3 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

Vehicles disabled in a traffic collision should be towed from the scene when:

- (a) The vehicle is on a public right of way, cannot be readily moved and is obstructing other vehicle or pedestrian traffic; or
- (b) The operator of the vehicle is injured to the extent that he is unable to provide care or security for the vehicle; or
- (c) The vehicle came to rest on private property, or outside of the public right of way, due to a traffic collision which was initiated on a public right of way AND the owner or operator is unable to immediately provide care or security for the vehicle; or
- (d) The operator abandons the vehicle and flees the scene.

If an owner/operator is on scene, the member should first ask if they have a preference for a towing company. A preferred towing company must be able to respond to the scene within 30 minutes. If there is no preference, or if the preferred towing company cannot respond within the 30 minute time frame, then the City's contracted towing company shall be dispatched.

It shall be the responsibility of the tow truck operator to remove all broken glass and other debris from public right of way at the scene of a collision.

### 504.2.4 UNATTENDED MOTOR VEHICLES

Unattended motor vehicles may be towed immediately under the following circumstances:

- Is blocking or impeding traffic.
- Is causing a hazard.
- Has the potential of impeding any emergency vehicle.
- Is impeding snow removal or other road maintenance.
- Is not currently registered or does not have vehicle license plates attached (*if possible, follow the procedure for abandoned vehicles in this instance, instead of towing immediately*).
- Is blocking a driveway, on the street or on private property.
- or as otherwise provided by law.

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### 504.2.5 RELEASING RECOVERED STOLEN VEHICLES

When feasible, a recovered stolen vehicle which does not require a hold, shall be released to the owner (*or owner's agent*) without impounding.

Factors to consider in determining the feasibility of releasing a vehicle without impounding include, but are not limited to:

- The practicability of immediately contacting the owner; AND
- The time required for the owner to arrive at the recovery location; AND
- The owner's willingness to respond the recovery location; AND
- The vehicle does not need to be processed for additional evidence by this department or another law enforcement agency for evidence related to this crime or other criminal activity.

The person receiving the vehicle shall be advised of the necessity for caution if stopped by a law enforcement agency due to the fact that other agencies may not yet be aware this vehicle has been recovered.

### 504.3 STORAGE FOR INVESTIGATION REASONS

When circumstances require that a vehicle be held for investigation, the member impounding the vehicle shall:

- (a) Caution the tow truck operator if there is danger of destroying evidence;
- (b) If the vehicle is going to be stored at the police department to be searched at a later time after the issuance of a search warrant, the member should secure the vehicle doors, trunk, etc., with evidence tape.
- (c) Whether the vehicle is stored at the police department or another location, a notation on the impound form and in the police report shall be noted so that the Records Division is aware of the hold.

It shall be the responsibility of the assigned investigating member to notify the Records Division and the owner of the vehicle when a hold on a vehicle has been removed.

### 504.4 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by storing the arrestee's vehicle subject to the exceptions described below. However, the vehicle shall be stored whenever it is needed for the furtherance of an investigation or prosecution of the case or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored, for example, the vehicle would present a

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traffic hazard if not removed or due to a high crime area the vehicle would be in jeopardy of theft or damage if left at the scene.

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene

In such cases, the handling employee shall note in the report that the owner was informed that the Police Department will not be responsible for theft or damages.

### **504.5 VEHICLE INVENTORY SEARCHES**

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory.

These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of members, and to protect this department against fraudulent claims of lost, stolen, or damaged property.

### **504.6 VEHICLE SEARCHES**

Vehicles may be searched when one or more of the following conditions are met:

- (a) When probable cause to search the vehicle exists.
- (b) When it is reasonable to believe that the vehicle contains evidence of the offense of the arrest of the occupant(s).
- (c) With consent of the operator.
- (d) Incident to an arrest if the occupant(s) of the vehicle have not been secured and remain within reaching distance of the passenger compartment.
- (e) To search for weapons when reasonable suspicion exists that a weapon may be present.
- (f) When necessary to examine the vehicle identification number or to determine the ownership of the vehicle.
- (g) Under emergency circumstances not otherwise enumerated above.



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- (h) Pursuant to a valid search warrant.

### 504.6.1 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, members should make reasonable accommodations to allow retrieval of small items of value or personal need (*i.e. cash, jewelry, cell phone, prescriptions*) which are not considered evidence or contraband.

### 504.6.2 MOVING NON-CITY VEHICLES

Department vehicles shall not be used to push a stalled vehicle.

Members should also use caution to avoid injury should they choose to assist in moving a stalled vehicle by pushing it with their hands.

Privately owned vehicles should not be driven by a member of this department unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted traffic control signs.

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## Parked and Abandoned Vehicles

### 505.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording and storage of vehicles (*cars, trucks, motorcycles, trailers and boats*) parked in violation of laws regulating parking of vehicles under Idaho Code 49-659 through 49-662, and abandoned vehicles under the authority of Idaho Code 49-1801, 49-1802 and 49-1804, as well as any applicable City ordinances.

#### 505.1.1 MARKING ABANDONED VEHICLES ON PUBLIC RIGHT OF WAY

Vehicles that authorized personnel have reasonable grounds to believe have been abandoned which do not fall within the class of "emergency circumstances" shall have attached thereto, in plain view, a notice that this vehicle will be towed away at the expiration of forty-eight (48) hours as an abandoned vehicle. The notice shall contain:

- The name of the authorized member who prepared the notice.
- The name of the agency.
- The date and time the notice was attached.
- The date and time when the vehicle will be removed.
- The telephone number and address of the agency.

A reasonable attempt shall be made to notify by telephone the owner of any vehicle which has current license plates and registration as shown on the vehicle registration record, prior to the expiration of the forty-eight (48) hour notice period, of the location of the vehicle and the time and date of intent to remove the vehicle (Idaho Code 49-1804).

If the vehicle is parked on the street in front of a residence, the member marking the vehicle should also consider contacting the residence to try and notify the owner of the time and date of intent to remove the vehicle.

Members shall update their data base as to the locations, appropriate dates & times of notifications, and dispositions.

#### 505.1.2 ABANDONED VEHICLES ON PRIVATE PROPERTY

Members shall not mark or tow any abandoned vehicles on private property. The only involvement the police department should have in these matters is to check the license plate and vehicle identification number through NCIC to see if the vehicle is stolen or of other interest to law enforcement. Members may advise the person responsible for the private property that they can attempt to identify the owner of the vehicle by contacting the Department of Motor Vehicles and requesting information on how to obtain a title record.

Should the property owner choose to have the vehicle removed, this shall be considered a civil matter between the vehicle owner, property owner and towing company.

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The only exception to the police department being required to tow abandoned vehicles from private property is if ordered by the Court or by direction of the City Council.

### 505.1.3 VEHICLE TOWING & STORAGE

Any vehicles towed pursuant to this policy, shall be towed by the City contracted towing company.

Whenever authorized members remove a vehicle from a highway, or from public or private property, he shall cause the vehicle to be taken and stored at the contracted towing company's facility.

At the time of removal, the member shall record the mileage of the vehicle. Members shall not remove the ignition keys, vehicle registration or other property from the vehicle unless they are to be booked as evidence.

An impound form shall be submitted to the Records Division immediately following the storage of the vehicle.

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Records Division to determine the names and addresses of any individuals having an interest in the vehicle through ITD or ILETS computers. Notice to all such individuals shall be sent by certified mail within the 48-hour time period listed above (Idaho Code 49-1805(2)).

### 505.1.4 AUTHORIZED MEMBERS

In addition to sworn members having the authority to investigate and tow abandoned vehicles, civilian members may also be granted this authority.

- (a) Civilian members authorized to handle abandoned vehicles are designated by the Mayor and Council after being submitted for approval by the Chief of Police of his designee. These members shall undergo a background check as required by the Civilian Volunteer policy manual.
- (b) Civilian members shall carry a portable radio and receive training in the use of radio procedures, State law, City ordinances and data entry procedures for abandoned vehicles.
- (c) Civilian members working abandoned vehicles shall notify the on-duty shift commander at the beginning and end of their shifts.
- (d) Civilian members are not granted any police powers. They shall request police assistance by use of their radio if they believe their safety is jeopardized or if they need any other police assistance.
- (e) Civilian members will attempt to complete the processing of abandoned vehicle complaints.
- (f) If civilian members are unable to complete the process due to safety concerns, they shall notify the shift commander and request the assistance of a sworn member to complete the process.

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## Vehicle Impound Hearings

### 506.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Idaho Code 49-1805.

### 506.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the Coeur d'Alene Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or their agent (Idaho Code 49-1805).

#### 506.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of a stored or impounded vehicle. Any relevant evidence may be submitted and reviewed by the hearing officer to determine if the vehicle in question was lawfully stored or impounded, in accordance with Coeur d'Alene Police Department policies and procedures. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

A notice of the storage shall be sent by certified mail to the registered and legal owners within forty-eight (48) hours, excluding the weekends and holidays, and shall include the following information:

- (a) The name, address, and telephone number of the agency providing the notice.
- (b) The location of the place of storage and description of the vehicle which shall include, if available, the name or make, identification number, the license plate number, and the mileage.
- (c) The authority and purpose for the removal of the vehicle.
- (d) In order to receive a post-storage hearing, the owners, or their agents, must request the hearing in writing within ten (10) days of the date of the notice. Any such hearing shall be conducted within forty-eight (48) hours of the request, excluding weekends and holidays. The public agency may authorize its own officer or employee to conduct the hearing, so long as the hearing officer is not the same person.

The person requesting the hearing may record the hearing at his/her own expense. The vehicle storage/impound hearing officer shall consider all information provided and determine the validity of the storage or impound of the vehicle in question and then render a decision.

A decision that the vehicle was not stored or impounded in a lawful manner or within the policy of this department will require that the vehicle in storage be released immediately. Towing and storage fees will be paid at this department's expense (Idaho Code 49-1805(d)(5)).

If a decision is made that the vehicle was not stored or impounded in a lawful manner or in compliance with the policy of this department, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Division

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Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by this department.

## Disabled Vehicles

### 507.1 PURPOSE AND SCOPE

The department has a responsibility to provide assistance to disabled motorists within their primary jurisdiction.

#### 507.1.1 MEMBER RESPONSIBILITY

When an on-duty member observes a disabled vehicle on the roadway, the member should make a reasonable effort to provide assistance. If that member is assigned to a call of higher priority, Central should be advised of the location of the disabled vehicle and the need for assistance. Central should then assign another available member to respond for assistance as soon as practical.

#### 507.1.2 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by members from this department will be contingent on the time of day, the location, the resources availability to this department, and the vulnerability of the disabled motorist.

Pursuant to Policy Manual §510.6.2 *Vehicle Towing*, department vehicles shall not be used to push a stalled vehicle.

#### 507.1.3 MECHANICAL REPAIRS

Members shall not make mechanical repairs to a disabled vehicle.

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## Impaired Driving

### 508.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

### 508.2 POLICY

The Coeur d'Alene Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Idaho's impaired driving laws.

### 508.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The Standardized Field Sobriety Test (SFST) Instructor or Drug Recognition Expert (DRE) will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in Idaho or another jurisdiction.

### 508.4 FIELD TESTS

The SFST Instructor or DRE should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

### 508.5 CHEMICAL TESTS

A person implies consent under Idaho law to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Idaho Code 18-8002):

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- (a) The arresting officer has reasonable grounds to believe that the person was driving or in actual physical control of a motor vehicle, including a commercial motor vehicle, when any of the following exist:
  - 1. While under the influence of alcohol, drugs and/or any other intoxicating substances.
  - 2. While under the influence of any combination of alcohol, drugs and/or any other intoxicating substances.
  - 3. With a prohibited alcohol concentration (Idaho Code 18-8004).
- (b) The arresting officer has reasonable grounds to believe the person was driving or in actual physical control of a vehicle which resulted in great bodily harm, permanent disability or disfigurement to any other person (Idaho Code 18-8006).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample (e.g., obtain a warrant).

### 508.5.1 BREATH SAMPLES

The Breath Testing Specialist should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

If the person submits to a breath test and the officer has reasonable cause to believe that the person was driving under the influence of drugs or the combined influence of alcohol and drugs, the officer should request a second test of the person's blood or urine. If a second test is requested, the officer shall include the facts supporting the belief in the arrest report (Idaho Code 18-8002(10)).

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Breath Testing Specialist.

### 508.5.2 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Idaho Code 18-8003). The blood draw should be witnessed by the assigned officer.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability



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## *Impaired Driving*

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to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

### 508.5.3 STATUTORY NOTIFICATIONS

At the time testing is requested, the person shall be informed that if he/she refuses to submit to or fails to complete a test as required, he/she will be subject to civil penalties, and driver's license suspension, mandatory installation of a state-approved ignition interlock system at his/her expense for one year following the end of the suspension period, the right to request a hearing to show cause why he/she refused to submit or complete testing, and after submitting to evidentiary testing, he/she may, when practicable and at their own expense, have additional tests made by a person of his/her choosing as described in Idaho Code 18-8002(3) and Idaho Code 18-8002A(2).

## Phlebotomy

### 509.1 PURPOSE AND SCOPE

This policy establishes the protocols for the performance of those trained in law enforcement phlebotomy (hereafter referred to as phlebotomists) to insure that a uniform approach is utilized in the execution of all blood draws.

### 509.2 QUALIFICATIONS

Only those employees trained through a department-approved phlebotomy program may draw blood for law enforcement purposes: qualified medical personnel can be used to draw blood when a qualified department employee is not available for the blood draw.

### 509.3 CERTIFICATIONS

Members must complete a qualified phlebotomy training program. Phlebotomists must adhere to an annual process as designated by the phlebotomy coordinator.

The process will include:

- Drawing 24 blood samples per calendar year.
- Attending biennial refresher training. This training will include but not be limited to eight (8) hours of instruction in a classroom or clinical setting. The training should include a venipuncture proficiency and written examination.

### 509.4 STANDARD PROCEDURES

Law Enforcement Phlebotomists shall document all blood draws conducted for enforcement related blood draws. A written record of training blood draws and other types of blood draws shall be maintained.

(a) A Phlebotomy Draw Report will be completed for each blood draw from a subject. Each report shall include:

- Physical location of the blood draw (i.e., specific location in the police facility, hospital, etc.).
- Whether the blood draw was by consent, warrant or non-consent (refusal).
- Whether the subject resisted and methods used to overcome such resistance (i.e. restraint chair, held down, etc.).
- Whether the subject has any communicable, contagious or infectious diseases. Whether the subject has allergies. Communicable, contagious or infectious diseases will be noted on the state laboratory submittal form as well as the phlebotomy report.

(b) Distribution of Phlebotomy Draw Reports:

- The phlebotomist should ensure that a copy of the Phlebotomy Draw Report is included with the report related to the investigation.

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- A copy of the Phlebotomy Draw Report should be retained by the phlebotomist.
- An additional copy of the report shall be forwarded to the agency phlebotomy coordinator for review.

(c) A phlebotomist can draw blood on a suspect they have personally arrested for DUI and related offenses. If the officer/phlebotomist feels it would be in the best interest of the case to have a different phlebotomist draw the blood, one should be called.

(d) Essential Tasks:

- The phlebotomist shall notify a supervisor whenever a draw is involuntary and/or force may be used. The supervisor, when it is anticipated that force will be used, shall be present for the draw.
- All members of this department shall use/activate their body worn cameras during phlebotomy draws on a suspect.
- The phlebotomist shall advise the subject of their qualifications and the number of tubes of blood that will be extracted. The phlebotomist should also explain that the second tube of blood is collected for the subject to test should they choose to.
- The phlebotomist shall inquire if blood thinners (i.e. Coumadin) or any other medications have been taken by the subject.
- Protective gloves and face shield or protective glasses shall be worn by the phlebotomist during the blood draw. Other equipment is optional, such as a lab coat, etc.
- Phlebotomists should use the standard blood collection kit, obtained from the Idaho State Police Forensics Services Laboratories (ISPFS). Phlebotomists may use additional equipment as necessary to obtain evidentiary samples. Phlebotomists shall only use equipment they have been trained with.
- An antiseptic conforming to the Clinical Laboratory Standards Institute (CLSI) shall be used to clean the blood draw site prior to obtaining a sample.
- If the first attempt at a blood draw is unsuccessful, an alternative site will be chosen if a second draw is necessary.
  - A phlebotomists will not exceed two attempts at a successful draw on any subject.
  - If the second attempt is not successful, another phlebotomist will be used, who is subject to the same number of attempts.
- The phlebotomist will ensure that a puncture site has clotted before placing a dressing over it. The fire department or paramedics will be contacted for assistance if complications occur.
- Used needles and hubs will be disposed in a biohazard sharps disposal container and shall not be separated prior to disposal.

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

### 509.4.1 INVOLUNTARY DRAW PROCEDURES

If a driver suspected of DUI refuses the offered chemical test, after being given the opportunity to take the required chemical test, a search warrant is required unless exigent circumstances exist and a blood draw will occur using reasonable force. In the event that an evidentiary blood sample is needed from a physically combative, non-compliant, or physically incapable driver, officers may use reasonable force to obtain the sample.

Reasonable force shall be evaluated on the following criteria:

- (a) The driver has stated or displayed active resistance or non-compliance after being advised that a sample is needed.
- (b) The amount of force used to protect all parties is necessary to restrain the driver in order to obtain the blood sample.
- (c) Physical contact shall be limited. An officer should not place him/herself, the person doing the blood draw, or the driver in a position where they may be injured while the blood sample is being drawn.

Physical contact:

- (a) The decision to engage in physical contact with a suspect should be based upon officer to suspect size disparity, reaction times, environmental conditions and the totality of the circumstances of the incident.
- (b) When an officer feels that physical contact with a suspect will increase the likelihood of injury to those involved, the blood draw should not be attempted. Suppression of the sample by the court may result if it is determined that the force used to obtain the sample was excessive or physically abusive.

### 509.5 EQUIPMENT

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

The phlebotomy room will be equipped with a phlebotomy chair, protective gloves, cotton balls, gauze, tape, self adherent wrap, disinfectant, medical protective glasses, and blood kits.

Blood spills will be cleaned according to OSHA training and procedures.

### 509.6 PHLEBOTOMY COORDINATOR

The Phlebotomy Program Coordinator will be designated by the Chief of Police. The program coordinator should be a qualified phlebotomist or be familiar with the protocols and training as defined in these standards.

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The Coeur d'Alene Police Phlebotomy Coordinator is responsible for:

- (a) Securing equipment, maintaining call-outs, and maintaining the phlebotomy room.
- (b) Continual monitoring of proficiency requirements.
- (c) Maintaining records.
- (d) Ensuring quality of the phlebotomy program.

### **509.7 TRAFFIC TEAM SUPERVISOR RESPONSIBILITIES**

The traffic team supervisor shall be responsible for an annual audit of the phlebotomist's draw logs.

## Chapter 6 - Investigation Operations

## Investigation and Prosecution

### 600.1 PURPOSE AND SCOPE

When assigned to a case for initial or follow-up investigation, members shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.

### 600.2 POTENTIALLY EXCULPATORY EVIDENCE OR FACTS

Members must include in their reports adequate reference to all material evidence and facts which are reasonably believed to be exculpatory to any individual in the case. If a member learns of potentially exculpatory information anytime after submission of the case, the member must notify the prosecutor as soon as practical.

Evidence or facts are considered material if there is a reasonable probability that they may impact the result of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. A member who is uncertain whether evidence or facts are material should address the issue with a supervisor.

Supervisors uncertain about the materiality of evidence or facts should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the department case file.

### 600.3 CUSTODIAL INTERROGATION REQUIREMENTS

Any custodial interrogation of a person who is suspected of having committed any violent felony offense should be electronically recorded whenever practical and/or available (*audio and/or video*) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Members should also consider electronically recording a custodial interrogation, or any investigative interview, for any other offense when the member reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of an interrogation should be destroyed or altered without written authorization from the Prosecuting Attorney. Copies of recorded interrogations or interviews may be made in the same or different format provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes.

Members should continue to prepare written summaries of custodial questioning and investigative interviews and continue to obtain written statements from suspects when applicable.

Per Idaho Code 16-1618, all investigative interviews of alleged victims of child abuse should be documented by audio or video recording.

### 600.4 INITIAL INVESTIGATION

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### 600.4.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
  - 1. An initial statement from any witnesses or complainants.
  - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the Officer shall:
  - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
  - 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
  - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Shift Commander.
  - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
  - 5. Collect any evidence.
  - 6. Take any appropriate law enforcement action.
  - 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

### 600.5 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

#### 600.5.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings. Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigation Section supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original



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recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

### **600.6 DISCONTINUATION OF INVESTIGATIONS**

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
  - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
  - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (f) Investigation has proven that a crime was not committed.

The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

### **600.7 COMPUTERS AND DIGITAL EVIDENCE**

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

### **600.8 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES**

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and

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civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the Internet should not be archived or stored in any manner other than department-established record keeping systems.

### **600.8.1 ACCESS RESTRICTIONS**

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

### **600.8.2 INTERCEPTING ELECTRONIC COMMUNICATION**

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

### **600.9 MODIFICATION OF CHARGES FILED**

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Division Commander or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

## Adult Sex Crime Investigations

### 601.1 PURPOSE

This policy provides members with guidelines for adult sex crime investigations.

### 601.2 SEX CRIMES

- Sexually motivated crimes include but are not limited to rape (*male and female*), sexual abuse and exploitation of a vulnerable adult, infamous crime against nature, forcible sexual penetration by use of a foreign object, indecent exposure, video voyeurism, window peeping, and prostitution.
- Patrol Officers responding to a sexually motivated crime shall notify an on duty Patrol Supervisor.

### 601.3 SEXUAL BATTERY AND RAPE

- If the suspect and victim live together, determine if a Detective will respond and/or if a forensic medical examination is needed.
- If a forensic medical exam is required, all sexual assault kits collected during the exam shall be processed for DNA evidence, unless otherwise specified by an Investigations Supervisor.
- If a medical examination is not required, and a Detective does not respond, complete the initial report. Follow up by a Detective will occur at a later time.
- Do not place sex crime reports on "hold."

### 601.4 VICTIMS OVER 18 YEARS OF AGE

- Attend to the victim's immediate medical needs.
- Establish the elements of the crime, location of any potential scene and any suspect information.
- Interview the reporting party, in person when practicable, away from the victim and the suspect to establish (1) facts of reported crime, (2) determine if the victim is in imminent danger, and (3) determine if medical attention if necessary.
- Determine if it is immediately necessary to contact the suspect. Take into account if the victim knows the suspect or is still in danger.
- Officers **shall not** make the suspect aware of the investigation without consultation with a Detective or Detective Supervisor and officers **shall not** interview the suspect unless the the suspect is present and aware of the investigations (*i.e. spontaneous statements*).

# Juvenile Sex Crime Investigations

## 602.1 PURPOSE

This policy provides members with guidelines for investigating sexual offenses involving juveniles.

## 602.2 SEX CRIMES

Sexually motivated crimes include but are not limited to rape, lewd conduct of a minor child under 16 years of age, sexual battery of a minor child 16/17 years of age, sexual abuse of child under the age of 16 years, and sexual exploitation of a child.

## 602.3 VICTIMS UNDER 18 YEARS OF AGE

Patrol Officers responding to a sex crime involving a victim under the age of 18 shall do the following:

- Establish the elements of the crime and jurisdiction.
- Interview and record the reporting party in person when practicable.
- Interview the reporting party (RP) away from the victim to establish:
  - Facts of reported crime.
  - Determine if the child is in imminent danger (*i.e.*: "in-home" case.)
  - If medical attention is necessary.

## 602.4 CHILD SEXUAL ABUSE

- Patrol Officers will contact a shift supervisor or shift commander.
- Patrol Supervisors will contact an Investigations Supervisor. After normal business hours, patrol supervisors shall call the Investigations "On Call Supervisor."
- If a medical examination is not required, and a Detective does not respond, complete the initial report. Follow up by a Sex Crimes Detective will occur at a later time.
- **Do not place sex crime reports on hold. These reports shall be completed prior to the end of shift.**
- Patrol officers **shall not**:
  - Interview a victim under 18 years without approval from a Patrol Supervisor.
  - Make the suspect aware of the investigation without consultation of a Patrol Supervisor.
  - Interview the suspect unless the suspect is present and aware of investigation (*i.e.*: *spontaneous statements*)

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**The intent is to obtain the minimum information needed for probable cause while minimizing the trauma to the victim.**

- Medical examinations of molestation victims:
- If the molestation has resulted in acute injury (*i.e.: tears, bleeding, lacerations, bruises, etc.*) then have a medical examination completed as soon as possible with consultation of the Detective Division.
- If the molestation did not result in acute trauma, or the molestation has occurred over 5 business days prior to the report, then the assigned Sex Crimes Detective will determine the need for and scheduling of a medical examination.
- All sexual assault kits collected during a forensic medical exam shall be processed for DNA evidence.

### **602.5 INTERVIEWS OF CHILD VICTIMS**

Absent extenuating circumstances, Interviews of child victims should only be conducted by trained child forensic interviewers.

## Asset Forfeiture

### 603.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture, and liquidation of property associated with designated offenses.

#### 603.1.1 DEFINITIONS

Definitions related to this policy include

**Fiscal agent** - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Coeur d'Alene Police Department seizes property for forfeiture or when the Coeur d'Alene Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

**Forfeiture** - The process by which legal ownership of an asset is transferred to a government or other authority.

**Forfeiture reviewer** - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

**Property subject to forfeiture** - Includes but may not be limited to the following:

- (a) Non-real property that may generally be subject to civil forfeiture under the Uniform Controlled Substance Act (Idaho Code 37-2744) includes:
  - 1. Property used, or intended for use, as a container for property used in the commission of an act prohibited by Idaho Code 37-2732B (trafficking), Idaho Code 38-2732(a) or (b) (prohibited acts), or Idaho Code 37-2737A (manufacture or delivery of controlled substance where children are present).
  - 2. A conveyance used, or intended for use, to transport or to in any way facilitate the transportation, delivery, receipt, or manufacture of substances prohibited by Idaho Code 37-2732B, Idaho Code 38-2732(a) or (b), or Idaho Code 37-2737A.
  - 3. Money, currency, negotiable instruments, securities, or other items easily liquidated for cash which have been used or are intended for use in connection with the illegal manufacture, distribution, dispensing, or possession of property described in Idaho Code 37-2744(a)(6).
  - 4. All weapons or firearms used in any manner to facilitate a violation of the Uniform Controlled Substance Act (Idaho Code Title 37, Chapter 27).
- (b) Real property may be subject to civil forfeiture under the Uniform Controlled Substance Act when (Idaho Code 37-2744A):
  - 1. Either the property or interest in a property is used to commit or to facilitate a violation of the Uniform Controlled Substance Act (Idaho Code Title 37, Chapter 27).

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2. The offense is punishable by more than one year of imprisonment.
- (c) Real property, personal property, or money may be subject to criminal forfeiture by order of a court upon a controlled substance conviction (Idaho Code 37-2801; Idaho Code 37-2802).
- (d) Real property, personal property, or money may be subject to criminal forfeiture by order of a court upon a prostitution conviction (Idaho Code 18-5612; Idaho Code 18-5618).

**Seizure** -The act of law enforcement officials taking property, cash, or assets that have been used in connection with or acquired by specified illegal activities.

### 603.2 POLICY

The Coeur d'Alene Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Coeur d'Alene Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

### 603.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

#### 603.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer (Idaho Code 37-2744):

- (a) Any property ordered to be seized by a search warrant or court order.
- (b) Property subject to civil forfeiture may be seized by an officer without a court order if one or more of these circumstances exist (Idaho Code 37-2744):
  1. The seizure is incident to an arrest, execution of a search warrant, or during an inspection under an administrative inspection warrant.
  2. Probable cause exists to believe that the property is directly or indirectly dangerous to health or safety.
  3. Probable cause exists to believe that the property was used or is intended to be used in violation of the Uniform Controlled Substance Act (Idaho Code Title 37, Chapter 27).
- (c) Property subject to criminal forfeiture may be seized without a court order or search warrant if the property is subject to lawful seizure as evidence of a crime.

Whenever practicable, obtaining a search warrant or court order for seizure prior to making a seizure is the preferred method.

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The mere presence or possession of U.S. currency, without other indications of criminal activity, is insufficient cause for seizure (Idaho Code 37-2744).

### 603.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the Idaho State Police or the prosecuting attorney's current minimum forfeiture thresholds should not be seized.
- (b) Property, vehicles or other items (listed in the code) from an "innocent owner" (an owner who did not consent to, or have knowledge of, the offense) (Idaho Code 37-2744).

### 603.3.3 SEIZED VEHICLES

The seized property inventory shall be a detailed, written inventory that identifies each piece of property seized, including but not limited to, identifying marks, serial numbers, vehicle identification numbers, or legal descriptions and street address, where the item was located at time of seizure, and the person(s) believed to be in possession and/or control of the property at the time of the seizure.

The seizing member shall place real property under seal and may place personal property under seal, or take custody of the personal property and remove it to an appropriate location for disposition.

The seizing member shall deliver a receipt of the inventory to the person from whom the property was taken, or in whose possession it was found, or in the absence of any person, the member must leave the inventory/receipt at the place where law enforcement seized the property. In addition, each receipt shall identify the Coeur d'Alene Police Department as the seizing agency.

The Fiscal Agent shall review all reports related to the seized property and ensure that any needed supplemental reports are timely and promptly completed to provide the appropriate information detailing the basis for the seizure and listing what was seized and how the seizure ties the property to the alleged violation of the UCSA (Title 37, Idaho Code).

### **603.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS**

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

- (a) Complete the applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.



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- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry, and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

### **603.5 MAINTAINING SEIZED PROPERTY**

The Property and Evidence Office is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

### **603.6 SEIZED PROPERTY TRANSFER**

Pending final disposition of any forfeiture action, the department will facilitate the written request for transfer of seized personal property to any State, Federal or County Prosecuting Attorney Office as evidence in any criminal or civil forfeiture action.

### **603.7 ASSET FORFEITURE LOG**

The Assets Forfeiture Log shall be an inventory of all asset forfeiture cases and shall be kept in by the Forfeiture Reviewer.

The Assets Forfeiture Log shall include:

- Case number.
- Date of Seizure.
- Type of seizure (state or federal) and personal property or real property.
- Itemized presumptive value of seized property.
- Current status of the forfeiture action.

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The Asset Forfeiture Log will be provided to the Chief of Police or other authorized department members as requested.

### **603.8 EXPENDITURE REPORT AND PROPERTY CONDITION REPORT**

The Fiscal Agent shall maintain:

- (a) A detailed Property Condition Report listing and documenting the property condition of all property when seized, any repairs, maintenance and other necessary work in connection with preserving the property to case disposition.
- (b) An Expenditure Report for all expenditures made or incurred by the department in connection with the forfeiture proceedings including, but not limited to, any necessary repairs or maintenance of the property, storage, transportation of the conveyance, and expenditures for witness fees, reporters' fees, transcripts, printing, publication, travel, investigation, title company fees, insurance premiums, and recording costs pending final disposition.

### **603.9 PROCEEDS FROM FORFEITURE**

If more than one law enforcement agency has an interest in any potential forfeited personal property or real property, a memorandum of understanding shall be executed by the interested law enforcement agencies listing their respective equitable share/ percentage of interest in the investigation which shall be the percentage interest in net proceeds of any actual dollar value derived from the forfeiture action.

Seized assets and asset accounts shall be subject to standard accounting controls and annual financial audits.

Net proceeds from any forfeiture shall be kept in the appropriate Task Force account.

### **603.10 FORFEITURE REVIEWER**

The Chief of Police will appoint an officer as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly the civil forfeiture statutes (Idaho Code 37-2744 et seq.) and criminal forfeiture statutes (Idaho Code 37-2801 et seq.; Idaho Code 18-5612 et seq.), and the forfeiture policies of the Idaho State Police as well as both the state and local prosecutors.
- (b) Serving as the liaison between the Department and the Idaho State Police and the [District/County Attorney] and ensuring prompt legal review of all seizures.

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- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing, and tracking forfeitures.
- (d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form, and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:
  - 1. Names and contact information for all relevant persons and law enforcement officers involved.
  - 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
  - 3. A space for the signature of the person from whom cash or property is being seized.
  - 4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure, and a detailed description of the items seized.
- (g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs), or Departmental Directives. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
  - 1. Written documentation of the seizure and the items seized is in the case file.
  - 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
  - 3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property.
  - 4. Property is promptly released to those entitled to its return.
  - 5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
  - 6. Any cash received is deposited with the fiscal agent.
  - 7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.

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8. Current minimum forfeiture thresholds are communicated appropriately to officers.
9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
  - (i) Ensuring that a written plan is available that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
  - (j) Ensuring that the Department disposes of property as provided by law following any forfeiture.
  - (k) Final inventories and disposition records are prepared and sent to the Director of the Idaho State Police when applicable (Idaho Code 18-5619).
  - (l) Filing the annual report of seizures and forfeitures required by Idaho Code 37-2744(j) with the [District/County Attorney] on a form prescribed by the Idaho State Police.

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives.

### **603.11 DISPOSITION OF FORFEITED PROPERTY**

With judicial approval, the department may retain for official use seized property that is suited for law enforcement use (Idaho Code 37-2744(e)).

The forfeiture reviewer should maintain accurate records of department costs, to be used in the disposition of forfeited proceeds in the event agency reimbursement is ordered (Idaho Code 37-2744A).

### **603.12 NOTIFICATION TO THE DIRECTOR OF IDAHO STATE POLICE**

An officer who seizes property under the authority of Idaho Code 37-2744 or Idaho Code 37-2801, in coordination with the forfeiture reviewer, shall ensure the Director of the Idaho State Police is notified of the seizure and provided with an inventory within five days (Idaho Code 37-2744; Idaho Code 37-2803; Idaho Code 18-5619).

## Informants

### 604.1 PURPOSE AND SCOPE

In many instances, a successful investigation cannot be conducted without the use of confidential reliable informants. To protect the integrity of the department and the members using informants, it shall be the policy of this department to take appropriate precautions by developing sound informant policies.

#### 604.1.1 DEFINITIONS

Definitions related to this policy include:

**Informant** - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Coeur d'Alene Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Coeur d'Alene Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

### 604.2 INFORMANT FILE SYSTEM

The CAT Lieutenant or his designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

#### 604.2.1 FILE SYSTEM PROCEDURE

Each file shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and include the following information:

- (a) Informant's name and/or aliases.
- (b) Date of birth.
- (c) Physical description: height, weight, hair color, eye color, race, sex, scars, tattoos or other distinguishing features.
- (d) Current home address and telephone numbers.
- (e) Current employer(s), position, address(es) and telephone numbers.
- (f) Vehicles owned and registration information.
- (g) Informant's photograph.
- (h) His or her subsequent reliability. If an informant is determined to be unreliable, the informant's file is marked as "Unreliable".
- (i) Name of officer initiating use of the informant.
- (j) Signed informant agreement.
- (k) Update on active or inactive status of informant.

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The informant files shall be maintained in a secure area approved by the Division Commander. These files shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant, and minimize incidents that could be used to question the integrity of detectives or the reliability of the confidential informant.

Access to the informant files shall be restricted to the Chief of Police, a Division Commander, the CAT Lieutenant or Sergeant and Investigation Lieutenant or Sergeant, and/or their designees.

### **604.3 USE OF INFORMANTS**

Before using an individual as a confidential informant, a member must receive approval from either the CAT Sergeant or the Investigations Sergeant. The member shall compile sufficient information through a background investigation in order to determine the reliability, credibility and suitability, of the individual, including age, maturity and risk of physical harm.

#### **604.3.1 JUVENILE INFORMANTS**

The use of juvenile informants under the age of 13-years is prohibited.

### **604.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS**

All confidential informants are required to sign and abide by the provisions of this department's "Informant Agreement". The member using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

#### **604.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS**

No member of the Coeur d'Alene Police Department shall knowingly maintain a social relationship with a confidential informant while off duty, or otherwise become intimately involved with a confidential informant. Members shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain member/informant integrity, the following must be adhered to:

- (a) Members shall not withhold the identity of an informant from their superiors.
- (b) Identities of informants shall otherwise be kept confidential, except for the disclosure to Prosecuting Attorney's and/or other law enforcement entities to assist in the use of the confidential informant or to assist in other investigations or prosecutions.
- (c) Criminal activity by informants shall not be condoned.
- (d) The relationship between members and informants shall always be ethical and professional.
- (e) Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of the appropriate supervisor.
- (f) In all instances when this department provides payment to informants, a voucher shall be completed in advance, itemizing the expenses.

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- (g) Meetings with an informant of the opposite sex must always be witnessed by another member.
- (h) Payments to an informant must be witnessed.

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# Polygraph

## 605.1 PURPOSE AND SCOPE

The polygraph examination is a valuable investigative aid as used in conjunction with, but not as a substitute for, a thorough investigation.

The examination may be used to:

- Verify, corroborate or refute statements;
- Obtain additional investigative leads;
- Narrow or focus criminal investigations;
- Serve to screen candidates for positions with this or other criminal justice agencies; and
- Assist in the conduct of administrative investigations, among other authorized purposes.

### 605.1.1 DEFINITIONS

The polygraph is an instrument that records certain physiological changes in a person undergoing questioning in an effort to obtain truth or deception. A polygraph simultaneously records a minimum of respiratory activity, galvanic skin resistance or conductivity, and cardiovascular activity.

### 605.1.2 PROCEDURES

- (a) Requesting Polygraph Examinations
  1. Following approval by their immediate supervisor, sworn members may request a polygraph examination be administered.
- (b) Examinations may be authorized when consistent with policy and state law. Situations in which authorization may be requested and approved include, but may not be limited to:
  1. Requests from the prosecutor as part of an agreement with the defense attorney or for other investigative purposes;
  2. An element of a background investigation of an applicant for a sworn or non-sworn position in this department;
  3. Requests from other authorized criminal justice agencies;
  4. Attempts to verify or reconcile statements of parents or guardians (*i.e. in suspicious cases of missing or abused children*) as well as witnesses or other individuals when alternative investigative means have been exhausted;



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5. Efforts to confirm or refute an allegation(s) that cannot be verified or disproved by other evidence;
  6. Efforts to establish probable cause to seek a search warrant; or as part of an administrative or criminal investigation of any member of this department or another criminal justice agency consistent with this policy.
- (c) The polygraph should not be used to verify a victim's allegation without sufficient grounds for suspecting that the victim has given false or misleading statements.
- (d) Requests for examinations from another law enforcement agency pursuant to an internal investigation must be in writing and be approved by the Chief of Police or his designee.
- (e) Submission to an examination must be a voluntary action with the exception of department members formally directed to take an examination as part of an administrative investigation. In all other cases, examinations shall not be administered without the subject's written approval, waiver or other instrument as required by law.

### 605.1.3 PREPARATION FOR POLYGRAPH EXAMINATION

- (a) The requesting member is responsible for providing the examiner with all pertinent information concerning the case, or any other information the examiner may deem necessary. This includes, but is not limited to:
1. Information obtained in the investigation that supports and justifies the use of the polygraph;
  2. Copies of reports;
  3. Evidence available and withheld from the subject;
  4. Background information on the subject to be examined, to include criminal record and possible motivation;
  5. Any statements made by the subject, complainants and witnesses, to include alibis; and
  6. Newspaper articles or other general information concerning the investigation.
- (b) If the subject is hearing impaired or does not speak English, the member will help make arrangements for a sign language interpreter or translator as determined by the examiner.
- (c) Members shall not interrogate a subject just prior to a polygraph being administered.
- (d) In any interrogation of a subject who has agreed or who may reasonably be asked to take a polygraph examination, members shall not pursue questions that may reveal information only the perpetrator could know. This includes, but is not limited to:

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1. Method of entry;
  2. Property taken;
  3. Weapons or type of force used to commit the crime;
  4. Evidence left at the scene;
  5. Clothing worn by the suspect during the crime;
  6. Unusual acts of the suspect during the crime; or
  7. Location from which property was taken.
- (e) Members shall not attempt to explain procedures that will be used in the examination but shall advise the subject that these will be fully explained by the examiner. Subjects may be advised the following:
1. The examination is voluntary, unless it is part of an administrative investigation;
  2. Results of the examination are not acceptable in a court of law unless all parties agree in advance;
  3. Results of the examination, taken alone, do not provide substantiation for a criminal charge.
- (f) Should the subject be late for or cancel the appointment, the requesting member shall immediately notify the examiner.
- (g) If possible, the requesting member shall report with the subject and any other authorized persons - such as attorneys, parents or legal guardians - to the examination location. The examiner shall be solely responsible for authorizing any persons inside the examination or observation rooms.

### 605.1.4 CONDUCTING POLYGRAPH EXAMINATIONS

- (a) Only fully trained polygraphists are authorized to administer examinations.
- (b) The examiner shall make inquiries about the subject's health, medical history and/or use of medication as necessary to determine their ability to take the examination. Examinations shall not be administered to any person whom the examiner reasonably believes to be physically or emotionally unsuitable for testing. This may include, but is not limited to, subjects with heart conditions, women who are pregnant and individuals taking certain types of medication that may interfere with test results. When in doubt, the examiner may seek guidance from medical or psychological professionals as authorized by this department, and/or request the subject to obtain a medical certificate from an appropriate health care provider.
- (c) An examiner shall not conduct an examination on a subject if it is believed for any reason that an unbiased examination can not be given.

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- (d) Where appropriate, the examiner shall read the subject his Miranda rights and explain the voluntary nature of the exam. Where required, the examiner shall obtain a signed consent prior to administering the exam, as well as a signed waiver of Miranda rights.
- (e) An examination shall cease immediately if requested by the subject.
- (f) Prior to the exam, the examiner shall explain the procedure and prepare the subject for the examination.
- (g) The examiner shall be responsible for preparing all questions. Prior to the exam, each question will be reviewed with the subject.
- (h) The examiner shall independently interpret the chart tracings and render an opinion on findings that includes, but is not limited to, one of the following conclusions:
  - 1. No Deception Indicated
  - 2. Deception Indicated
  - 3. No Opinion
- (i) The examiner shall determine if any additional examination is necessary and appropriate.

### 605.1.5 PRE-EMPLOYMENT POLYGRAPH EXAMINATION

- (a) Prior to conducting the examination, the examiner shall review all relevant applicant-screening reports, applicant personal history summaries and any prior polygraph examination reports prepared by members of this department.
- (b) Pre-employment examinations shall be scheduled by authorized members.
- (c) Examinations shall not be used as the sole determination as to whether or not the applicant is suitable for employment.
- (d) Applicants shall be provided a list of questions that may be used in the examination.

### 605.1.6 EQUIPMENT AND RECORD KEEPING

The polygrapher is responsible for the following maintenance and record keeping requirements:

- (a) Maintenance, safekeeping and integrity of the polygraph equipment;
- (b) Providing summary activity or statistical reports as directed by the Chief of Police or his designee;
- (c) Unless otherwise dictated by policy or law, maintain copies of each polygraph report, charts and associate documents for a period of five years and indefinitely for capital offenses;
- (d) Maintain copies of calibration charts and/or maintenance logs at the instruments location or with case files;

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- (e) Ensure polygraph instruments used are commercially manufactured and have no fewer than three functioning recording channels.

### 605.1.7 EXAMINATION ROOM AND EXAMINER APPEARANCE

- (a) Interviews and examinations shall be conducted in a clean and neat environment, free of audible and visual distractions;
- (b) Examiners will be neat and well groomed, and will dress in a manner consistent with Policy Manual §1021 Personal Appearance Standards.
- (c) Duty uniforms, badges and other emblems of authority shall not be worn. This does not include department identification cards, when required;
- (d) Duty weapons may be worn if required but should not be openly displayed.

### 605.1.8 PROFESSIONAL DEVELOPMENT

Polygraphists are encouraged to participate in career development opportunities and are required to attend professionally recognized annual in-service training.

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## Eyewitness Identification

### 606.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

#### 606.1.1 DEFINITIONS

Definitions related to the policy include:

**Eyewitness identification process** - Any field identification or photographic identification.

**Field identification** - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

**Photographic lineup** - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

### 606.2 POLICY

The Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

### 606.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

### 606.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigations Division supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.

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- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

The process and related forms should be reviewed at least annually and modified when necessary.

### **606.5 EYEWITNESS IDENTIFICATION**

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

### **606.6 DOCUMENTATION**

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

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### **606.7 PHOTOGRAPHIC LINEUP CONSIDERATIONS**

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup to a witness should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

### **606.8 FIELD IDENTIFICATION CONSIDERATIONS**

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo lineup identification. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
  - 1. The length of time the witness observed the suspect.
  - 2. The distance between the witness and the suspect.
  - 3. Whether the witness could view the suspect's face.
  - 4. The quality of the lighting when the suspect was observed by the witness.
  - 5. Whether there were distracting noises or activity during the observation.
  - 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
  - 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.

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- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
- (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

Members should not allow a witness to view a booking photograph or drivers license photograph obtained via an MDC or other department computer to identify or eliminate a suspect unless exigent circumstances otherwise dictate. If it is deemed necessary to try and obtain an eyewitness identification by showing a photograph via an MDC, the member shall document why a photographic lineup or field identification was not used.



## Juvenile Investigations

### 607.1 PURPOSE AND SCOPE

A goal of the department is to reduce crime and delinquency among youths and to provide a safe and secure atmosphere at schools. A School Resource Officer (SRO) program has been established to assist with this goal.

#### 607.1.1 FUNCTION

In collaboration with the local school district, community and other agencies, the department will identify concerns and implement solutions through pro-active community based programs and juvenile crime prevention techniques.

#### 607.1.2 SCHOOL RESOURCE OFFICER MEMBERS

School Resource Officers are comprised of experienced sworn members who are training in crime prevention, public speaking, community policing, and community juvenile programs. These members work out of offices located in select schools within our jurisdiction to provide a proactive strategy to crime prevention, prevention of juvenile victimization, and to provide a secure and orderly learning environment for students, teachers and staff.

The SRO functions are, but not limited to:

- Investigating juvenile crimes.
- Counseling students.
- Counseling parents.
- Liaison between the school district and law enforcement.
- Guest speaker/teacher.
- Developing a positive rapport with students.

# Unmanned Aerial System (UAS) Operations

## 608.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

### 608.1.1 DEFINITIONS

Definitions related to this policy include:

**Unmanned Aerial System (UAS)** - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means. For purposes of this policy, a UAS includes a drone and remotely piloted vehicle or aircraft as provided in Idaho Code 21-213.

## 608.2 POLICY

Unmanned aerial systems may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

## 608.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

## 608.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.

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- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.
- Coordinating training for all authorized operators and required observers on the limitations of UAS use contained in Idaho Code 21-213.

### **608.5 USE OF UAS**

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted during daylight hours and a UAS should not be flown over populated areas without FAA approval.

Operators shall not surveil, photograph, or record targeted people or specific privately owned land, commercial or industrial properties, residences, or any other privately-owned buildings without the written consent of the owner or a warrant. Operators may use a UAS for the following purposes so long as a person's reasonable expectation of privacy is not violated (Idaho Code 21-213):

- (a) Traffic accident documentation or reconstruction

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- (b) Crowd or traffic management of an event by monitoring public streets and intersections leading to and from a sports or entertainment arena, fairgrounds, stadium, convention hall, special event center, amusement facility, outdoor concert venue, plaza, or special event area
- (c) Assessing damage due from a natural disaster or fire
- (d) For training, so long as the operation does not otherwise violate this policy or privacy rights
- (e) To assist in search and rescue operations
- (f) Investigating crime scenes
- (g) Temporary use to emergencies involving an imminent threat to lives or property
- (h) Responding to an emergency affecting public safety

### **608.6 PROHIBITED USE**

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.
- As the sole basis of a traffic infraction citation (Idaho Code 21-213).

The UAS shall not be weaponized.

### **608.7 RETENTION OF UAS DATA**

Data collected by the UAS shall be retained as provided in the established records retention schedule.

# Sexual Assault Investigations

## 609.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

### 609.1.1 DEFINITIONS

Definitions related to this policy include:

**Sexual assault** - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in Idaho Code 18-6101 et seq.; Idaho Code 18-6608 and sexual offenses in Title 18, Chapter 15 of the Idaho Code.

**Sexual Assault Response Team (SART)** - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

## 609.2 POLICY

It is the policy of the Coeur d'Alene Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

## 609.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.

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### **609.4 REPORTING**

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

### **609.5 RELEASING INFORMATION TO THE PUBLIC**

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. A detectives supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

### **609.6 TRAINING**

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
  - 1. Initial response to sexual assaults.
  - 2. Legal issues.
  - 3. Victim advocacy.
  - 4. Victim's response to trauma.
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
  - 1. Interviewing sexual assault victims.
  - 2. SART.
  - 3. Medical and legal aspects of sexual assault investigations.
  - 4. Serial crimes investigations.
  - 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
  - 6. Techniques for communicating with victims to minimize trauma.

### **609.7 VICTIM INTERVIEWS**

The primary considerations in sexual assault investigations, which begin with the initial call to Central Dispatch, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, an appropriate member of the SART should be included in the initial victim interviews.

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An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in a report.

Victims should not be asked or required to take a polygraph examination (34 USC § 10449).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

### **609.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE**

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

#### **609.8.1 COLLECTION AND TESTING REQUIREMENTS**

Investigating members shall facilitate the collection of a sexual assault evidence kit or sexual assault evidence, including evidence from an entity that has performed a medical examination of a sexual assault victim (Idaho Code 67-2919).

If the Coeur d'Alene Police Department obtains evidence related to a sexual assault that occurred in another jurisdiction, that agency should be notified as soon as reasonably practical, but no later than seven days for purposes of retrieving the evidence. When this department is notified by another agency that they are holding evidence related to the Coeur d'Alene Police Department case, an investigating member should obtain the evidence no later than seven days after notification (Idaho Code 67-2919).

When the crime of sexual assault is alleged and the allegation has not been determined to be unfounded, sexual assault evidence kits, along with required reference samples, shall be submitted to the Idaho State Police Forensic Services Laboratory for testing as soon as reasonably practical, but no later than 30 days after obtaining the evidence unless (Idaho Code 67-2919):

- (a) The victim requests the kit be collected as an anonymous kit.

A decision not to forward a sexual assault kit to a lab, with the exception of an anonymous kit, must be independently reviewed by the county prosecutor's office (Idaho Code 67-2919).

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Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Office Policy.

### **609.8.2 DNA TEST RESULTS**

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable. Investigating members should work with the victim liaison as provided in the Victim and Witness Assistance Policy.

Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

### **609.9 DISPOSITION OF CASES**

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Detective supervisor.

Classification of a sexual assault case as unfounded requires the Detective supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

### **609.10 CASE REVIEW**

The Detective supervisor should ensure cases are reviewed on a periodic basis using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.



## Funds Control

### 610.1 PURPOSE

This order provides guidelines for Coeur d'Alene Police Department (CPD) personnel in the handling of special unit funds. Where conflict may exist between this protocol and other Department orders, this protocol shall take precedence.

### 610.2 GENERAL GUIDELINES

#### Special Funds

Special funds are those funds budgeted to the Patrol Division or Investigations Division to be used for the following purposes:

- Purchase of evidence (for example drugs, property, etc.).
- Reliability buys.
- Confidential Reliable Informant (CRI) payments or payments made for the benefit of a CRI (with prior supervisor approval).
- Court ordered pen registers and trap and traces for complex investigations. Appropriate chain of command approval is required for these expenditures.
- Meal charges incurred when meeting with a suspect or when providing cover for another detective at a restaurant (reasonable charges are allowed with prior supervisor approval).
- Miscellaneous expenses (i.e.: investigative supplies, emergency travel, etc.). Emergency travel is any investigative travel which demands immediate action and when City Finance is closed or unable to timely process the travel request. Emergency travel includes the costs of fuel, lodging, meal expenses, and any other travel appropriate expense.
- "Flash" purposes.
- Any other expenditure(s) shall be authorized by a Lieutenant and or the Division Commander.

Special unit funds are not to be used for personal use, purchasing equipment, attending training, travel to meetings, or meals incurred when not in the presence of the suspect or on investigative travel.

- All special unit fund systems are under the control and supervision of the Chief of Police or designee. The Chief of Police or designee appoints fund custodians, those members having safe combinations. Those members will include the Division Commander, CAT Sergeant, Patrol Lieutenant, and Investigation supervisors.
- The CAT Sergeant shall maintain the safe with the appropriate allotment of funds and shall be responsible for requesting additional funds when needed.

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### **Fund Receipts/ Disbursements**

- Two individuals must be present at all times when a safe is open.
- At no time is a custodian to issue funds to himself / herself.
- When monies are disbursed from or returned to the safe, the Safe Journal will be properly completed documenting the transaction.
- Both the person receiving the funds and disbursing the funds shall initial and record their ID number in this journal documenting the transaction.
- The Patrol Division Commander or his designee is responsible for maintaining correct entries in the Safe Journal.
- All check stubs from the replenishing of each safe are to be forwarded to the Division Commander, CAT Lieutenant, and the Chief of Police's assistant for reconciliation and filing.

### **Expense Report Buy Sheet**

#### Funds:

- Any employee who receives funds from the safe or is given funds from another member is responsible for preparing the Expense Report Buy Sheet. Each buy sheet will show a balance forward from the previous month and any advancement during the month, including money transfers.
- Any employee member transferring funds shall have the employee receiving those funds initial his buy sheet. This is done to verify the transfer amount and date. It is the responsibility of the employee surrendering the funds to obtain this verification.
- Receipt of funds is to be entered immediately on an employee's buy sheet. Expenditure of funds is to be legibly entered and documented on an employee's buy sheet no longer than one (1) day after disbursement.

#### Expenditures:

- Expenditures will be listed in the following categories - Food, Bars, Confidential Informant Payments, Drugs, Property, and Other Disbursements. Receipts are required when an expenditure occurs and the safety and / or identity of the employee are not in jeopardy.
- Expenditures where receipts are not practical should be approved by the Patrol Division Commander or the Investigations Division Commander or their designee.
- Documentation of food purchases are to include who the food was purchased for, where the food was purchased, and whether the employee was in the presence of a suspect or providing cover.
- Documentation of payments made to or on behalf of a confidential informant shall include:
  - The informant's CRI number.

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- The amount and purpose of the payment.
- A description of any information or material obtained.
- A reference to any corresponding or related report number.
- Documentation for expenditures for the purchase of drugs shall include the type and quantity of narcotic/dangerous drugs purchased and report #. Also indicate on the buy sheet any buy funds that were recovered and placed into evidence.
- All expenditures entered under the classification of "Other" shall include supporting legible explanations on the back of the buy sheet in the "Comments" section.

### **Buy Sheet Submission Procedures**

- Any employee who carries buy money authorized by the Division Commander is responsible to account for expenditures and cash on hand. Buy Sheets will be maintained on a monthly basis and shall be turned in to the employee's Sergeant at month end.
- An employee's supervisor shall initial along with their ID number the lower right corner of the form indicating the supervisor verified the end of the month cash balance.
  - The Sergeant will then submit the reviewed buy sheets to the Patrol Lieutenant no later than the third business day of the following month for review.
  - The Patrol Lieutenant shall review and initial along with their ID number the lower right corner of the form and forward the original form to the Division Commander within 5 business days following month end.

The supervisor's initials and ID number must appear on all expense reports or they will be returned to the submitting employee.

### **Return of Funds**

- All buy funds shall be returned and signed back into the safe whenever a member is absent for the following reasons:
  - On leave, such as vacation, or illness for a period of ten or more days.
  - Transferred to another unit.
  - Placed on leave and/or suspension.
- If for some reason the member is unable to comply (sickness or injury), then that member's supervisor shall contact the member and collect the monies.

### **Funds Lost or Stolen**

- Any buy funds that become lost, misplaced, or are stolen shall be reported immediately to the Member's Sergeant, Lieutenant and Division Commander.
- Stolen and/or lost money shall be reported on a Departmental report.
- Lost or misplaced monies may result in disciplinary action.

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## *Funds Control*

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### **Audits**

#### Random Audits:

- The safe and or employee is subject to periodic, random audits to verify the cash on hand balance and that the journal is up to date.

#### City Audits:

- Special unit issued funds are subject to audit by City Finance.

### **Training**

- A copy of this protocol is provided to all employees receiving City funds from a safe or is transferred money from another employee.
- All employees receiving City funds shall sign a form indicating receipt and an understanding of these controls prior to being issued any funds.

### **Monthly Status Report**

- The CAT Lieutenant is responsible for producing a detailed monthly report for the Office of the Chief.
- The report is intended to show a reconciliation of the buy funds located in the safe as well as a summary of each detective's monthly activity.
- The report will cover the beginning of month cash balance, cash received from or returned to safes, transfers made, accumulated expenditures, and the end of month cash balance.
- The report shall also identify violations of fund control protocols.
- Copies of the report are also provided to each affected Division Commander.

### **Physical Cash Counts**

- A safe count will be performed by the CAT Sergeant, Patrol Lieutenant and or Division Commander at least one time every sixty days throughout the calendar year. A written report will be submitted to the Division Commander and Chief of Police.

# Operations Planning and Deconfliction

## 611.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction, and execution of high-risk operations and low risk events that are large in scope.

### 611.1.1 DEFINITIONS

Definitions to this policy include:

**High-risk operations** - Operations, including service of search warrants, arrest warrants, and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis. These include suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation. High risk operations may also include operations that assume a higher degree of liability, are politically charged, or operations that have a high "cost of failure."

**Low-risk operations** - Operations that are handled routinely that do not have any credible threat to officers or members of the public. Large scale low-risk operations should generally be handled using Incident Command (ICS/NIMS) protocol.

## 611.2 POLICY

It is the policy of the Coeur d'Alene Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations, and prevent duplicating efforts.

## 611.3 OPERATIONS DIRECTOR

The Operations Director will review operation plans with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The Director will also have the responsibility for coordinating operations that are categorized as high risk. The Lieutenant over the affected unit will serve as the Operations Director unless the responsibility is assigned to another person by the Chief or his designee. The Operations Director is responsible for reviewing or completing the operations plan and ensuring the plan has been reviewed by at least one supervisor of greater rank than the person completing the operations plan.

## 611.4 RISK ASSESSMENT

### 611.4.1 OPERATION PLAN PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete an operations plan.

When preparing the plan, the officer may query all relevant and reasonably available intelligence resources for information about the subject of the investigation, others who may be present, and the involved location. These sources may include regional intelligence and criminal justice

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## *Operations Planning and Deconfliction*

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databases, target deconfliction systems, firearm records, commercial databases, and property records. Where appropriate, the officer should also submit information to these resources.

The officer may gather available information that includes, but is not limited to:

- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards, and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and daycare centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that minimize risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).
- (i) Physical surveillance.

### 611.4.2 RISK ASSESSMENT REVIEW

Officers will present the operations plan and other relevant documents (such as copies of search warrants, affidavits, and arrest warrants) to their supervisor and the Operations Director.

The supervisor and the Operations Director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

### 611.4.3 HIGH-RISK OPERATIONS

If the Operations Director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate resources:

1. SWAT

## *Operations Planning and Deconfliction*

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2. Additional personnel
3. Outside agency assistance
4. Special equipment
5. Medical personnel
6. Persons trained in negotiations
7. Additional surveillance
8. Canines
9. Property section or analytical personnel to assist with cataloguing seizure
10. Forensic specialists
11. Specialized mapping for larger or complex locations

(b) Contact the appropriate department members or other agencies as warranted to begin preparation.

(c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.

(d) Coordinate the operation.

### **611.5 DECONFLICTION**

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups, or locations.

The officer who is the operations lead shall ensure the subject of the investigation and operations information have been entered in an applicable deconfliction system (RISSafe) to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

### **611.6 OPERATIONS PLAN**

The Operations Director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address the following issues as necessary:

- (a) Operation goals, objectives, and strategies.

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(b) Operation location and people:

1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals, or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams, and other visual aids
3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties, children, and animals

(c) Information from the risk assessment form by attaching a completed copy in the operational plan.

1. The volume or complexity of the operation may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information

(d) Participants and their roles.

1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation
2. How all participants will be identified as law enforcement

(e) Whether deconfliction submissions are current and all involved individuals, groups, and locations have been deconflicted to the extent reasonably practicable.

(f) Identification of all communications channels and call-signs.

(g) Use of force issues.

(h) Contingencies for handling emergencies (e.g., services available at the location, closest hospital, closest trauma center).

(i) Plans for detaining people who are not under arrest.

(j) Contingencies for handling children, dependent adults, animals, and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Vulnerable Adult Safety, and Animal Control policies.

(k) Communications plan.



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(l) Responsibilities for writing, collecting, reviewing, and approving reports.

### **611.6.1 OPERATIONS PLAN RETENTION**

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule. Operations plans should not be released for a public records request without first conferring with the affected Captain or Chief of Police.

### **611.7 OPERATIONS BRIEFING**

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities, and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval outside of an emergency response.

(a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.

(b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Any items to be seized should be identified at the briefing.

(c) The Operations Director shall ensure that all participants are visually identifiable as law enforcement officers.

1. Exceptions may be made by the Operations Director for officers who are conducting surveillance or working undercover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary

(d) The briefing should include details of the communication plan.

1. It is the responsibility of the Operations Director to ensure that the Communications Center is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location

2. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel

### **611.8 SWAT PARTICIPATION**

If the Operations Director determines that SWAT participation is appropriate, the Director and the SWAT supervisor shall work together to develop a written plan. The SWAT supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the SWAT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

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### **611.9 MEDIA ACCESS**

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the News Media Relations Policy.

### **611.10 OPERATIONS DEBRIEFING**

High-risk operations should be debriefed as soon as reasonably practical. The debriefing should include as many participants as possible. This debrief may be separate from any SWAT debriefing.

### **611.11 TRAINING**

The Training Manager should ensure officers and SWAT team members who participate in operations subject to this policy receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts, and reporting requirements.

## Chapter 7 - Equipment

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## City Owned and Member Owned Equipment/ Property

### 700.1 PURPOSE AND SCOPE

Members are expected to properly care for property issued, assigned or entrusted to them by this department. Members may also suffer occasional loss or damage to personal, issued, assigned or entrusted property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

### 700.2 CARE OF POLICE DEPARTMENT PROPERTY

Members shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of property assigned or entrusted to them. A member's intentional or negligent abuse or misuse of issued, assigned or entrusted property may lead to discipline including, but not limited to the cost of repair or replacement.

- (a) Members shall promptly report, through their chain of command, any loss, damage, or unserviceable condition of any issued, assigned, or entrusted property or equipment assigned for their use.
- (b) The use of damaged or unserviceable issued, assigned, or entrusted property or equipment should be discontinued as soon as practical and replaced with comparable items as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, issued, assigned, or entrusted property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Members that use and/or operate equipment obtained by federal funds and is designated as "controlled" as specified by FEMA 407 requirements, must be trained and abide by those requirements.
- (e) Issued, assigned, or entrusted property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (f) In the event that any property of this department becomes damaged or unserviceable, no member shall attempt to repair the property without prior approval of a supervisor.

### 700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made in writing to the member's immediate supervisor.

The supervisor shall forward a memo to the appropriate Division Commander, which shall include the results of his investigation and whether the member followed proper procedures.

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## City Owned and Member Owned Equipment/Property

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The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be authorized by the Chief of Police.

- The department will not replace, reimburse or repair luxurious or overly expensive items (*jewelry, exotic equipment, etc.*) that are not reasonably required as a part of work.
- The department will not reimburse or repair authorized equipment that a member chooses to personally purchase for use on duty, rather than using similar equipment that would be issued by the department (*i.e. handcuffs, flashlight, leather gear*). The department may choose to replace that item with similar equipment already owned by the department.
- Personal items that are normally considered as a reasonable requirement for work would be prescription eyeglasses and watches.
- The department may elect to replace or repair any damages to the Class C uniforms that were purchased by the Department. Members may repair or replace Class C uniforms purchased on their own at their own expense.
- Unless a specific exemption is made by the Chief of Police, the monetary cap placed on the repair or replacement of a personally owned item will be \$50.00.

Members have the option of seeking reimbursement through the courts if damage to their personal property was done during the performance of their official duties and the damage was caused by a person who was the subject of an investigation or arrest.

- Should the member choose to seek this option, they must indicate in their written police report that they are requesting restitution and describe in detail in the personal property that was damaged and what the estimated damages are. The prosecuting attorney may then request the reimbursement be part of an plea agreement. Should the Court's deny the reimbursement request, the member would then have to seek other civil remedies.
- Members may not receive reimbursement from the department if restitution through the court is requested and awarded.

### 700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the member's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the member goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

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## *City Owned and Member Owned Equipment/Property*

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### **700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER**

There are circumstances in which members may have intentionally or unintentionally caused damage to the real or personal property of another, or lost the property of another, while performing their duties. When these incidents occur, the responsible member shall report it as provided below.

- (a) A verbal report shall be made to the member's immediate supervisor as soon as circumstances permit.
- (b) The responsible member shall document what property was damaged/lost, and how, in a police report and/or written memorandum or e-mail to their immediate supervisor prior to the member going off duty or within the time frame directed by the supervisor.
- (c) All documentation shall be promptly forwarded to the appropriate Division Commander.

#### **700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY**

If members of another jurisdiction cause damage to real or personal property belonging to the City of Coeur d'Alene, it shall be the responsibility of the member present or the member responsible for the property to make a verbal report to his immediate supervisor as soon as circumstances permit. The member shall submit a written report, memorandum or e-mail before going off duty or as otherwise directed by the supervisor.

All documentation, including any photographs, as well as a supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

## Vehicle Maintenance

### 701.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that department vehicles are appropriately maintained.

### 701.2 INOPERATIVE VEHICLES

When a vehicle provided by this department becomes inoperative or in need of repair that affects the safety of the vehicle or its occupants, that vehicle shall be removed from service. Proper documentation shall be promptly completed by the member who becomes aware of the defective condition, and forwarded for action.

Documents describing the correction of the issues shall be promptly forwarded to the Fleet Manager and Supply Specialist for action.

#### 701.2.1 FLEET DAMAGE REPORT

A Fleet Damage Report form will be completed by a Supervisor any time there is damage to a department vehicle. Members shall be responsible for immediately notifying a Supervisor whenever there is any damage to a department vehicle, whether or not the damage was:

- A result of a traffic collision;
- Intentional or accidental damage by a suspect; or
- By unknown means.

The Supervisor will complete the Fleet Damage Report form and forward it to the Division Commander responsible for the damaged vehicle, as well as a copy to the Fleet Manager and Supply Specialist.

#### 701.2.2 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

#### 701.2.3 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

#### 701.2.4 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

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## *Vehicle Maintenance*

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### **701.3 VEHICLE EQUIPMENT & INSPECTIONS**

A majority of vehicles assigned to the Uniformed Patrol Division are part of a fleet and not assigned to any particular member, and therefore could be driven by various members throughout any 24 hour period. In order to maintain these vehicles and equipment, and to establish a procedures for accounting for damage or missing equipment, the following procedures shall be followed:

- (a) Certain items shall be maintained in all fleet patrol vehicles provided by this department for emergency purposes and to perform routine duties.
- (b) Members operating any fleet patrol vehicle shall, at the beginning of their shift, inspect the exterior of the vehicle to ensure that all emergency lights and sirens, headlights, tail lights, brake lights, turn signals and spot lights and other equipment are properly working.
- (c) Members shall also inspect the exterior for any damage or other deficiencies.
- (d) Members shall inspect the interior of the fleet patrol vehicle for equipment or supply shortages, cleanliness, damage or other deficiencies.
- (e) Members shall complete the Vehicle Inspection form on the MDC for that vehicle immediately upon completion of the vehicle inspection. Any damage, equipment shortages or deficiencies shall be noted on this form.
- (f) Members shall ensure that all fleet patrol vehicle keys or FOBS checked out at the beginning of shift are returned to the vehicle key board prior to leaving the police department at the end of shift. Member's shall not leave any fleet patrol vehicle keys in their uniforms, patrol bags or lockers at the end of their shift.
- (g) Members who operate other department vehicles that are specifically assigned to them, shall also conduct periodic vehicle inspections of the interior and exterior for damage, deficiencies and cleanliness and shall report any damage or deficiencies to the Fleet Manager and Supply Specialist.

### **701.4 VEHICLE REFUELING**

Absent emergency conditions or supervisor approval, members driving fleet patrol vehicles shall not leave a vehicle with less than three-quarters tank of fuel at the end of their shift. Vehicles shall only be refueled at authorized locations.

### **701.5 WASHING OF VEHICLES**

Vehicles shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to maintain the professional appearance of the Department.



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## *Vehicle Maintenance*

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Members using a vehicle shall remove any trash or debris at the end of their shifts. Confidential material should be placed in a designated receptacle that has been provided for shredding this material.

### **701.6 CIVILIAN MEMBER USE**

Civilian members should not operate marked vehicles except when transporting for routine maintenance, cleaning or repair. Prior to transport, civilian members shall ensure all weapons and sensitive materials/equipment have been removed from a vehicle that will be unattended at any time outside the confines of the Police Department or City Street Maintenance Department property.

#### **701.6.1 VEHICLE SECURITY**

All vehicles provided by this department shall be properly secured when the operator is not in direct observation of the vehicle.

Members shall not leave vehicles idling when they are unattended. Exceptions to this will only be if the member is assigned a detail or on a traffic stop and is within direct observation of the vehicle; the member needs to briefly warm up and defrost a vehicle due to cold weather conditions; the Fleet Manager is doing a diagnosis on the vehicle, or the member is assigned a Canine and needs to keep the interior warm or cool depending on the weather conditions.

Lost vehicle keys shall be reported to the member's supervisor and the Fleet Manager and Supply Specialist as soon as practical. Copying vehicle keys is prohibited without supervisor approval.

Unless otherwise approved by the Chief of Police or Division Commander , city-owned vehicles assigned to a member are not permitted to be parked at a member's residence while the member is on leave and away from their residence longer than 10 days simultaneously, which would include any combination of regular days off, vacation leave, comp time use, or sick leave, including FMLA . Under such circumstances, the member shall park the city-owned vehicle in the secured parking area of the police department and notify their supervisor and Fleet Manager via e-mail.

### **701.7 SPECIAL USE VEHICLES**

Special Use vehicles are any City owned vehicles operated by members of the department for official use in the performance of their duties.

City owned vehicles shall only be used for official use in the performance of the member's duties, to include transportation to and from work when authorized by the Chief of Police or his designee. City owned vehicles shall be operated by members trained and qualified in the operation of special use vehicles, if so applicable.

#### **701.7.1 SPECIAL USE VEHICLE EQUIPMENT AND MAINTENANCE**

Members who operate special use vehicles as part of their assigned duty, shall conduct periodic vehicle inspections of the interior and exterior for damage, deficiencies and cleanliness, and shall report any damage or deficiencies to the Fleet Manager and Supply Specialist.

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It is the member's responsibility to maintain necessary equipment needed to perform their assigned duties in the special use vehicle.

### 701.7.2 USE OF CITY VEHICLES

Per City Personnel Rules Rule XVIII, all City property, including vehicles, shall only be used by City employees and for City business only. Persons other than City employees shall not be transported in City vehicles except those required to be transported in connection with City business.

## **Chapter 8 - Support Services**

## Crime Analysis

### 800.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to this department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

### 800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data

### 800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

### 800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of this department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

## Property and Evidence Office

### 801.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

Whenever any officer takes or receives any money or other valuables from any person in custody for safekeeping or for other purposes, the officer receiving such valuables or money forthwith shall tender one duplicate receipt for the property being surrendered to the person in custody. If possible, the person in custody shall countersign the original receipt. If the person is unable to sign the receipt or receive the duplicate thereof, the same shall be signed by and delivered to the person when reasonably possible. A file of the original receipts shall be kept for at least six months after the money or valuables have been returned to the person, the agent or representative of the person or other person entitled to the same.

### 801.2 DEFINITIONS

**Property** - Includes all items of evidence, items taken for safekeeping and found property.

**Evidence** - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

**Safekeeping** - Includes the following types of property:

- Property obtained by this department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

**Found property** - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

### 801.3 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item.

#### 801.3.1 PROPERTY BOOKING PROCEDURE

All property booked will be in accordance with the following guidelines:

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- (a) A property record will be completed in the Spillman records management system for any item to be entered into storage in the property room.
- (b) The property record will be printed on a chain of custody sticker and attached to the appropriate package.
- (c) The chain of custody sticker will be signed with the booking member's "K number" and their initials, the "to" section will indicate "Evidence". The date submitted will also be completed.
- (d) To maintain the chain of custody, the booking member's initials and date of submission will be written on any seals created in the process of packaging. The initials and date will be in permanent marker on heat sealed packages or on the package and evidence tape if evidence tape is used. No staples will be used on any package submitted to the property room.
- (e) Packages will be placed in the evidence room slot in the smallest locker that will accommodate the package to maintain the evidentiary value. Items too large for lockers will be placed in the outdoor storage area. Items requiring refrigeration will be placed in the refrigerator in the packaging room in the corresponding locker marked for the type of item.
- (f) Items that are to be dried prior to packaging will be placed in the drying room lockers in the processing room. Notice will be given to the Property Office that the items are in the lockers. Property records will be created for the items with the comment section indicating the location of the items. The chain of custody sticker with the appropriate packaging will be placed with the evidence in the drying rooms.
- (g) Members will complete the chain of custody sticker for all drug evidence. On completion of the custody sticker, an Idaho State Police Lab Form will be submitted in accordance with the testing criteria of the Idaho State Police Customer Service Agreement for drug testing. Only those members assigned to the Detective Division will have the authority to request lab testing for items other than drugs, blood and urine samples. A copy of the police report with the completed lab submission form will be required for any lab submission that is not drug related.
- (h) See property handling for additional on the use of temporary lockers and drying rooms.

### 801.3.2 EXCEPTIONAL HANDLING

Certain items require a separate process. The following items shall be processed in the described manner:

- (a) **Explosives, Hazardous Materials and Fireworks** will not be booked into the property office. Notice to the Coeur d'Alene Fire Department or the Bomb Squad will be made for any explosives. Only those items or samples of those items deemed appropriate

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by these two agencies will be booked into the property office in the appropriate static proof or sealed metal containers. Fireworks will be disposed of in the water barrels at the department or other designated locations.

- (b) **As a general rule, no sharps, razor blades, syringes or broken glass** will not be stored in property. Syringes and needles will be placed in the sharps containers located in the packaging room or processing room. The evidentiary substance within these items will be extracted with a methanol flush or wash. These samples along with a control sample will be submitted as evidence. Methanol swabs with control samples will be obtained from broken glass or other items that could cause injury while handling during storage, testing or handling by a jury. If an exception is to arise, syringes will be submitted to evidence in an orange Eva Safe tube and any other item that may cause injury will be secured in bubble wrap to prevent injury. A note will be made on the property with the contents of the package.
- (c) **Firearms** will be packaged in the boxes designated for firearms. Some firearms may require disassembly to fit in the box. Firearms will be unloaded and the action locked open and secured with a nylon strap. The box will be sealed with a small amount of tamper evident tape to seal it. The item description in the property record will include at a minimum: Make, Model, Serial Number, Caliber and Type Weapon (*type is Pistol, Rifle, Revolver, Shotgun, machine gun*). Magazines may be taped to the inside of the box. Ammunition will be submitted as a separate evidence item. All firearms will be run through NCIC prior to submission with a notation in the report with the NCIC return status information.
- (d) **Knives and other Edged Weapons** will be packaged in a manner to accommodate safe handling in storage and for potential jury presentation. Sheath knives, scalpels and folding knives will be in an open position with the cutting edges securely attached to the cardboard box. Folding knives stored in the closed position may be packaged in an evidence envelope, provided they are taped in a closed position and will not be presented in court.
- (e) **Currency and items determined to be currency** whether US or Foreign will be packaged like other evidence. In addition to the chain of custody sticker, a currency sticker will be affixed to the package. The sticker will be completed to include a breakdown of the exact currency contained in the package, a total amount, a signature of the person who entered the cash in the envelope and the signature of a second person who verified the amount placed in the envelope. If the funds are a possible Civil Asset Forfeiture, the appropriate box will be checked. If the Task Force was notified, the date of notification will be entered in the appropriate box. The initials of the person entering the cash and verifying the amount will be placed along with the date, on the seal of the envelope. If the amounts cannot be determined in the case of foreign funds, a description of the currency will be placed in the "other" line. (*Additional currency*

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*sticker is not required if the value of the currency is under \$50.00 and the currency is being held for safekeeping or as found property).*

- (f) **Perishables and Food Items** will be photographed and either released or destroyed. If the item has significant evidentiary value to be obtained by laboratory testing, the Idaho State Forensic Lab will be contacted to determine the best package and storage method. (*i.e. mushrooms, other food items or liquids*).
- (g) **Documents, Paper items, Fictitious Checks or Bills or any item that can be photocopied or photographed** will be submitted to evidence after being photographed or photocopied. The duplicate image will be forwarded with the report at the time of impound. Items that have potential evidentiary value like fictitious bills, forged checks or other original documents that may yield evidence by lab testing will be submitted to evidence. Items that are not original documents like medical records, documents received via facsimile or copies will be forwarded to records with the report.
- (h) **Sexual Assault Kits** and their contents for sample collection will be determined by Idaho State Police. The Forensics lab will provide the unused kits to hospitals. Any sexual assault kit obtained from qualified staff will require a chain of custody sticker affixed to the box in a manner that does not cover any previous chain of custody information. The kits will be sealed on submission. The kits will be submitted to the refrigerated temporary storage in the packaging room and secured on submission. After the kits have been submitted to the State Lab for processing, they will be retained within the same guidelines as all evidence. The kits will be stored with the other evidence in the case at room temperature when they are returned from the lab provided the contents have been analyzed by the lab. If the kit is returned unanalyzed by the lab, it will remain in refrigeration until the appropriate disposition authorization is received.
- (i) **Wet or Water Soaked Items as well as items with Biological Fluids** will be thoroughly air dried prior to submission to the property room. Biological fluids that are submitted in the dry state will be stored in the dry state until submission to the lab. On return from the lab, the item will remain in a dry state until further notification from the investigating detective.
- (j) **Narcotics** will be packaged separately from any other item.
- (k) **Property belonging to different owners will be packaged separately** according to owner.
- (l) **Property to be tested at separate labs will be packaged separately.** For example, drugs are tested at the Coeur d'Alene Lab and would be separated from any drug item being tested for fingerprints, which would be done at the Meridian Lab.
- (m) **Blood and Urine Kits** will have a property number assigned. The kits will be sealed with the date and initials visible. The case and property number will be written on the outside of the box. The lab submission form and any associated paperwork will



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be submitted with the kit in the mailer box supplied by the lab. No chain of custody sticker is required for these items. These items will be submitted to the refrigerated secured temporary storage area in the packaging room. Blood and Urine kits will remain refrigerated until submitted to the lab. As of 2009, the lab will return blood kits on completion of testing to the submitting agency. The blood kits will remain in refrigerated storage pending appropriate disposition authorization. Urine kits that are returned to the property office will be retained in frozen storage pending the appropriate disposition authorization.

- (n) **Items that are in the custody of the evidence room will only be released according to disposition procedures.** Temporary releases or viewing of evidence at the request of a defense attorney or court order or any other authorized request will be addressed by the property officer. Contact will be made with the prosecutor assigned. If the prosecutor requests that contact be made with the investigating detective, this will be facilitated by the Property Officer. On advisement of the investigating Detective, the property officer may facilitate the viewing of evidence.
- (o) **Recovered Stolen Property** will be flagged for review by investigations in order to either contact the prosecutor assigned or to arrange prompt return when appropriate.

### 801.4 FIREARMS POLICY

All firearms impounded by members will be submitted to the Property Office in accordance with the procedures outlined in Policy §801.3.2.c

Prior to submission, all firearms will be run in NCIC and confirmation of this action and NCIC status will be documented in the police report.

Firearms will have an ATF trace initiated at the request of a Detective or Prosecutor or for any law enforcement purpose. Returned ATF traces will be forwarded to the Records Section for appropriate distribution. A copy will be made for the requester when appropriate.

Firearms that have been impounded for safekeeping or as found property will have any known owner information included on the package and in the police report. An Affidavit of Qualification to accept Return of a Firearm along with a fact sheet will be provided to the owner listed in the report. This process will be initiated by the property office.

Firearms that have been impounded as evidence will be held until a completed PD Form 97 (Coeur d'Alene Police Property & Evidence Disposition Form) is received from the investigating Detective or the Prosecuting Attorney for the case. When the PD 97 is received by the Property Office, an Affidavit of Qualification to Accept Return of a Firearm along with a fact sheet will be mailed Certified U.S. Return Receipt to the owner. The same process will begin when a Judgment and Sentence from the Court is received by the Property Office for misdemeanor offenses for which the firearm is evidence.

Proof of ownership will be considered if it is in the form of an ATF Project Lead trace returning to the owner as a last purchaser, a bill of sale, a receipt for purchase, an insurance receipt or any

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record or receipt in the name of the claimant for repairs or any other documentation of the firearm having been in their possession prior to the date of impound. All forms of proof of ownership must be dated after the last purchase date, if applicable, on the ATF trace form. In the event that no documentation whatsoever can be provided, a statement from the claimant may be submitted for review to determine ownership.

After proof of ownership has been provided, a Criminal History Background Check will be conducted to determine if the owner is eligible to possess firearms. The background check will consist of NCIC III, Wanted persons check through NCIC, individual state checks in the states the person was known to have lived in and a local records check. Criteria under Title 18, U.S.C. Chapter 44, Section 922 (g) will be considered in determining eligibility to possess a firearm in addition to State possession requirements.

When practical, firearms will be submitted to Idaho State Police for entry to the National Integrated Ballistics Inventory Network. Firearms will be clear in NCIC prior to return to the Public.

In cases where no response is made to the firearm fact sheet, where no proof of ownership is provided for the firearm or where the firearm is unclaimed or abandoned, it will be placed in archives.

If ownership and possession rights are satisfied, the owner will be notified that they have thirty days from the receipt of the notice to claim the firearm by bringing picture identification in order to sign and have the affidavit notarized at the police department. Firearms not claimed within the thirty day notice period will be forwarded to archives.

All firearms will be stored in a segregated area for firearms while in the possession of the police department with their status indicated in the property record.

When firearms have been identified as forwarded to archives, the property record will indicate their current location and the actual firearms will be placed in a segregated archives area. When the storage allocation for archived firearms impedes the storage required for other firearms, notification will be made to the department Armorer. The notification will consist of a list of all firearms in archives. The list will consist of case number, make, model and serial number of the firearm.

All firearms determined to be abandoned or unclaimed will be melted or scrapped, transferred to official use or sold in accordance with ISC 55-403.

Scrapping or melting will be documented by photograph in a case file and uploaded to VIPER.

Conversion to official use will be accompanied with a signed receipt. Value of firearm will be recorded with the receipt.

Sale of firearms will be by auction to highest bidder, in lots or individually to Federal Licensed Firearms Dealers. Proceeds will be deposited to unclaimed funds account pending claim and then forwarded to the General Fund.

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### 801.4.1 PROPERTY ROOM LAYOUT

The Property and Evidence Room physical areas of responsibility are:

- The Outdoor Storage Area.
- The Indoor Drying Room.
- The Property Packaging Room including the VIPER room in the report writing area.
- The indoor storage area to include the separate narcotics, currency, firearm and high value piflerable items storage area as well as refrigerated and frozen storage.

The substation(s) do not have permanent evidence lockers or storage facilities.

The outdoor storage area consists of a vehicle impound bay, a temporary storage area and a permanent storage area. The vehicle impound area will remain unlocked unless in use. A padlock will remain unlocked on the door until locked by the officer with the impound authority for the vehicle, property or evidence secured in the bay. The bay will then be unlocked by authorized personnel only. Items will only be removed from the bay by the impounding officer or by authorized personnel when accompanied by the appropriate paperwork at the request of the impounding officer.

- The temporary storage area will be accessible only by personnel with key pad controlled access to the building. Items placed in this area will include those requiring more space than is available in a locker in the inside storage area and items cleared for storage that may be hazardous. Items will not be moved from the temporary storage facility unless all the appropriate paperwork is with the item to be stored.
- Access to the outdoor storage area will be by authorized personnel only. Items will be stored in case number order on the north wall. Bicycles to be stored for ninety days with no claim or owner known will be along the north wall. The bikes that are evidence or have a claim will be stored in a row along the south wall. The row between these two will be for bikes that have a known owner, safekeeping or a notice sent to a claimant. This storage configuration will reduce the amount of time required to locate bicycles and will also be a visual aid in order to determine the necessity of an auction. It will also prevent evidence and unclaimed property from being stored in the same location.
- Items pending auction will be stored in the crate area on the east wall and marked as auction items.
- The shelving on the south wall will be reserved for homicide and cold case evidence retention.
- The allocation of outdoor storage space will allow for flexibility of movement in the event of special circumstances.

The indoor storage area is divided in four sections outside the secure firearms storage area.

- The four areas will be utilized by size of item and storage will be in case number order.
- Items that will fit in the seven by twelve inch boxes will be stored in case number order on the east wall, starting with the location number "T1".

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- Any other bags or containers will be stored in case number order on the next row starting in case number order.
- Bulk items will be stored in case number order on shelf eight. The location will be "Bulk".
- Found Property and Safekeeping items will be stored in case number order on shelf seven. The location will be "FPB", for found property/bulk.
- Items too large for shelving will be stored along the west wall. The location will be "FLOOR B" for floor bulk.
- Firearms, currency, narcotics and items with a propensity for theft will be stored in the secondary storage area inside the main interior storage area. Firearms will be stored in case number order in firearm boxes in "FAS" for firearm short or "FAL" for firearm long.
- Firearms for archives will be stored in case number order on the north wall in the location "Archives".
- Narcotics will be stored in case number order on the west wall on the shelf with the boxes marked for narcotics. Large narcotics items will have out cards in the boxes with the location and case number in the box. The items will be placed in case number order above the narcotics boxes. Narcotics pending destruction will be stored in a box with the corresponding page number. When a box is full, it will be sealed. Copies of the drug destruction pages in the box will be attached to the box for audit purposes.
- All currency will be placed in the safe on the north wall in the location "V" for vault. Currency pending finance deposit will be placed in the box on top of the safe. A ledger in the box will record the amount and case number of cash pending deposit. A two hundred and fifty dollar (\$250) threshold will apply for cash pending finance deposit per the ledger. A deposit of the cash will be made as soon is practical when the threshold is met.
- All items to be refrigerated will be placed in either the refrigerator or the freezer to coordinate with the refrigeration unit (i.e. FRZ 1 or REF 2). Items will be stored according to the package submission procedures in this manual to include refrigeration of blood, urine and sexual assault samples until lab testing criteria are met. Biological samples will be stored in the condition they are received, for example, dried items will be stored at room temperature pending review and permanent storage in a frozen location if deemed appropriate by the investigating Detective.

These location designators will replace all other designations and will be permanent as of August 1, 2005.

### **801.5 RECORDING OF PROPERTY**

The Property Officer receiving custody of evidence or property shall record their signature and the date the item was retrieved from the evidence locker. The location of the property where the item will be located within the property room will also be recorded on the package. The Property Officer will then create an "Evidence Record" number in the Spillman evidence bar code module. The bar code will be printed and affixed to the chain of custody sticker for the item.

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Any changes in the location of the property shall be documented in the computer record in the evidence module under the bar code number assigned for the piece of property. For items in inventory prior to January, 2008, the same information shall be entered in the corresponding computer system used during the time frame of the issuance of the case number assigned for the original report. Additionally, any changes in custody to or from the property office will be signed for on the package itself.

Once property has been accepted by the property office, either the package itself or a signed receipt with the signature of a person responsible for the property will be on file. This includes a lab receipt for items at the State Forensic Lab, any other lab or forensic service provider that items will be forwarded to, items checked out for court or items returned to owners or agents. Items destroyed will have an entry in the computer log indicating the date of destruction or final disposition.

### **801.6 AUCTION POLICY**

Items that remain unclaimed or abandoned in the custody of the department that have a value obtainable by public auction will be identified as auction hold items. This does not apply to firearms that are addressed in Policy §801.4. Auction hold items will be identified by a notation in the evidence record "auction hold". These items will be held in a separate holding area pending auction. An auction date will be determined when the storage space for the auction hold items impedes the storage requirements of active case storage.

A case number will be generated to document the auction process. The case report will include all items on consignment for the auction, the legal publication certification, a copy of any form of proceeds received from sales and any documentation identifying the sale of a specific item.

Proceeds from sales of Unclaimed Property will be deposited in the City Finance account for Unclaimed Property where it will be available to satisfy claims made against the account in the event a claim is made.

A claim may be made against the account by a property owner by following these steps:

- (a) A written request will be made by the owner to the Property Office. The request will include a complete description of the items being claimed, some kind of proof of ownership, the property owner and the owner's contact information.
- (b) The request will be reviewed by the Property Office. Review will include the verification of ownership, the date of the sale of the item and the dollar amount the item was sold for.
- (c) If more than one year has passed since the date of the sale, the claim will be denied. The Property Office will notify the property owner of a denial in writing after approval from the Support Services Lieutenant.
- (d) If the claim is approved, after approval from the Support Services Lieutenant, a memo requesting funds will be forwarded from the Property Office to the Finance Department. The memo will include the owner's name, the amount of a draft to be drawn and a

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request to forward the draft to the Property Office where arrangements will be made to provide the check to the claimant.

- (e) The auction follow-up file and the property record will be updated to reflect the owner of the property and a notification of the release of funds will be made in both records by the Property Office.

### 801.6.1 COURT CHECKOUT

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of possession. If the property is released from the Property Office, a signed receipt will be on file in the Property Office.

If evidence is needed for court purposes, notification to the Property Officer will be made as soon as possible. An e-mail that identifies what items are needed will suffice for this purpose.

Administrative Order seventy one, dated February 20, 1992 issued by the First Judicial District Court, identifies evidence items deemed "dangerous". These include weapons, drugs and physiological evidence. Special packaging requirements for these items is identified in the order.

All packaging of "dangerous" evidence for court presentation will be done at the department by the case officer pursuant to the standards set by the Court's Administrative Order unless otherwise directed by the Prosecuting Attorney.

Any evidence checked out for court will be signed for on a PD Form 93. This is a white card that is retained by the Property Officer until the property is returned. A PD form 92 will be provided to the member at the time of the check out. If the court retains the evidence, the official receiving the property will sign the yellow PD form 92. The member who checked the property out will return the yellow PD form 92 or the evidence to the evidence locker by the end of the judicial day on the day the evidence is checked out.

The PD forms 92 and 93 will be maintained in the Property Office until the item is returned.

### 801.7 DISPOSITION OF PROPERTY

If a member has documented in the report that property or evidence is to be destroyed, the property office will facilitate the destruction. Found Property will be released to the owner as soon as practically possible during public property release hours. A member may return found property to an owner without booking it in to the property room as long as the action is documented in a police record.

- (a) **Found Property** will only be released to the owner.
- (b) **Safekeeping items** will be released anytime during Public Property Release hours.
  1. When an owner has been notified of property available for release, they will have thirty (30) days in which to claim the items. Property not claimed after thirty days will be disposed of according to State Statute as abandoned or unclaimed property in the possession of Law Enforcement.

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2. Property submitted as safekeeping as the result of a jail booking will be accompanied by a completed **Inmate Safekeeping** form. This form is available at the jail and will be in three parts. One part will be retained in the jail file, one will be retained in the inmate's personal property and one copy will be returned to the department to be booked with the property held for safekeeping. The completed safekeeping notice will serve as notice to the owner that they have thirty days to claim their property. Contact information for a third party may be provided on the form. The property office will contact the third party to arrange pick up of the property in the same time frame as notification to owner.
  3. When property is released, the owner will sign a receipt. Pictured identification or other accurate means of identification will be required. Property may be released to third parties provided an authorization is on file from the owner of the property stating who is to claim the property and what property they are authorized to claim.
- (c) **Contraband** will not be returned to the public.
- (d) **Prescription medications** will not be returned to the public unless they are in their original containers and an authorization from the impounding officer or investigating detective to release the prescription is on file. A current prescription may be required.
1. In the event ownership is disputed or if the property is impounded from someone other than the owner, dated store receipts may be required to prove ownership prior to release.
- (e) **Ammunition** will not be released with firearms. Owners of released firearms may claim their ammunition on request or during the next public property release day. Ammunition not claimed within the next public property release day will be disposed of.
- (f) **Firearms** will only be released in accordance with State and Federal laws regulating the possession thereof. Proof of ownership will be required prior to return. Compliance with possession requirements will be verified and a notarized affidavit will be completed prior to return of firearms. ATF traces and NIBIN testing will be completed when practical prior to return.
- (g) **Evidence** items will be maintained by the property office and will be held until any of the following conditions are met:
1. All items marked as evidence for felony offenses will be reviewed by the Investigations Division prior to disposition action in the property office. Any evidence impounded for the following offenses: murder, voluntary manslaughter, rape pursuant to section 18-6101 2., 3., 4., 5., or 7, or section 18-6108 (*male rape, Idaho Code or any felony committed upon or against a minor child, or an act of terrorism under 18-8103*), will be held indefinitely and disposed of only at the discretion of the Kootenai County Prosecuting Attorney's Office for

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cases that have been disposed of in court. Any items marked as evidence for felony offenses that have not been charged in court will be reviewed by the Investigations Division prior to any disposition

2. If the statute of limitations for charging has passed for evidence collected for a misdemeanor offense, the Property Officer will have authority to dispose of the evidence if no charges have been filed.
3. Items marked as evidence that are designated as evidence related to a citation, will be disposed of under the authority of the property office only if a Judgment and Sentence is received from the court. This action will only be taken after forty two days has passed since the date of the Judgment to accommodate the retention of evidence in the event an appeal is filed. This same disposition process may be applied to any offenses adjudicated as misdemeanor offenses.
4. Appeals will be forwarded to the property office when received by the Records Division. A notation will be made in the evidence record indicating an appeal has been filed and further disposition action will be only under the direction of the Kootenai County Prosecuting Attorney's Office or the City Attorney assigned to the case.
5. Items with a disposition of "destroyed" will be rendered unusable prior to disposal in the trash bin on the department premises or the County landfill. These items are included but not limited to: contraband, electronic items, broken items, parts of items not usable without other components, clothing, recording media, damaged items or any item that the Property Officer deems of no value.
6. Items of no value including but not limited to expired, suspended, cancelled, obsolete, duplicate or replaced licenses or similar documents as well as items that are soiled, have lice or other contagion as well as open consumables will be destroyed.
7. Weapons impounded from juveniles will be destroyed on disposition of a case. Unless a specific request is made by the impounding member in the police report, the weapon will be destroyed automatically with no further action by the property office. This includes air guns, bb guns, knives and other edged weapons.
8. Narcotics impounded by members will be submitted to the property office and documented in a police report. The property office will maintain a log of narcotics ready for destruction in accordance with the requirements of the Idaho State Police. The destruction of narcotics related to law enforcement investigations will also be in accordance with the practices of Idaho State Police for narcotics in the custody of Law Enforcement. The destruction process will be documented in a separate police report completed by the property office.



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9. Narcotics impounded under the "Prescription Turn In Program" will be documented in a police report. The property office will maintain a separate destruction log for these items. While no itemization of the contents of the items is required, these items will be submitted to the property office in a sealed package with the date and initials of the impounding member. At the discretion of the Property Officer, considering storage requirements, these items will be disposed of at the Spokane County Solid Waste Department in accordance with the procedures set forth by the Solid Waste Department. This includes a list of all case numbers used to document the turn in of prescriptions. The destruction process will be documented in a separate police report completed by the property office.
10. "Jane Doe" Sexual Assault kits will be documented in a police report. The identifying number provided by the collecting health service provider will be used as the identifying information. The kits and any associated evidence will be maintained for five years from the date of incident and will be disposed of if no further action has been taken in regards to the report.
11. Contaminated currency will be reviewed for destruction at the time of disposition. Contaminated currency will be disposed of as a narcotic or bio-hazard if appropriate. If the amount of the currency is considerable as determined by review of the City Attorney on notification from the property office, further action with the Federal Bureau of Engraving and Printing will be initiated by the property office.
12. Provided all authorized requests for the appropriate return of digital evidence impounded as a result of a criminal investigation have been satisfied, digital evidence will be destroyed at the time of disposition of the case. This includes any digital media including but not limited to compact disks, computers, cell phones or any other device subject to digital forensics.
13. Narcotics that have been marked for disposal may be permanently turned over to the Canine Program Sergeant and Handlers as K-9 training aids. A signed receipt for the items will be forwarded to records after the final disposition is recorded in the evidence record.
14. Currency submitted as a civil asset forfeiture will be submitted by the property office to the City Finance office as soon as is practical. A copy of the receipt will be scanned under the appropriate case number and provided to the North Idaho Violent Crimes Task Force representative of the Coeur d'Alene Police Department. The evidence record will be updated to reflect the status of the deposit.
15. All disposition records will include documentation of the following attempts or completed actions in regard to any item booked in property: Return to the rightful

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owner, destruction, transfer to official use, archives or auction. All documentation with original signatures authorizing these actions will be forwarded to the Records Division for scanning into the report. The original documents will be disposed of after a duplicate record is available in the scanning system.

### **801.7.1 PRESERVATION OF BIOLOGICAL EVIDENCE**

The Property and Evidence Office supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor
- (d) Any sexual assault victim
- (e) The Investigation Section supervisor

Biological evidence shall be retained for a minimum period established by law (Idaho Code 67-2919), the Property and Evidence Office supervisor or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Section supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

### **801.7.2 NOTICE OF DESTRUCTION OR DISPOSAL OF SEXUAL ASSAULT EVIDENCE**

The Property and Evidence Office supervisor shall ensure that written notification is provided to sexual assault victims regarding the destruction or disposal of a sexual assault evidence kit or any other sexual assault case evidence as required by Idaho Code 67-2919.

### **801.8 INSPECTIONS OF THE EVIDENCE ROOM**

- (a) On a monthly basis, the supervisor of the property officer shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.

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- (c) An annual audit of evidence held by this department shall be conducted by a Division Commander (as appointed by the Chief of Police) not routinely or directly connected with evidence control.
- (d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual not associated with the property room or function to ensure that records are correct and all evidence property is accounted for.
- (e) Each inspection of the evidence room shall include a review of the records associated with narcotics training aids.

### **801.9 DRUG TURN IN PROGRAM**

The Couer d'Alene Police Department maintains a drug turn in container for over the counter medications and prescription medications that need proper disposal. Citizens may come into the Police Department during business hours, Monday through Friday or on the weekends with shift supervisor approval

## Records Section

### 802.1 PURPOSE AND SCOPE

The Records Supervisor shall maintain this department's Records Section Procedures Manual on a current basis to reflect the procedures being followed within the Records Section. Policies and procedures that apply to all employees of this department are contained in this chapter.

### 802.2 FILE ACCESS AND SECURITY

The security of files in the Records Section must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case, including FI cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Section, and accessible only by authorized members of the Records Section. Access to case reports or files when Records Section staff is not available may be obtained through the Shift Commander.

The Records Section will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

### 802.3 POLICE DEPARTMENT FORMS

All official forms developed and used by this department shall be reviewed by the Support Services Commander or designee. Once approved each form will be assigned a number and revision date for catalog and tracking purposes. The Equipment/Fleet Manager will maintain a complete catalog of all Police Department forms.

### 802.4 PUBLIC RECORDS REQUESTS

The Idaho Public Records law provides that records created by a public agency shall be subject to inspection and release pursuant to a request, although there are certain authorized exceptions by law. Citizens may request any document or electronic record created and maintained by this department. All requests for public records shall be made by using this department's Public Records Request form, located at the department or the department's web site.

#### 802.4.1 PROCESSING OF REQUESTS

Any member of the public, including members of this department, media and elected officials, may access unrestricted records of this department by submitting a written request for each record sought and paying any associated fees.

The processing of a request is subject to the following:

- (a) The member processing the request shall determine if the requested record is available and if so, whether the record is exempt from disclosure. Either the requested record or the reason for non-disclosure will be provided promptly, but no later than three (3) business days from the date of the request, unless unusually circumstances

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preclude doing so. If more time is needed, an extension not to exceed ten (10) working days from the date of the request may be authorized by the City Attorney's Office. If authorized, the department shall provide notice of the extension to the requesting party.

- (b) The requesting party may be required to pay an established fee in advance for each record sought.
- (c) In accordance with Idaho Public Records Law, the department is not required to create records that do not otherwise exist in order to accommodate a request under law.
- (d) Requests by elected officials for records that are not open to the public inspection should be referred to the Support Services Commander and the City Attorney's Office for a determination as to whether the records will be released or not.

### 802.4.2 RELEASE OF OTHER INFORMATION

**Civil Cases involving this Department and/or its Members:** The sole authority to disclose or release information concerning civil cases involving this department or its members rests with the Chief of Police and the City Attorney. Members may not discuss any civil case involving themselves, this department or the City of Coeur d'Alene, or otherwise disclose any information relating to any civil case without the specific permission of the Chief of Police. This is not to be construed to limit attorney/client relationships between a member and his attorney.

**Criminal or Administrative Investigation of a Member:** The identity of any member subject to any criminal or administrative investigation shall not be released without the consent of the involved member, prior approval of the Chief of Police and City Attorney, or as required by law.

**Medical Records of others:** Medical data concerning others is confidential and shall not be released without specific consent of the person or as otherwise required by law.

### 802.4.3 MEMBER CONFIDENTIALITY

Notwithstanding any other provision of state law, no member of this department shall disclose to any person or entity the personal information of any member or his residing household members, including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, except under any of the following circumstances:

- (a) When directed by a court order;
- (b) When the member provides permission for disclosure of such information.

Full-time sworn members desiring that their Idaho residential street address and telephone number, and the Idaho residential street address and telephone number of their residing household member(s) be exempt from disclosure pursuant to Idaho codes 19-5803 and 9-340C(30), may submit an application and a fee, if any, to the custodian of the public record

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that contains such information; or to a public agency requesting that the public agency use an alternative Idaho mailing address rather than the Idaho residential street address of any such member and of any such member's residing household family on all applications and on all identification cards, licenses, certificates, permits, tags and other similar documents that are issued to the member or his residing household member(s) by the public agency.

### 802.4.4 PERSONAL IDENTIFYING INFORMATION

Members shall not access, use or disclose personal identifying information, including an individual's photograph, social security number, driver's license or identification card number, name, address, telephone number, employment information, or medical/disability information that is contained in any driver license record, motor vehicle record, or any department record or database except as authorized by the department and only when such use or disclosure is required to carry out a legitimate law enforcement purpose.

### 802.5 POLICY

It is the policy of the Coeur d'Alene Police Department to maintain department records securely, professionally and efficiently.

### 802.6 RESPONSIBILITIES

#### 802.6.1 RECORDS SUPERVISOR RESPONSIBILITIES

The Chief of Police shall appoint and delegate certain responsibilities to a Records Supervisor. The Records Supervisor shall be directly responsible to the Administration Division Commander or the authorized designee.

The responsibilities of the Records Section include but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Section.
- (b) Scheduling and maintaining Records Section time records.
- (c) Supervising, training, and evaluating Records Section staff.
- (d) Maintaining and updating a Records Section procedure manual.
- (e) Ensuring compliance with established policies and procedures.
- (f) Supervising the access, use, and release of protected information (see the Protected Information Policy).
- (g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:
  1. Homicides
  2. Officer involved shootings
  3. Cases involving department members or public officials
  4. Shared System (other departments) members

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5. Any case where restricted access is prudent.

### 802.6.2 RECORDS SECTION RESPONSIBILITIES

The responsibilities of the Records Section include but are not limited to:

- (a) Maintaining a records management system for case reports.
  1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
- (b) Entering case report information into the records management system.
  1. Modification of case reports shall only be made when authorized by a supervisor.
- (c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.
- (d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics.
- (e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.
- (f) Identifying missing case reports and notifying the responsible member's supervisor.
- (g) Entering court protective orders into the Idaho public safety and security information system (ILETS) upon receipt (Idaho Code 18-7907; Idaho Code 18-922).

## Computers and Digital Evidence

### 804.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCD's), digital cameras, digital recorders and other devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

### 804.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Members should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents and/or passwords.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
  1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
  2. Disconnect the power cable from the back of the computer box (*for laptops, disconnect any power cable from the case and remove the battery*).
- (e) Label each item with case number, evidence sheet number, and item number.
- (f) Handle and transport all devices (*i.e. tape, discs, memory cards, flash memory, external drives*) with care so that potential evidence is not lost.
- (g) Log all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.
- (h) At minimum, members should document the following in related reports:
  1. Where the computer was located and whether or not it was in operation.
  2. Who was using it at the time.
  3. Who claimed ownership.
  4. If it can be determined, how it was being used.



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- (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (*hard drives, tape drives, and disk drives*) should be seized along with all media. Accessories (*printers, monitors, mouse, scanner, keyboard, cables, software and manuals*) should not be seized unless as a precursor to forfeiture.

### 804.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Members should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence. Cases involving networks require specialized training which is available through the Northwest Regional Computer Forensic Lab (*RCFL*), the Idaho State Police or another agency having certified examiners.

### 804.2.2 FORENSIC EXAMINATION OF DIGITAL MEDIA

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to the Computer Forensic Examiner:

- (a) Copy of report(s) involving the computer, including the Evidence/Property sheet.
- (b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.
- (c) A listing of the items to search for (*i.e. photographs, financial records, e-mail, documents*).
- (d) A duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

### 804.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media, to include hard discs, floppy discs, CD's DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the assigned Detective to copy the contents to an appropriate form of storage media.
- (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

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- (d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.
- (e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

### 804.4 SEIZING PCD'S

Personal communication devices such as cell phones, PDA's or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

- (a) Members should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
- (b) If additional information is needed to determine if a crime has occurred, document what steps were taken to review the media and discontinue any further action once evidence has been found.
- (c) Do not turn the device on or off. If the device is off, leave it off. If the device is on, contact a Supervisor to determine any further action. The device should be placed in a solid metal container such as a paint can, Faraday bag, or aluminum foil, to prevent the device from sending or receiving information from its host network.

### 804.5 DIGITAL EVIDENCE RECORDED BY MEMBERS

Members handling and submitting evidence recorded by other members and stored digitally using digital cameras, audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

#### 804.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

#### 804.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

- (a) The recording media (*smart card, compact flash card or any other media*) shall be uploaded into the digital evidence system as soon as possible for submission into evidence.
- (b) The assigned Detective will accommodate all requests to copy and/or distribute digital media made from the memory cards or other media.

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- (c) Members requiring a copy of the digital files stored in VIPER must go through the Records Division. Digital Evidence stored as an evidence item will be requested through the assigned Detective. Requests from the Prosecutor for items in evidence will be accommodated by the Property Officer.

### 804.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

- (a) Files should not be opened or reviewed prior to downloading and storage.
- (b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

### 804.5.4 PRESERVATION OF DIGITAL EVIDENCE

- (a) Only Property Officers are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.
- (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media
- (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

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## Animal Control Procedures

### 805.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

### 805.2 [ANIMAL CONTROL] RESPONSIBILITIES

Animal control services are generally the primary responsibility of [Animal Control] and include the following:

- (a) Animal-related matters during periods when [Animal Control] is available.
- (b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that [Animal Control] is available for investigation and resolution.
- (c) Follow-up on animal-related calls, such as locating owners of injured animals.

### 805.3 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

- (a) There is a threat to the public safety.
- (b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.
- (c) An animal is creating a traffic hazard.
- (d) An animal is seriously injured.
- (e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.
  1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
  2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
  3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

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### **805.4 DECEASED ANIMALS**

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag, and properly disposed of by the responding member.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

### **805.5 INJURED ANIMALS**

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

#### **805.5.1 INJURED WILDLIFE**

Injured wildlife should be referred to Idaho Fish and Game.

### **805.6 POLICY**

It is the policy of the Coeur d'Alene Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

### **805.7 ANIMAL CRUELTY COMPLAINTS**

Laws relating to the cruelty to animals should be enforced, including but not limited to Idaho Code 25-3504 et seq. (cruelty to animals).

- (a) An investigation should be conducted on all reports of animal cruelty.
- (b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

### **805.8 ANIMAL BITE REPORTS**

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

### **805.9 STRAY DOGS**

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter/holding pen.

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Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter) (Idaho Code 25-3510).

### **805.10 DANGEROUS ANIMALS**

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Shift Commander will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

### **805.11 PUBLIC NUISANCE CALLS RELATING TO ANIMALS**

Members should diligently address calls related to nuisance animals (e.g., barking dogs), because such calls may involve significant quality-of-life issues.

### **805.12 DESTRUCTION OF ANIMALS**

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

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## Protected Information

### 812.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Coeur d'Alene Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

#### 812.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored or accessed by members of the Coeur d'Alene Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

### 812.2 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Coeur d'Alene Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

#### 812.2.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor for a person to request, obtain or attempt to obtain, for personal gain, criminal history records under false pretenses or to willfully communicate or attempt to communicate criminal history records to any agency or person not authorized to receive the information by law (Idaho Code 67-3009(1)).

It is a felony for a person to willfully solicit, accept or agree to accept from another any pecuniary benefit as consideration for either willfully falsifying criminal history records or for willfully requesting, obtaining or seeking to obtain criminal history records for a purpose not authorized by law (Idaho Code 67-3009(2)).

#### 812.2.2 RELEASE OF CRIMINAL HISTORY RECORD INFORMATION (CHRI)

Only the members listed below are authorized to release CHRI. Each authorized member releasing CHRI is responsible to ensure that each request granted appears legitimate and the requester is an authorized representative of a criminal justice agency or court.

- (a) ILETS Terminal Agency Coordinator.

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- (b) Records Supervisor.
- (c) Members of the Records Division.
- (d) Members providing information to another law enforcement agency or to a prosecutor.

Each member should have a signed ILETS "Statement of Criminal History Record (CHRI) Confidentiality Form" on file with the Terminal Agency Coordinator (TAC), which delineates the authorized usage and dissemination of CHRI obtained through the NCIC Interstate Identification Index (III) files.

### **812.2.3 RELEASE OF CHRI TO FIELD PERSONNEL**

State and national fingerprint-based record checks must be conducted within 30 days upon initial employment or assignment for all members, including appropriate IT members, having access to ILETS/NCIC information. Appropriate background checks must be conducted on any other member or City employee with access to ILETS and NCIC access devices.

This department will also screen custodial, support, and/or contract employees accessing terminal areas, when not escorted by authorized personnel.

Sites that include locations or vehicles housing Mobile Data Computers or personal/laptop computers accessing ILETS records must be secure from casual access.

CHRI shall not be transmitted by radio broadcast other than for legitimate law enforcement business/public safety reasons or to further an investigation. Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

### **812.3 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION**

Protected information may be released only to authorized recipients who have both a right to know and a need to know (Idaho Code 67-3008(6)).

A member who is asked to release protected information that should not be released shall refer the requesting person to a supervisor or to the Records Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further



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an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

### **812.4 SECURITY OF PROTECTED INFORMATION**

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- (d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.
- (e) Monitoring and enforcing department compliance with ILETS minimum standards and procedures to ensure the security of the physical premises, computer equipment and network requirements.

#### **812.4.1 MEMBER RESPONSIBILITIES**

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

### **812.5 TRAINING**

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

#### **812.5.1 ILETS TRAINING**

All members who operate a terminal to access ILETS shall complete ILETS training consistent with their duties. Each member who operates a computer to access ILETS must be re-certified by the Department every two years.

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Members who access ILETS and CHRI must have completed the appropriate background check and receive the mandated ILETS or NCIC training at a level consistent with the member's duties.

### **812.5.2 DESTRUCTION OF CHRI**

When retention of Criminal History Records are no longer required, final disposition shall be accomplished in a secure manner so as to preclude unauthorized access/use. Each member shall be responsible for CHRI documents they receive.

NCIC requires all CHRI printouts to either be shredded or burned.

When the destruction of CHRI printouts are contracted out to a private company or individual, that entity or individual must either:

- (a) Pass a complete background check, which includes fingerprints processing, or
- (b) The printouts must be in a container that does not allow viewing of the contents, and the contracted person must be under supervision of a background checked member of this department until the documents are destroyed.

### **812.6 PENALTIES FOR MISUSE OF RECORDS**

It is a misdemeanor for a person for personal gain to request, obtain, or attempt to obtain criminal history records under false pretenses or willfully communicate or attempt to communicate criminal history records to any agency or person not authorized to receive the information by law.

It is a felony for a person to willfully solicit, accept, or agree to accept from another any pecuniary benefit as consideration for either willfully falsifying criminal history records or for willfully requesting, obtaining, or seeking to obtain criminal history records for a purpose not authorized by law.

Members who obtain, or attempt to obtain, information from this department's files or databases other than that to which they are entitled in accordance with their official duties, or any member who divulges the content of any criminal record to anyone other than authorized personnel, may subject to disciplinary action, including termination.

## Chapter 10 - Personnel

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## Recruitment and Selection

### 1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Coeur d'Alene Police Department and that are promulgated and maintained by the Human Resources Department.

### 1000.2 POLICY

In accordance with applicable federal, state, and local law, the Coeur d'Alene Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

### 1000.3 RECRUITMENT

The Support Services Commander should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Support Services Commander shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

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## *Recruitment and Selection*

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### **1000.4 SELECTION PROCESS**

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Driving record
- (c) Reference checks
- (d) Citizenship eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state and federal criminal history record checks
- (h) Polygraph or voice stress analyzer (VSA) examination (when legally permissible)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
- (j) Review board or selection committee assessment

#### **1000.4.1 VETERANS' PREFERENCE**

Eligible veterans or widows may receive a veterans' preference pursuant to Idaho Code 65-504.

### **1000.5 BACKGROUND INVESTIGATION**

Every candidate shall undergo a thorough background investigation meeting the requirements of IDAPA 11.11.01.057 to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Coeur d'Alene Police Department.

#### **1000.5.1 NOTICES**

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

#### **1000.5.2 REVIEW OF SOCIAL MEDIA SITES**

Due to the potential for accessing unsubstantiated, private or protected information, the Support Services Commander should not require candidates to provide passwords, account information or access to password-protected social media accounts.

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The Support Services Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Support Services Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

### 1000.5.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

### 1000.5.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

### **1000.6 DISQUALIFICATION GUIDELINES**

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

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## *Recruitment and Selection*

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### **1000.7 EMPLOYMENT STANDARDS**

All candidates shall meet the minimum standards required by state law (IDAPA.). Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Human Resources Department should maintain validated standards for all positions.

#### **1000.7.1 STANDARDS FOR OFFICERS**

Candidates shall meet the following minimum standards established by the Idaho Peace Officer Standards and Training (POST) Council (IDAPA 11.11.01.050 et seq.):

- (a) Be a citizen of the United States
- (b) Be a high school graduate or the recipient of a GED certificate
- (c) At least 21 years of age
- (d) Good moral character
- (e) Meet the drug standards as described in IDAPA 11.11.01.055
- (f) Free of any felony or misdemeanor convictions as described in IDAPA 11.11.01.055
- (g) Not have been dishonorably discharged or have received a similar dismissal from the military service
- (h) Certification that has not been revoked, denied, or suspended in any state or jurisdiction, or where the candidate has been unable to obtain certification in another state or jurisdiction
- (i) Have a valid driver's license
- (j) Submit to a medical examination
- (k) Submit to a psychological examination
- (l) Submit to an aptitude test

### **1000.8 PROBATIONARY PERIODS**

The Administration Division Commander should coordinate with the Coeur d'Alene Human Resources Department to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

## Evaluation of Members

### 1001.1 PURPOSE AND SCOPE

A standardized performance evaluation is a method by which the quality of the member's work is evaluated. Performance evaluations provide constructive feedback to aid in the professional growth and development of department members.

#### 1001.1.1 EVALUATION TIME LINES

Performance evaluations will be conducted annually on each member of the department. If a member of the department is on probation, performance evaluations may be conducted every six months. *(Note: This does not apply to sworn members who are going through the Field Training and Evaluation Program).*

#### 1001.1.2 RATING SUPERVISOR

To evaluate performance most accurately, when possible, the supervisor assigned to the performance evaluation should be the supervisor that has worked directly with the member and is most familiar with the member's job performance. If the member has been supervised by more than one supervisor during the reporting period, the rating supervisor should confer with the other supervisors.

#### 1001.1.3 RATING FACTORS

Standardized performance evaluation rating factors are:

- Unsatisfactory
- Average
- Above Average
- Outstanding

If a member has a unsatisfactory on any factor ratings included on the evaluation form, the evaluator needs to notify Human Resources before discussing the evaluation with the member.

#### 1001.1.4 PERFORMANCE EVALUATION NARRATIVE

The narrative section of the performance evaluation is broken down into four categories:

- Strengths
- Areas of Development
- Accomplishments
- Goals



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## *Evaluation of Members*

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The narrative section is used to provide constructive feedback to aid in the professional growth and development of the member, the performance evaluation will be discussed with the member by the rating supervisor and a signed (*with all applicable signatures*) copy of the evaluation given to the member.

## Promotions

### 1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions within the Coeur d'Alene Police Department that are fair and equitable. Refer to the City of Coeur d'Alene Personnel Rules and the Coeur d'Alene Police Officer's Association contract for any additional information governing this topic.

<http://citynet/deptimages/PersonnelRules.pdf>

<http://citynet/deptimages/PoliceAgr.doc>

### 1002.2 POLICY

The Coeur d'Alene Police Department determines assignments in a nondiscriminatory manner based upon job-related factors and candidate skill and qualifications. Promotions are made by the Chief of Police.

In accordance with City Personnel Rules, promotions shall be based on merit and fitness by competitive examination.

### 1002.3 COMPULSORY TRAINING

Members promoted to the rank of Sergeant will complete at least forty (40) hours of supervisory training within two years of such promotion.

Members promoted to the rank of Lieutenant will complete at least forty (40) hours of management training within two years of such promotion.

## Grievance Procedure

### 1003.1 PURPOSE AND SCOPE

Refer to the City of Coeur d'Alene Personnel Rules, *Rule XV* governing this topic.

<http://citynet/deptimages/PersonnelRules.pdf>

## Reporting of Employee Charges and Convictions

### 1004.1 PURPOSE AND SCOPE

Charges or convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties; therefore, all employees shall be required to promptly notify this department of any criminal charges or convictions.

### 1004.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Idaho and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm.

Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (*i.e. spouse, cohabitant, parent, child*) (18 USC § 922; Idaho Code 18-3316).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

### 1004.3 REPORTING PROCEDURE

Members, after beginning their employment with the City of Coeur d'Alene shall, as soon as practical, personally notify a supervisor if such member:

- is knowingly the subject of a criminal investigation;
- has been arrested (*physical custody or cited and released*), or otherwise charged with a misdemeanor or felony offense through a complaint, summons or warrant;
- is knowingly a Respondent to any restraining order or protection order issued by a court of competent jurisdiction;
- has been convicted of any misdemeanor or felony offense;
- has their driving privileges revoked or suspended through any jurisdiction.

Any member whose criminal arrest or conviction unduly restricts or prohibits that member from fully and properly performing his duties may be disciplined including, but not limited to being placed on administrative leave, re-assignment or termination.

Any member failing to personally notify a supervisor as soon as practical pursuant to this policy shall be subject to discipline.

#### 1004.3.1 NOTIFICATION REQUIREMENTS

Any officer of this department facing a current felony or misdemeanor charge shall notify his/her supervisor within five business days of learning of the charge. The Chief of Police shall notify the Peace Officer Standards and Training (POST) Division Administrator within 14 days of learning of the charge (IDAPA 11.11.01.110.03).

## Alcohol and Drug Use

### 1005.1 PURPOSE AND SCOPE

Refer to the City of Coeur d'Alene Personnel Rules, *Rule XXI Section 1 through 4*, for any additional rules governing this topic.

<http://citynet/deptimages/PersonnelRules.pdf>

### 1005.2 GENERAL GUIDELINES

In addition to the policies outlined in Policy §101.1.5 *Use of Alcohol On Duty* and §101.1.7 *Possession and Use of Drugs*, members who have consumed any alcoholic beverage or taken any medication that would tend to adversely affect their mental or physical abilities shall not report for duty. The affected member shall notify the appropriate supervisor as soon as the member is aware that he will not be able to report to work. If the member is unable to make the notification, every effort should be made to have another person contact the supervisor in a timely manner.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

#### 1005.2.1 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON-DUTY

Members shall not purchase or possess alcohol or other controlled substances on City property, at work, or while on-duty except in the performance of a special assignment.

Members shall not illegally manufacture any alcohol or drugs.

### 1005.3 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist members who wish to seek help for alcohol and drug problems. A variety of insurance covered programs which can provide treatment for drug and alcohol abuse may also be available to members.

Members may contact the Human Resources Department or their insurance provider for additional information.

Employees who experience drug or alcohol problems are encouraged to seek a referral for rehabilitation through the Employee Assistance Program or their insurance provider. It is the responsibility of each member to seek assistance before alcohol or drug problems lead to performance problems.

### 1005.4 WORK RESTRICTIONS

If a member informs a supervisor that he has consumed any alcohol, drug or medication that could interfere with the safe and efficient performance of his duties, the member may be required to obtain written clearance from his physician before he continues to work.

If a supervisor reasonably believes, based upon objective facts, that a member's ability to perform his duties safely and efficiently may be impaired by the consumption of alcohol or other drugs,

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the supervisor may ask the member whether he has consumed any alcohol or other drugs and, if so the amount and type of alcohol or other drug consumed and the time of consumption, and the name of the person who prescribed the controlled substance.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall arrange transportation safely away from the Department.

### **1005.5 REQUESTING SCREENING TESTS**

The department may request a member to submit to a screening test if a Supervisor:

- (a) Reasonably believes, based upon objective facts, that the member is under the influence of alcohol or drugs that are impairing their ability to perform duties safely and efficiently.
- (b) Informs the member of the specific facts supporting its belief and prepares a written record of those facts, and:
  - 1. Informs the member in writing whether the test will be for alcohol or drugs or both.
  - 2. Informs the member that the result of the test is not admissible in any criminal proceeding against them.
  - 3. Informs the member they may refuse the test but that refusal may result in dismissal or other disciplinary action.

#### **1005.5.1 ADDITIONAL SCREENING TESTS FOR OFFICERS**

The department may request a sworn member to submit to a screening test if:

- (a) During the performance of their duties, discharges a firearm other than by accident.
- (b) During the performance of their duties, drives a motor vehicle in such a manner as to cause bodily injury to him/herself or another person or substantial damage to property.

#### **1005.5.2 SCREENING TEST REFUSAL**

A member is subject to disciplinary action if they:

- (a) Fail or refuse to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested by the Chief of Police or his designee, that they took the controlled substance as directed, pursuant to a current and lawful prescription issued in their name.

### **1005.6 CONFIDENTIALITY**

The department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to chemical abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process. The written

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results of any screening test may be provided to the member but will remain confidential and separate from the member's other personnel files.

### **1005.7 COMPLIANCE**

Members must, as a condition of employment, abide by the terms of this policy. Members must promptly and fully report the illegal use of controlled substances on their part or the part of any other members.

# Communicable Diseases

## 1006.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

### 1006.1.1 DEFINITIONS

Definitions related to this policy include:

**Communicable disease** - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV, and tuberculosis.

**Exposure** - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Coeur d'Alene Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

## 1006.2 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS

In actual or suspected exposure incidents, proper documentation must occur to ensure the best protection, and care for the member(s).

### 1006.2.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE

Members sustaining any on duty exposure or possible exposure shall report the exposure to their supervisor as soon as practical.

If a member(s) later experiences any symptoms or illnesses believed to have been as a result of an earlier on duty exposure, and deems medical treatment is needed due to the initial exposure, that member shall notify a Supervisor and Human Resources as soon as practical. Human Resources will update any previously documented paperwork, due to medical attention being needed, and submit updated injury information to State Insurance Fund. The Supervisor who receives such notification shall then notify that member's Division Commander.

Any member seeking medical treatment for an on duty exposure shall be examined/treated at the City's designated preferred provider. The member shall inform the attending physician of their job duties so that appropriate work restrictions, if any, can be noted. If the injury does not allow for the member to return to full duty, the member shall notify their immediate supervisor of work restrictions and provide supervisor with the appropriate documentation given from the preferred provider physician. Additionally, such members are required to promptly submit all medical releases, whether partial or full, to their supervisor. If the department is able to accommodate light duty work restrictions, the member is required to return to work.



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### 1006.2.2 SUPERVISOR REQUIREMENTS

- (a) A Supervisor receiving notification from a member of an exposure or possible exposure shall investigate how the exposure may have occurred. If practical, photographs of any related injury to the exposure and/or location of where the exposure occurred should be taken if applicable. The following steps shall also be taken:
1. The Supervisor shall complete the First Report of Injury and Supervisors Accident Report forms as soon as practical.
  2. The Supervisor shall print out both forms upon their completion and have the concerned member review the First Report of Injury form for accuracy as soon as practical.
  3. If the form is not an accurate account of how the exposure occurred, the member shall advise the Supervisor what changes are needed.
  4. An accurate form shall be dated and signed by the member if they are able to do so within a reasonable amount of time.
  5. The Supervisor will forward both the original First Report of Injury and Supervisors Accident Report forms to the member's Division Commander.
  6. The Supervisor shall also electronically send both forms to the Human Resources Department. *(The electronic version does not have to be the original signed forms, but must be the accurate form the member reviewed).*
- (b) The Supervisor should also forward a brief memorandum or e-mail to the member's Division Commander summarizing how the exposure occurred if additional details regarding the incident are warranted. Information which should be considered for the summary are:
1. Names of the member exposed.
  2. Date and time of the incident.
  3. Location of the incident.
  4. Potential infectious materials involved.
  5. Source - whether it was a contaminated material or a person.
  6. Current location of material or person.
  7. Work being done during exposure.
  8. How the incident occurred or was caused.
  9. Personal protective equipment in use at the time of the incident.
  10. Actions taken post-event *(clean-up, notifications)*.

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11. Whether the member desires that the exposure source tested.

### 1006.2.3 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT

Any employee who was exposed or who suspects he/she was exposed to any body fluids should be seen by a physician (or qualified health care provider) as soon as possible. The doctor (or qualified health care provider) should review the supervisor's report, the employee's medical records relevant to the visit and examination, and the employee's First Report of Injury form, if they are available.. The blood of the exposed employee shall be tested (IGSHS 330.12).

The health care professional shall provide the ECO and/or the City's Risk Manager with a written opinion/evaluation of the exposed employee's situation. This opinion should only contain the following information:

- If a post-exposure treatment is indicated for the employee.
- If the employee received a post-exposure treatment.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident and whether it will require further treatment or evaluation.
- Whether communicable disease testing from the source is warranted, and if so, what diseases should be included.

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

### 1006.2.4 COUNSELING

The department may provide the exposed member the opportunity for professional counseling and consultation.

### 1006.2.5 CONFIDENTIALITY OF REPORTS

The Chief of Police or his designee shall ensure that all records and reports of the member and the exposure source are kept in the strictest confidence and disclosed only as required by law.

## **1006.3 EXPOSURE CONTROL OFFICER**

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

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- (c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them.
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
  - 1. Responding to requests and notifications regarding exposures covered under the Ryan White CARE Act (42 USC § 300ff-133; 42 USC § 300ff-136).
  - 2. Reporting communicable diseases or member exposures to the Department of Health and Welfare (Idaho Code 39-602; Idaho Code 39-610; IDAPA 16.02.10.065).

The ECO should also act as the liaison with the Idaho Division of Building Safety and may request voluntary compliance inspections. The ECO should review and update the exposure control plan annually and review implementation of the plan.

### **1006.3 POLICY**

The Coeur d'Alene Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

### **1006.5 TRAINING**

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training:

- (a) Should be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Should be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure, and what steps should be taken if a suspected exposure occurs.

### **1006.6 SECTION TITLE**

### **1006.7 EXPOSURE PREVENTION AND MITIGATION**

#### **1006.7.1 GENERAL PRECAUTIONS**

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to:

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.

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- (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
  - 1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

### 1006.7.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost.

## 1006.8 POST EXPOSURE

### 1006.8.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

### 1006.8.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented:

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- (a) Name of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting and Illness and Injury Prevention policies).

### 1006.8.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

### 1006.8.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure.

### 1006.8.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.

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- (b) Contacting the Department of Health and Welfare (DHW) to provide information regarding the circumstances of the exposure and to request that DHW issue an order for the source individual to report for an examination. As a result of the examination, a licensed physician may order testing (IDAPA 16.02.10.060; IDAPA 16.02.10.065).

(c)

Under certain circumstances, if the member qualifies as a crime victim, a court may order the result of any source testing to be disclosed to the exposed member (Idaho Code 39-604).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the Prosecutor to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

### **1006.9 CONFIDENTIALITY OF REPORTS**

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

## Attendance and Leaves

### 1007.1 PURPOSE AND SCOPE

Refer to the City of Coeur d'Alene Personnel Rules and the Coeur d'Alene Police Officer's Association contract governing this topic.

<http://citynet/deptimages/PersonnelRules.pdf>

<http://citynet/deptimages/PoliceAgr.doc>

## Use of Tobacco Products

### 1008.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Coeur d'Alene Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

### 1008.2 POLICY

- (a) Smoking, including the use of electronic cigarettes, is not permitted inside any buildings or vehicles owned or operated by this department.
- (b) Members may smoke outside of the department provided they not do so in areas near doors, windows, HVAC systems or vehicles in which other members may be subject to second-hand smoke or odor.
- (c) Members may use smokeless tobacco products inside this department, and any sub-stations, provided cleanliness is maintained.
- (d) The use of smokeless tobacco products is prohibited in any vehicle owned or operated by this department.
- (e) On duty members are prohibited from smoking or using smokeless tobacco products while in public view.
- (f) Sub-sections (d) and (e) do not apply to on duty members of any undercover specialty unit..
- (g) For the purpose of this policy, smokeless tobacco is defined as any tobacco product that is used orally.



## Seat Belts

### 1009.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

#### 1009.1.1 DEFINITIONS

Definitions related to this policy include:

**Child restraint system** - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

### 1009.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased, rented or operated by this department, while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Department, are also properly restrained (Idaho Code 49-673).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement.

### 1009.3 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

### 1009.4 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

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### **1009.5 POLICY**

It is the policy of the Coeur d'Alene Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

### **1009.6 TRANSPORTING CHILDREN**

Children 6 years of age and under should be transported in compliance with Idaho's child restraint system requirements (Idaho Code 49-672).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles, provided this positioning meets federal safety standards the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should consider arranging alternative transportation when feasible.

### **1009.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS**

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

### **1009.8 VEHICLE AIRBAGS**

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

## Body Armor

### 1010.1 PURPOSE AND SCOPE

Use of soft body armor has been shown to be effective in reducing deaths and serious injuries. This policy establishes rules for the use and issuance of soft body armor.

### 1010.2 POLICY

All sworn members shall wear soft body armor when wearing their uniform.

When non-uniformed sworn members are assigned to a special operation, stakeout, service of felony arrest warrant(s), or are serving a search warrant at a location where there is reason to believe an armed or felony suspect may be present, the wearing of soft body armor is mandatory.

- A special operation or stakeout, for purposes of this section, is a pre-planned event where time and practicality allow members to put on body armor in anticipation of encountering armed or dangerous suspects or circumstances.

Soft body armor which has expired, been punctured with a sharp instrument, impacted by a projectile, or otherwise no longer meets warranty standards, shall be taken out of service and returned to the Equipment Specialist immediately for inspection and/or disposal, unless the body armor is submitted for evidentiary purposes.

Any member issued soft body armor is responsible for inspecting the armor to ensure it meets these standards.

#### 1010.2.1 ISSUANCE OF SOFT BODY ARMOR

The department shall purchase and issue soft body armor to all full-time sworn members. This shall also include replacement body armor as needed.

When available, surplus soft body armor may be issued to Reserve Officers, Explorers and other authorized members, provided that the body armor:

- Is not expired and warranty standards are current; and
- The body armor properly fits that particular member.

Surplus soft body armor not meeting the above requirements shall not be issued to any member.

Reserve Officers shall have the first right to use any surplus body armor meeting the requirements described above, and the department reserves the right to recall any previously issued surplus body armor for use by another member or for any other reason.

Reserve Officers who are not provided surplus soft body armor by the department, shall be required to provide their own soft body armor, which must meet or exceed the department standard for threat level protection and can not be expired.

Explorers and other authorized members who can not be provided surplus soft body armor by the department, shall not be required to wear, purchase or otherwise provide their own body armor.

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These members shall only participate in a ride-along program or other department event with their written knowledge and consent that the department could not provide them soft body armor. This consent shall be in the form of a written waiver of any liability.

## Member Files

### 1011.1 PURPOSE AND SCOPE

The department retains files on members that will be securely maintained in the office of the Chief of Police or other secured location. The files may contain information that is relevant to a member's employment status with the department.

### 1011.2 MAINTAINED FILES

The following files will be secured in the office of the Chief of Police:

- **Personnel File** - Each full-time and part-time member of the department shall have a Personnel File that will typically contain information such as evaluations, certificates of training, letters of commendation, or other miscellaneous paperwork.
- **Personnel Complaints/Internal Investigation Files** - Files containing personnel complaints and internal investigations on members.
- **Fleet Collision Review Boards** - Files containing fleet collision review boards that were conducted on members.

The following files will be maintained and secured in a locked cabinet and/or digitally stored in a secured access file in VIPER:

- **Field Training and Evaluation Program Files** - Each full-time sworn member is required to go through the Field Training and Evaluation Program (FTEP). These members will be evaluated daily by their assigned Field Training Officer. Trainees are also assigned an FTEP manual containing standards, checklists and self-study assignments. The daily evaluations, weekly tests, any additional paperwork associated with the Trainees progress in the FTEP, and FTEP manual will be retained in this file.
- **Training Files** - Training files of members, including but not limited to certificates of completion/attendance and training rosters, may be maintained by the department.

The following files will be maintained in the Inner Armory and/or digitally stored in a secured access file in VIPER:

- **Firearms Qualifications Files** - Each sworn member is required to qualify with department firearms and a file will be maintained on each member for each qualification attended.

The following files will be securely maintained in the office of the Training Sergeant, office of the Support Services Lieutenant, and/or digitally stored in a secured access file in VIPER:

- **Background Investigation Files**- Background investigation files are maintained on candidates for sworn and non-sworn full-time and part-time positions with the department.

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- **Pre-Employment Polygraph Examination Results** - Results of pre-employment polygraph examinations are maintained on candidates for sworn and non-sworn full-time and part-time positions with the department.

### 1011.2.1 ACCESSING FILES

The files outlined in Policy §1012.2 may be accessed as follows unless otherwise required by law or authorized by the Chief of Police:

- **Personnel Files**
  - Personnel files of any member may be accessed by the Chief of Police, Division Commander or Lieutenant for any work related reason;
  - A Sergeant may access the personnel file of a member that they are completing an evaluation on, or when otherwise designated by the Chief of Police or his designee;
  - Other members may not access any other member's file, and they shall only review their own personnel file when authorized.
    - Such review shall only be during business hours and must be done in the office of Chief of Police or other designated location approved by the Chief of Police.
    - No member shall alter, add or remove any document.
    - Copying of any documents contained in the member's personnel file must be authorized by the Chief of Police, who may also require such request be in writing and include what documents are to be copied and for what reason.
- **Personnel Complaints/Internal Investigation Files**
  - Personnel Complaint or Internal Investigation files of any member may be accessed by the Chief of Police, Division Commander or Lieutenant for any work related reason;
  - A Sergeant may access such files when authorized by the Chief of Police or his designee;
  - Other members may not access any other member's file, and they shall only review their own file when:
    - After first submitting a request in writing to the member's Division Commander stating the reason for the review.
    - The Division Commander shall forward the request to the Chief of Police, who may when applicable seek authorization of the City Attorney prior to authorizing or denying such request.
    - Any authorized review shall only be during business hours and must be done in the office of Chief of Police or other designated location approved by the Chief of Police.

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- No member shall alter, add or remove any document.
- Copying of any documents, videos, audio or photographs contained in such file(s) must be authorized by the Chief of Police, who may also require such request be in writing and include what documents are to be copied and for what reason.
- **Fleet Collision Review Boards**
  - Fleet Collision Review Board files of any member may be accessed by the Chief of Police, Division Commander, Lieutenant or Sergeant for any work related reason;
  - Members may not access any other member's Fleet Collision Review Board file and shall only review their own file:
    - Such review shall only be during business hours and must be done in the office of Chief of Police or other designated location approved by the Chief of Police.
    - No member shall alter, add or remove any document.
    - Copying of any documents, videos, audio or photographs contained in such file(s) must be authorized by the Chief of Police, who may also require such request be in writing and include what documents are to be copied and for what reason.
- **Field Training and Evaluation Program Files**
  - FTEP files shall only be accessed by the Chief of Police, Operations Division Commander, FTEP Administrator, FTEP Sergeant, and Field Training Officers.
- **Training Files**
  - Training files shall only be accessed by members authorized by the Chief of Police or his designee. Members may request copies of their training file by submitting a request through the Training Sergeant.
  - The Training Sergeant and Division Commanders or their designee, upon authorization of Idaho POST, may be granted on-line access to members' POST Training Records. Members may request copies of their POST Training Record by submitting a request through the Training Sergeant.
- **Firearms Qualification Files**
  - Firearms Qualification files shall only be accessed by the Chief of Police, Division Commanders, Rangemaster/Firearms Instructor Supervisor, Training Sergeant and Rangemasters.
- **Background Investigation Files**
  - Background Investigation files shall only be accessible by the Chief of Police, Division Commanders, Support Services Lieutenant and Training Sergeant. Other Supervisors may be granted access upon authorization of the Chief of Police or his designee if the reason for access is related to a position for which that particular Supervisor oversees.

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- **Pre-Employment Polygraph Examination Files**

- Pre-Employment Polygraph Examination files shall only be accessible by the Chief of Police, Division Commanders, Support Services Lieutenant and Training Sergeant. Other Supervisors may be granted access upon authorization of the Chief of Police or his designee if the reason for access is related to a position for which that particular Supervisor oversees.

### 1011.2.2 MEDICAL FILES

The Human Resources Department maintains any medical files related to a member's employment with this department at their office. Members requesting to review such personal files shall contact the Human Resources Department.

### 1011.2.3 RELEASE OF FILES/INFORMATION

Any files mentioned in this policy shall not be released or disclosed to any unauthorized persons unless otherwise required by law, or as authorized by the Chief of Police after consulting with the Human Resources Department and/or City Attorney's Office when applicable.

- Employers from outside the City of Coeur d'Alene who are conducting background investigations on current members of this department shall be referred to that member's Division Commander. No information shall be released without that employer first submitting a copy of a signed waiver from that member.
- Employers from outside the City of Coeur d'Alene who are conducting background investigations on former members of this department shall be referred to the Human Resources Department.



## Change of Assignment - Transfers

### 1012.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for transferring to specialty assignments within the Coeur d'Alene Police Department that are fair and equitable.

### 1012.2 POLICY

The Coeur d'Alene Police Department determines assignments in a nondiscriminatory manner based upon job-related factors and candidate skill and qualifications. Assignments and promotions are made by the Chief of Police.

### 1012.3 APPROVAL OR DENIAL OF REQUEST FOR CHANGE OF ASSIGNMENT

If the change of assignment involves the transfer of a member from one division to another, both the Operations Division Commander and Support Services Division Commander shall have the opportunity to either endorse or not recommend the transfer. The Chief of Police will have the final authority to approve or deny a member's request for change of assignment.

#### 1012.3.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

- (a) Two (2) years as a sworn officer with the Department

Exceptions:

- Seniority may be reinstated for officer returning to the Department, upon approval from the Chief of Police.
- After probation, lateral officers may use 50% of their prior police agency time toward the two (2) year requirement.

Sergeant: At time of promotion, the member is transferred to a uniform patrol assignment. After a Sergeant is eligible to transfer to a position other than a uniform patrol bid position in their rank.

- (b) The member must meet minimum qualifications for the special assignment including:
  - Annual evaluation of average or greater
  - including disciplinary

3. Exceptional skills, experience, or abilities related to the special assignment

The ability to transfer may not apply to members:

- (a) On probation.
- (b) On disciplinary probation.
- (c) Who received a counseling memo / corrective action plan from their supervisor within 12 months as their transfer request.

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- (d) Under investigation for misconduct.
- (e) Who received a disciplinary suspension within 12 months as their transfer request.

Exceptions / additions to the eligibility requirements may be made by the Chief of Police or designee. Transfer requests due to hardships will require a memo to the Chief of Police through the chain of command for his/her approval.

### 1012.3.2 REQUESTING A TRANSFER TO A SPECIALTY ASSIGNMENT

The Division Commander or designee of the specialty assignment will notify the Department through e-mail when a position is open.

Eligible members shall complete the Department's Transfer Request Form documenting their minimum qualifications for the desired position. Only eligible members should request a transfer.

- The transfer request form must be completed correctly and received by the affected Division Commander or designee by the date and time indicated on the announcement. Failure to do so will result in the request being denied.
- The member submitting the transfer request form will send the original form directly to the affected Division Commander or designee listed in the announcement.

### 1012.3.3 EVALUATION CRITERIA

The following criteria will be used in evaluating candidates for a special assignment:

- (a) Presents a professional, neat appearance
- (b) Maintains a physical condition that aids in his/her performance.
- (c) Expresses an interest in the assignment.
- (d) Demonstrates the following traits:
  - Emotional stability and maturity
  - Stress tolerance
  - Sound judgment and decision making
  - Personal integrity and ethical conduct
  - Leadership skills
  - Adaptability and flexibility
  - Ability to conform to department goals and objectives in a positive manner

### 1012.3.4 SELECTION PROCESS

The selection process for special assignments will include an administrative evaluation as determined by the Chief of Police to include:

- (a) Supervisor recommendations – The selection committee may request a recommendation from the member's immediate supervisor.
- (b) The unit sets the basic proficiency for the desired position.

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- (c) An oral board must be conducted. Additional proficiency testing may occur as applicable to the position.
- (d) Tests are to be developed by the Division Commander or designee of the open specialty assignment.
- (e) The testing process is to test for knowledge, skills and abilities for the specialty assignment.
- (f) The testing process is to be described on the opening announcement and cannot include requirements not posted for that specialty assignment.
- (g) If only one (1) member requests a transfer to an open assignment a test is not required

The announcement is to include resources used for the test so all members requesting the transfer can prepare for the test on an equal basis.

### 1012.3.5 SELECTION COMMITTEE MEMBERSHIP

#### Officer / Detective Position:

Each Division Commander shall designate a selection committee which shall be made up of at least three (3) but not more than five (5) members to include at least one (1) Sergeant.

#### Sergeant Position:

Each Division Commander shall designate a selection committee which shall be made up of at least three (3) but not more than five (5) members to include at least one (1) Lieutenant. An outside agency representative may be used when appropriate.

#### Responsibilities:

The Selection Committee will develop an interview process to include questions relevant to that position. The interview will be forwarded to the Division Commander for review and approval before being administered.

#### Transfer Selection:

The Selection Committee evaluates on all components to obtain the banding order. The banding categories include: limited, satisfactory, above satisfactory, and outstanding.

The Selection Committee will provide candidate feedback when requested.

The Division Commander will review the recommended banding and advises the transfer decision to the Chief of Police. The Chief or designee will approve of the assignment.

Bandings for selection processes are ineligible for use after 12 months. If additional opening(s) occur within twelve (12) months, the affected Division Commander, with approval from the Chief of Police or designee, may use the current banding order to retests prior to the expiration date.

### 1012.3.6 TRANSFER PROCESS

#### Notification of Transfer:

- The Division Commander or designee of the open assignment fills the position.

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- The Division Commander or designee of the open assignment notifies the member of the impending transfer through the member's chain of command.
- The notification includes the effective date of the transfer, the position, and new immediate supervisor, if known.
- Upon acceptance, a copy of the notification is sent to the Chief of Police. Notifications can be done by email.

### Process for Open Assignment with no Requests to Transfer

**Sergeant:** If no Sergeant requests a transfer to an open assignment, the affected Division Commander may ask any qualified Sergeant of their choice to accept the position. If no Sergeant accepts the position within two (2) weeks, the Division Commander fills the position with the most junior Sergeant that has been in their present rank for at least two (2) years.

**Officer:** The specialty assignment will be reopened to anyone off probation. If requests are submitted, the process will continue. If no officer requests a transfer for the open assignment, the affected Division Commander will fill the position with a member of that rank who is off probation and has the least amount of bid seniority.

### Transfer Limitations:

Members must stay in the assignment for twelve (12) months before being eligible to transfer to another assignment.

If a member is unable to perform the function of the assignment due to job incompatibility, the member must submit a memo to the Division Commander explaining why the position is incompatible. The member may be available to apply for another specialty assignment or transfer to a patrol assignment with the affected Division Commander approval.

Members assigned to the Support Services Division, including Detectives, may request a transfer back to Patrol at any time.

A member may be removed from a specialty assignment if he/she is no longer able or willing to perform the job. If removed, the member shall be transferred to Patrol and shall remain in Patrol for twelve (12) months prior to applying for another transfer.

Members who voluntarily transfer out of a specialty assignment after 12 months are not required to spend twelve (12) months in Patrol after the transfer.

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## Commendations and Awards

### 1013.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Coeur d'Alene Police Department and individuals from the community.

### 1013.2 POLICY

It is the policy of the Coeur d'Alene Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

Any member may recommend a commendation for any department member or citizen to receive formal department medals or awards as described in Policy. The department recognizes the importance of the nomination process to be completed in a timely manner. The following guidelines shall be followed when recommending recognition of exemplary performance of department members or citizens.

**Nomination by a Department Member:** The nominating member shall investigate and gather information which would support the recommendation and then complete the authorized Award Recommendation and submit the form, along with all supporting documents, through the chain of command for submittal to the Awards Committee.

**Nomination by a Citizen or other Law Enforcement Agency:** Any department member who receives a verbal or written appreciation of conduct from a citizen or other law enforcement agency regarding another department member, shall notify the concerned member's immediate supervisor as soon as practical. The concerned member's supervisor shall review the documentation and forward any documentation to the Awards Committee, the concerned member and to the member's personnel file.

If the supervisor believes the information meets the established guidelines for the issuance of a formal department commendation or award, the supervisor shall:

- Investigate and gather information which would support the recommendation.
- Complete the authorized Award Recommendation form.
- Submit the recommendation form, along with all supporting documents, to the Awards Committee.

#### 1013.2.1 AWARDS COMMITTEE STRUCTURE AND RESPONSIBILITIES

- Members of the Awards Committee are appointed by, and serve at the direction of the Chief of Police or his designee.

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- Members will meet as necessary to review nominations.
- Each member will have an equal vote in deciding nominations for awards.
- In order for a nomination to be approved, the committee members must be present for a quorum and come to a unanimous decision.

### **1013.3 PRESENTATION OF DEPARTMENT COMMENDATIONS AND AWARDS**

When an incident occurs that warrants the presentation of one of the following awards, the procedure for their presentation will be as follows:

- *Medal of Honor*
- *Medal of Valor*
- *Police Star*
- *Purple Heart*
- *Life Saving Award*
- *Distinguished Unit Citation*
- *Department Commendation*
- *Humanitarian Award*
- *Courageous Service Medal*

The Chief of Police will be responsible for releasing any information concerning the incident to other members of the Department, the Mayor, City Council, City Administrator, Deputy City Administrator and news media. The name(s) of the involved member(s) may be released to the media.

The presentation of all medals and awards earned by members will be made annually, or at the discretion of the Chief of Police. Invitation to attend the presentation will also be given to local dignitaries and the media.

Members who receive a medal will also be presented with a citation suitable for framing.

The Chief of Police or his designee will present all awards received by Department members.

#### **1013.3.1 DESCRIPTION OF DEPARTMENT COMMENDATIONS AND AWARDS**

**Medal of Honor:** The Medal of Honor is the department's highest award. The actual medal awarded will be accompanied by an enamel commendation bar to be worn on the uniform shirt.

This medal may be awarded to a sworn member who willingly and selflessly gives his life in the line of duty, or distinguishes himself by the performance of an act of courage involving risk or

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imminent danger to his life above and beyond the call of duty. There may be no margin of doubt or possibility of error in awarding this honor. The member must render himself conspicuous of an act so outstanding that it clearly distinguishes his courage from lesser form of recognizable bravery.

The criteria for the issuance of this medal shall be as follows:

- The recipient must have been a sworn member of the department when the incident occurred.
- The recipient must have been acting within the law and department policies and procedures.
- The recipient must have acted in the face of extreme personal danger, without hesitation or regard for his own well being.
- The recipient must have undertaken these actions willingly and with full knowledge of the grave risk to his own personal safety.

**Medal of Valor:** The medal of valor is the department's second highest award. The actual medal will be accompanied by an enamel commendation bar to be worn on the uniform shirt.

This medal may be awarded to a sworn member who, willingly and selflessly in the line of duty, distinguishes himself by the performance of an act of courage involving risk of imminent serious personal injury for the purpose of saving or protecting human life.

The criteria for the issuance of this medal shall be as follows:

- The recipient must have been a sworn member of the department when the incident occurred.
- The recipient must have been acting within the law and department regulations.
- The recipient must have acted in the face of personal danger, without hesitation or regard for his own well being.
- The recipient must have undertaken these actions willingly and with full knowledge of the risk to his own personal safety.

**Police Star:** The Police Star is the department's third highest award. The actual medal awarded will be accompanied by an enamel commendation bar to be worn on the uniform shirt.

This medal may be awarded to a sworn member who, in the line of duty, performs exceptionally, such as: in the apprehension or identification of a suspect whose crime(s) seriously exposed any person to death or serious physical injury, and when the apprehension can be attributed to the individual member's personal tenacity; or, a sworn member whose accomplishments of highly credible meritorious, or commendable public safety actions stand well above the actions of others

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and show a sincere dedication to public service and the mission of the department; or, the officer's accomplishments are clearly above that which are expected and they materially contributed to the success of a major investigation, project or operation.

The criteria for the issuance of this medal shall be as follows:

- The recipient must have been a sworn member of the department when the incident occurred.
- The recipient must have been acting within the law and department regulations.
- The recipient's actions must be a superior performance of duty.

**Purple Heart:** The Purple Heart may be presented by the department to a sworn member who suffers a severe or disabling injury or death. The actual medal will be accompanied by an enamel commendation bar to be worn on the uniform shirt.

The criteria for the issuance of this medal shall be as follows:

- The recipient must have been a sworn member of the department when the incident occurred.
- The recipient must have been acting within the law and department regulations.
- While engaged in the performance of his official duties, the recipient suffered death or serious physical injury; i.e. physical injury which created a substantial risk of death or which caused a serious and prolonged disfigurement, prolonged impairment of health or prolonged loss or impairment of the function of any bodily organ.
- The member exhibited behavior which significantly furthered the accomplishment of the police mission.

**Life Saving Award:** The Life Saving Award is given to department members who distinguish themselves by performing or reacting to a life threatening situation in a positive and professional manner. The actual medal will be accompanied by an enamel commendation bar to be worn on the uniform shirt.

The criteria for the issuance of this medal shall be as follows:

- The member's reaction to the situation saved or substantially prolonged the life of another person and;
- A strong possibility existed that if such action was not taken, loss of life or critical injury to another person would have occurred.



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**Sworn Member of the Year:** Individual service awards are based on continual, exceptional performance of duty, clearly above that normally expected, which has contributed to the success of the department.

The sworn member selected will receive a citation suitable for framing, an enamel commendation bar to be worn on their uniform shirt and their name added to a perpetual plaque.

The criteria for the issuance of this medal shall be as follows:

- The recipient must have been a sworn member at the time of nomination.
- The recipient's conduct was significantly superior to normal conduct.
- The recipient demonstrated positive personal initiative and expertise.
- The recipient exhibited conduct which would tend to establish a positive role model for other members.
- The recipient exhibited cooperative and productive behavior which significantly furthered the accomplishment of the police mission.

**Humanitarian Service Award:** The Humanitarian Service Award is presented to sworn members who, in the performance of their official duties, exhibit an exemplary concern for the welfare of others as evidenced by an act or acts which contribute substantially to the well being of another person, and which is perceived to be above and beyond that member's scope or responsibilities. The actual medal awarded will be accompanied by an enamel commendation bar to be worn on the uniform shirt.

The criteria for issuance of this medal shall be as follows:

- The recipient must have been a sworn member of this department.
- The recipient must have been acting within the law and department regulations.
- The recipient's actions must have shown an exemplary concern for the welfare of others, and who's acts contribute substantially to the well being of another person.

**Non-Sworn Member of the Year:** Individual service awards are based on continual, exceptional performance of duty, clearly above that normally expected, which has contributed to the success of the department.

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The member selected will receive a citation suitable for framing, and their name added to a perpetual plaque. The criteria for the issuance of this medal shall be as follows:

- The recipient's conduct was significantly superior to normal conduct.
- The recipient demonstrated positive personal initiative and expertise.
- The recipient exhibited conduct which would tend to establish a positive role model for other members.
- The recipient exhibited cooperative and productive behavior which significantly furthered the accomplishment of the police mission.

### 1013.3.2 ADDITIONAL AWARDS

A citation suitable for framing will accompany the following awards:

**Distinguished Unit Citation:** The Distinguished Unit Citation is the department's highest unit award and may be awarded to an organizational unit of the department for bravery or outstanding service by its members while functioning as a team.

**Department Commendation:** The department Commendation is the department's highest award for service and may be awarded to a member who distinguishes himself by performing exceptional service in a duty of great responsibility or of critical importance to law enforcement.

**Volunteer of the Year Award:** The Volunteer of the Year Award is given to a volunteer member who has distinguished themselves by contributing to a particular event(s) or goal(s) for the department and/or who has contributed substantially to the overall improvement of a project, process or betterment of the department.

### 1013.3.3 CIVILIAN RECOGNITION AND AWARDS

**Courageous Service Award:** The Courageous Service Award is the department's award presented to civilians, both those employed by the department and members of the general public. A citation suitable for framing shall also be given with the award.

The criteria for the issuance of this award shall be as follows:

- The recipient must have been acting within the law when the incident occurred.
- The recipient must have acted in the face of extreme personal danger, without hesitation or regard for his own well being.
- The recipient must have undertaken these actions willingly and with full knowledge of the grave risk to his own personal safety.

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**Humanitarian Award:** The Humanitarian Award is given to non-sworn members of this department and to citizens, who exhibit an exemplary concern for the welfare of others as evidenced by an act or acts which contribute substantially to the well being of another person, and which is perceived to be above and beyond that members or citizens scope or responsibilities. A citation suitable for framing shall be given with this award.

**Awards from the Community:** Upon notification from any citizen, private entity or civic group that a member of this department has been selected to receive special recognition or an award related to his employment with this department, the Chief of Police shall be notified through the chain of command. Prior to the designated time of the proposed award presentation, The Chief of Police will notify members of his decision regarding receipt of the award as a representation of the department.

**Letters from Citizens or other Law Enforcement Agency:** Letters and documentation of other notifications received from citizens or other law enforcement agencies concerning the appreciation of meritorious conduct by members shall be routed to the member through the chain of command. A copy of the letter/documentation shall be placed in the member's personnel file.

If the letter or documentation meets the criteria established for a formal departmental medal or award, the member taking such documentation shall follow the guidelines established in Policy Manual §1014.2.

### 1013.3.4 AWARDS FROM MILITARY SERVICE OR OTHER LAW ENFORCEMENT AGENCIES

Members who have received awards from military service or another law enforcement agency may wear the awards in conjunction with this policy.

### 1013.3.5 WEARING OF COMMENDATION BARS BY DEPARTMENT MEMBERS

Standard issued enamel commendation bars for the listed awards shall be worn on the sworn members uniform as follows:

- (a) The commendation bars shall be worn above the member's nameplate. A single bar will be worn 1/4" above and centered over the nameplate. Multiple commendation bars will be positioned end to end on the same horizontal line as the first ribbon bar. No more than three commendation bars will be worn in any given row. Additional rows will be positioned 1/8" above the previous row. Whenever there are fewer than three commendation bars in any given row, they will be centered over the nameplate or previous row of commendation bars.
- (b) If the member earns multiple awards, they shall be arranged in order of importance with the most important positioned to the wearer's right, with subsequent commendation bars in descending order from right to left.
- (c) The second, third and fourth reception of any Department Award for which a commendation bar is issued will be represented by a single 3/16" blue star. Multiple

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stars will be positioned alternating right then left from the center blue star, when applicable.

- (d) Representation of the fifth and beyond reception will be signified by the placement of a 3/16" star on the commendation bar listed below:
1. Fifth reception - Silver Star
  2. Sixth through ninth reception - Silver Star and Blue Stars
  3. Tenth reception - 2 Silver Stars

## Fitness for Duty

### 1014.1 PURPOSE AND SCOPE

Department members are expected to report to work fit for duty, which means they must be able to perform their job duties in a safe, appropriate and effective manner, free from impairment, to include any adverse effects of physical, mental, emotional and personal distraction.

Nothing in this policy is intended to negate the department's reasonable accommodation responsibilities as required by law.

### 1014.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform the essential duties of the position.
- (b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing their assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

### 1014.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to address the situation.
- (b) Whenever feasible, the supervisor should make a preliminary determination of the level of inability of the employee to perform the essential duties required of the job.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to obtain sufficient information regarding the nature of the concern to enable the Department to assess options and react responsibly to assure the safety of the employee, other members of the Department and the public, while complying with the employee's legal rights.
- (d) In conjunction with the Shift Commander or employee's available Division Commander, a determination should be made regarding whether the employee should be temporarily relieved from his/her duties.

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- (e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

### **1014.4 RELIEF FROM DUTY**

Any employee suffering from a work or non-work related condition which warrants a temporary relief from duty may be entitled to be placed on family and medical leave under federal law. Consult with the Human Resources Department to assure proper notification and compliance with family and medical leave rights. Employees who are relieved from duty for medical reasons may be eligible for workers' compensation payments or may be required to use sick leave or other paid time off, in accordance with applicable policies.

Any employee suffering from a work-related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

### **1014.5 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS**

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Human Resources Department to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining health care provider will provide the Department with a report indicating that the employee is either fit for duty or, if not, will list any functional limitations that limit the employee's ability to perform job duties. The scope of the requested fitness-for-duty report shall be confined to the physical or psychological condition that prompted the need for the examination. If the employee places his/her condition at issue in any subsequent or related administrative action or grievance, the examining physician or therapist may be required to disclose any and all information that is relevant to such proceeding.
- (c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness-for-duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline, up to and including termination.

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- (f) In the event an employee is required to submit to a fitness-for-duty examination as a condition of returning from medical leave required under the Family and Medical Leave Act (FMLA), the Chief of Police or the authorized designee should contact the Human Resources Department for direction regarding how to proceed.
- (g) Once an employee has been deemed fit for duty and the examining health care provider has provided the Department with a written report to that effect, the employee will be notified to resume his/her duties.

## Meal Periods and Breaks

### 1015.1 PURPOSE AND SCOPE

This policy provides guidelines for meal periods and breaks for department members.

#### 1015.1.1 MEAL BREAKS

Sworn members shall remain on duty and subject to call during breaks.

- (a) Uniformed sworn members assigned to a shift or unit within the Uniformed Patrol Division shall:
  - 1. Notify Central via radio or MDC when they are on a break, including their location.
  - 2. Take their breaks within the City limits unless otherwise authorized by their Supervisor.
  - 3. Monitor their portable radio while on break and remain aware of any pending calls that may require their response if no other members are available.
- (b) All other sworn members assigned to the Operations or Support Services Divisions shall:
  - 1. Take their breaks within the City limits unless otherwise authorized by their Supervisor.
  - 2. Be available and subject to call via telephone, portable radio or other means approved by a Supervisor.
- (c) Sworn members assigned to a modified work schedule due to illness or injury may be subject to unpaid meal break periods.

Non-sworn members, with the exception of Animal Control Officers, are not subject to call during meal breaks and those members' meal break times may be assigned by a Supervisor.

#### 1015.1.2 REST BREAKS

Each member is entitled to a 15 minute break for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty, unless the member's supervisor allows both breaks to be combined into one 30 minute break. No breaks shall be taken during the first or last hour of a member's shift unless approved by a supervisor.



## Lactation Breaks

### 1016.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the member's infant child.

### 1016.2 POLICY

In compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for her nursing child for up to one year after the child's birth (29 USC § 207) will be provided.

### 1016.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk. In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods.

While reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Members desiring to take a lactation break shall notify a supervisor prior to taking such a break and such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except in emergency or exigent circumstances.

### 1016.4 PRIVATE LOCATION

The department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public.

Members occupying such private areas shall either secure the door or otherwise make it clear that the area is occupied with a need for privacy. All other members should avoid interrupting a lactating member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

### 1016.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the department shall clearly label it as such and shall remove it when the member ends shift.

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## Payroll Records

### 1017.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

#### 1017.1.1 ATTENDANCE

Members shall be in attendance at their assigned duty or shift in accordance with a work schedule prepared by their Division Commander or his designee. The work schedules shall include the days of the week and the time of day/hours the member is scheduled to work during their work week. Members who fail to show up to their assigned duty or work time without prior authorization or notification to their immediate supervisor may be subject to disciplinary action.

#### 1017.1.2 LEAVE REQUESTS

**Vacation or Comp Time Leave:** Members requesting to take leave from their scheduled work time may submit a request through their immediate supervisor. Members will generally use accrued vacation or comp time. The member's immediate supervisor or his designee must approve the vacation or comp time use request prior to the member not attending work on the day(s)/time(s) requested. Supervisors may deny a member's leave request if their absence will have an impact on their duties, assignment or shift.

**Sick Leave or Bereavement Leave:** If a member has advanced notice that they will need to use allowable sick time or bereavement leave, the member shall notify their immediate supervisor as soon as practical of the date(s)/time(s) the member will be using leave. This will allow the supervisor to make any necessary arrangements in advance if adjustments to a shift or assignment will be required.

Members who may unexpectedly require the use of allowable sick time while on duty, or prior to their scheduled work time, shall notify a supervisor as soon as possible.

**Military, Witness, or Jury Leave:** Members who are required to take military, jury or witness leave should generally have advance notice of when that leave will be required and shall therefore notify their immediate supervisor as soon as practical of the potential date(s)/time(s).

### 1017.2 POLICY

The Coeur d'Alene Police Department maintains timely and accurate payroll records.

### 1017.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

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### **1017.4 TIME REQUIREMENTS**

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administration as established by the City payroll procedures.

### **1017.5 RECORDS**

The Administration Division Commander shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

## Outside Employment

### 1018.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for members engaging in outside employment, all members shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval shall be at the sole discretion of the Chief of Police in accordance with the provisions of this policy.

#### 1018.1.1 DEFINITIONS

**Outside Employment** - Any member who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those members who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered. These jobs are not arranged by the Police Department. Examples include, but are not limited to, working at a privately owned store, performing construction work, etc.

**Off-duty Employment**- Work for an independent company, person, or not-for-profit entity, which is arranged through the Police Department, worked in police uniform, and the service provided is a law enforcement activity (generally security or traffic control) by a department member.

### 1018.2 OBTAINING APPROVAL

No member may engage in any outside employment without first obtaining prior written approval from the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the member must submit a written request which shall be submitted to the office of Chief of Police for consideration.

#### 1018.2.1 PROHIBITED OUTSIDE EMPLOYMENT

Examples of situations where permission for outside employment may be denied include, but are not limited to the following:

- (a). Employment involving the member's use of this department's time, facilities, equipment or supplies, and/or the use of this department's badge, uniform, equipment, etc. for private gain or advantage.
- (b). Employment involving the member's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the member, if not performing such act, would be required or expected to render in the regular course of hours of employment or as a part of the member's duties as a member of this department.
- (c). Employment that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other member of this department.

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- (d). Employment involving time demands that would render performance of the member's duties for this department less efficient.
- (e). Outside employment performed during assigned duty hours unless the employee is on previously approved leave.
- (f). Employment that requires police powers or any real or implied law enforcement services as a condition of employment. This does not apply in those circumstances a sworn member is employed as an instructor by an Idaho POST recognized training academy or employment arranged through the department.
- (g). Employment that constitutes a threat to the status or dignity of law enforcement.
- (h). Employment that would tend to reveal the identity of an undercover officer.
- (i). Employment that presents a potential conflict of interest between duties as an officer and outside employment, including, but not limited to:
  - 1. Process Server.
  - 2. Re-possessor.
  - 3. Bill Collector.
  - 4. Vehicle Towing.
  - 5. Personnel Investigations or other employment which might require access to officer restricted files.
  - 6. Assisting in case preparation associated with any criminal or civil proceeding within the State of Idaho, unless such action is specifically approved by the Chief of Police.
  - 7. Employment for a business or labor group that is on strike.
  - 8. Occupations regulated or licensed through any law enforcement agency.

### 1018.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit or off-duty employment permit may be revoked or suspended under the following circumstances:

- (a) Should a member's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the member's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit.
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline.

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- (c) If, at any time during the term of a valid outside employment permit, a member's conduct or outside employment conflicts with the provisions of the policy of this department, the permit may be suspended or revoked.
- (d) When a member is unable to perform at a regular duty capacity due to an injury or other condition, any previously approved outside employment permit may be subjected to similar restrictions as those applicable to the member's regularly assigned duties until the employee has returned to a regular duty status.

### **1018.3 DEPARTMENT RESOURCES**

With the exception of employment arranged through the department, members are prohibited from using any equipment or resources of this department in the course of, or for the benefit of, any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the member's position with this department. Members are authorized to wear department approved uniforms for off-duty employment and may utilize department vehicles in some pre-approved circumstances.

### **1018.4 CHANGES TO OUTSIDE EMPLOYMENT**

If a member terminates his or her approved outside employment, the member must promptly submit written notification of such termination to the Chief of Police through his chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Members must also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Members who are uncertain whether a change in outside employment is material are advised to report the change.

### **1018.5 OUTSIDE EMPLOYMENT WHILE ON DISABILITY**

Members of this department engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five (5) days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the member fails to promptly notify his/her supervisor of his/her intentions regarding their outside employment, a notice of revocation of permission for outside employment will be forwarded to the involved member, and a copy attached to the original approval.

Examples of situations where permission for outside employment may be revoked or suspended while on disability include, but are not limited to the following:

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- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's professional medical advisors and/or the member's private medical advisor.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.
- (d) Any other reason that would warrant revoking or suspending permission for outside employment.

When the disabled member returns to full duty with the Coeur d'Alene Police Department, a request (in writing) may be made to the Chief of Police to reauthorize the outside employment.

### **1018.6 OFF-DUTY GUIDELINES FOR DEPARTMENT ARRANGED OFF DUTY EMPLOYMENT**

#### 1018.6.1 UNIFORM REQUIREMENTS FOR OFF-DUTY EMPLOYMENT

1. All off-duty employment must be in uniform, unless otherwise approved by the Chief of Police or designee.
2. Any off-duty employment requests for uniformed police officers must be arranged through the department's off-duty coordinator.
3. Members working outside employment not arranged through the department shall not be in a CPD uniform. Departmental safety equipment may be used, if necessary for officer and public safety, or if approved by the Chief of Police or designee.

#### 1018.6.2 JOB REQUIREMENTS FOR OFF-DUTY EMPLOYMENT

1. Off-duty employment requests are filled by members on a voluntary basis on their own time.
2. Off-duty employment is limited to locations within the City of Coeur d'Alene, unless approved by the Chief of Police or designee.
3. Off-duty employment is limited to members at the rank of Lieutenant or below.
4. Lieutenants shall not work under a Sergeant and Sergeants shall not work under an Officer.
5. A department supervisor shall be hired if the off-duty job utilizes four or more members.
6. School Resource Officers (SRO) will get first opportunity to work off-duty jobs at their assigned schools per event.
7. Vacation, comp time, or sick time cannot be used to work in an off-duty capacity.
8. Members shall not work off-duty while on standby or receiving callout availability pay.

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9. Members shall not engage in any off-duty or outside employment which results in mental or physical fatigue that would hinder their ability to complete their regularly assigned duties.
10. Employees shall not work more than a combined total of sixteen (16) hours of regularly scheduled duty and off-duty work or outside employment within a twenty four (24) hour period. Exceptions must be approved by the member's Division Captain prior to working beyond the sixteen (16) hour restriction. When exceptions are granted, the employee must have a continuous eight (8) hour rest period before returning to work.
11. When police action is taken during an off-duty job, the member shall notify an on-duty supervisor and complete a departmental report, if required.
12. If police action taken during off-duty employment results in overtime, the member will notify an on-duty supervisor and follow the overtime protocol set forth in this policy manual.
13. A fully marked police vehicle may be used on specific off-duty jobs. That request shall be specified in the work order, and vehicle usage fees will cover the use of the vehicle.

### **1018.6.3 OFF-DUTY EMPLOYMENT RESTRICTIONS**

Members NOT AUTHORIZED for off-duty employment:

1. Members who have not completed the Field Training Program.
2. Members who are on medical leave or on leave for illness, disability, an on-duty injury, or who are on leave without pay from the City.
3. Members on administrative reassignment, on disciplinary suspension, or on disciplinary probation shall not engage in off-duty employment unless approved by the Chief of Police.
4. Officers assigned to positions in which they work in an undercover capacity, unless written permission from the Chief of designee.

### **1018.6.4 UNAUTHORIZED OFF-DUTY EMPLOYMENT**

1. Any employment or business interest where process service is required.
2. Any employment of business interest where the collection of debt or repossession of vehicles or equipment is involved.
3. Any employment or business associated with private investigative work or investigative work for an insurance company or attorney unless approved by the Chief of Police.
4. Any employment or business interest with another law enforcement agency's volunteer reserve program or as a paid member of that agency.
5. Any employment or business interest in conflict with this agency's policy regarding Code of Conduct.

### **1018.7 OFF-DUTY JOB SELECTION PROCESS**

1. All off-duty jobs will be posted by the Off-Duty Coordinator.



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2. Employers requesting off-duty employment may request specific officers to be hired for off-duty jobs. However, the assignment of the foregoing officers will be approved by the Off-Duty Coordinator.
3. Off-duty jobs will fall into two categories: Lottery Jobs and Non-Lottery Jobs:

### 1018.7.1 LOTTERY JOBS

1. Lottery jobs are any off-duty job request received by the off-duty job coordinator with greater than two (2) weeks notice.
2. Lottery jobs shall be assigned based on a random lottery selection of requesting members.
3. When a member accepts a lottery off-duty job, but is then unable to work, the job listing will be returned to the off-duty coordinator for reassignment. The off-duty coordinator will then offer it to the next member selected in the random lottery.

### 1018.7.2 NON-LOTTERY JOBS

1. Non lottery jobs are any off-duty job request received by the Off-Duty Job Coordinator with less than two weeks notice.
2. Non-lottery jobs shall be assigned on a first come, first serve basis.
3. Members may accept only 1 non-lottery job per posting unless approval is received from the Off-Duty Job Coordinator.
4. When a member accepts a non-lottery off-duty job but is unable to work the job, it is the member's responsibility to find a replacement.

## **1018.8 OFF-DUTY EMPLOYMENT VIOLATIONS**

The Off-Duty Coordinator or Office of Professional Standards Lieutenant has the authority to place a member on off-duty employment probationary status for violating any provision of this order, including but not limited to, not showing up for or being late to a scheduled off-duty job.

### 1018.8.1 OFF-DUTY ARE SUBJECT TO POLICY MANUAL

Officers working in an off-duty capacity are subject to every aspect of this policy manual. The Office of Professional Standards will conduct an inquiry into any off-duty conduct, allegations of misconduct, or inappropriate action that violates any section of this policy.

# Occupational Disease and Work-Related Injury Reporting

## 1019.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the proper documentation of actual on-duty injuries, claims of injury, occupational illnesses, or future claims of injury or occupational illnesses resulting from a prior on-duty accident/incident.

This policy is separate from the policies outlined in Policy §1027 *Line of Duty Death/Critical Incident Protocol* and Policy §501.4.1. *Fleet Collisions* regarding injuries.

### 1019.1.1 DEFINITIONS

Definitions related to this policy include (Idaho Code 72-102):

**Accident** - An unexpected, undesigned, and unlooked for mishap that causes injury, is connected with the industry in which it occurs, and can be reasonably located as to the time when and place where it occurred.

**Occupational disease** - A disease due to the nature of employment in which the hazards of such disease actually exist and are characteristic of, and peculiar to, the occupation or employment. Psychological injuries, including post-traumatic stress injuries, are included if the conditions set forth in Idaho Code 72-451 are met.

**Work-related injury** - A personal injury caused by an accident arising out of and in the course of employment.

## 1019.2 MEMBER'S RESPONSIBILITY FOR REPORTING OF ON DUTY INJURIES

A member sustaining a work related injury, that did or did not require medical treatment shall report all work related injuries and how the injury occurred to their immediate supervisor.

If a member(s) initially believes they were not physically injured, or did not have any complaints of injury at the time of the incident, but later deems medical treatment is needed due to any initially documented injury, , that member shall notify a Supervisor and Human Resources as soon as practical. Human Resources will update the previously documented paperwork, due to medical attention being needed, and submit updated injury information to State Insurance Fund. The Supervisor who receives such notification shall then notify that member's Division Commander.

Any member sustaining a work related injury or illness shall be examined/treated at the City's designated preferred provider. The member shall inform the attending physician of their job duties so that appropriate work restrictions, if any, can be noted. If the injury does not allow for the member to return to full duty, the member shall notify their immediate supervisor of work restrictions and provide supervisor with the appropriate documentation given from the preferred provider physician. Additionally, such members are required to promptly submit all medical releases, whether partial or full, to their supervisor. If department is able to accommodate light duty work restrictions, the member is required to return to work.

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### 1019.2.1 SUPERVISOR'S RESPONSIBILITY

A Supervisor receiving notification of injury or complaint of injury from a member shall investigate how the injury may have occurred. If practical, photographs of the injury and/or location of where the injury occurred should be taken. The following steps shall also be taken:

- (a) The Supervisor shall complete the First Report of Injury and Supervisors Accident Report forms as soon as practical.
- (b) The Supervisor shall print out both forms upon their completion and have the concerned member review the First Report of Injury form for accuracy as soon as practical.
- (c) If the form is not an accurate account of how the injury occurred, the member shall advise the Supervisor what changes are needed.
- (d) An accurate form shall be dated and signed by the member if they are able to do so within a reasonable amount of time.
- (e) The Supervisor will forward the original First Report of Injury and Supervisors Accident Report forms to the member's Division Commander.
- (f) The Supervisor shall also electronically send both forms to the Human Resources Department. *(The electronic version does not have to be the original signed forms, but must be the accurate form the member reviewed).*

The Supervisor should also forward a brief memorandum or e-mail to the member's Division Commander summarizing how the injury occurred if additional details regarding the injury/incident are warranted.

If a member needs to be relieved from duty immediately due to the nature of the injury, the member's Division Commander and Chief of Police shall be notified as soon as practical.

### **1019.3 POLICY**

The Coeur d'Alene Police Department will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Idaho Code 72-101 et seq.).

### **1019.4 RESPONSIBILITIES**

#### 1019.4.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate.

#### 1019.4.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

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Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related City-wide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

### **1019.4.3 DIVISION COMMANDER RESPONSIBILITIES**

The Division Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's risk management entity and the Administration Division Commander.

### **1019.4.4 CHIEF OF POLICE RESPONSIBILITIES**

The Chief of Police shall review and forward copies of the report to the Human Resources Department. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

### **1019.5 OTHER DISEASE OR INJURY**

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Commander through the chain of command and a copy sent to the Administration Division Commander.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

### **1019.6 SETTLEMENT OFFERS**

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

#### **1019.6.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL**

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

## Personnel Complaints

### 1020.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide guidelines for the reporting, investigation and disposition of personnel complaints and reports and observations of misconduct or improper job performance regarding the conduct of members of this Department. This policy shall not apply to any routine questioning, counseling, instruction, informal verbal admonishment or other routine contact of a member in the normal course of duty by a supervisor, nor shall this policy apply to a criminal investigation.

The provisions of this section apply to all department members unless otherwise provided

#### 1020.1.1 POLICY

The Coeur d'Alene Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members. The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements. It is also the policy of this department to ensure that individuals can report misconduct without concern for reprisal or retaliation.

#### 1020.1.2 DEFINITIONS

**Personnel Complaints** - Consist of any allegation of serious misconduct, improper job performance, or repetitive minor policy violations or performance issues against any member of this department that, if true, would constitute a violation of Department Policy, City Personnel Rules, or Federal, State or Local laws. Personnel complaints shall be documented in writing.

**Citizen Inquiry** - An allegation of minor misconduct or improper job performance against a member of this department that, if proven true, would most likely not result in discipline. Supervisors may attempt to resolve a citizen complaint by explaining legitimate police procedures or policy. Citizen Inquiries shall be documented in writing.

**Disciplinary Action** - Action taken in response to a personnel complaint. Disciplinary action includes: Verbal reprimand, an official letter of reprimand (written reprimand), probation, suspension, demotion or dismissal.

**Representative** - Means any person who is chosen to represent a member who does not otherwise present a conflict to the investigation.

**Supervisor** - Means a person having a supervisory capacity within the Coeur d'Alene Police Department.

### 1020.2 SOURCE OF COMPLAINTS

Complaints/ Inquiries may be taken from the following sources:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.

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(b) Any department member becoming aware of alleged misconduct shall notify a supervisor as soon as practicable.

(c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

(d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided

(e) Tort claims and lawsuits may generate a personnel complaint at the discretion of the Police Chief.

### **1020.3 INVESTIGATION OF COMPLAINTS**

**Citizen Inquiry** - In the event the supervisor taking the complaint can initially determine the complaint is unfounded or determines the allegation is a minor violation of policy or improper job performance and appropriate action can be handled at his/ her level, the supervisor shall properly document the incident as a citizen inquiry with concurrence of a lieutenant. A citizen inquiry shall be documented and forwarded through the chain of command to the Division Commander. At any point during the review of the inquiry, the incident may be determined to more properly be handled as a personnel complaint and upgraded as such. All citizen complaints or inquiries will be documented and reviewed by the member's Division Commander and then forwarded to the Office of Professional Standards. The completed form will subsequently be forwarded to the Chief's Office.

**Personnel Complaints-** If the complaint concerns conduct that is a repetitive minor violation of department policy or improper job performance; or is a violation of department policy or improper job performance of a more serious nature that, if found to be true could result in action more severe than coaching, counseling or training, the supervisor shall document the allegation on the authorized Notice of Investigation (NOI) / Personnel Complaint form and forward it through the chain of command to the Division Commander for review.

The Member(s) involved in the violation shall be notified of the complaint and acknowledge receipt by signing the Notice of Investigation (NOI) / Personnel Complaint form. Upon request, the Member (and/or his/her representative) shall be provided with a copy of the (NOI)/ Personnel Complaint Form. A copy shall immediately go to the Division Lieutenant, Division Commander and the Office of Professional Standards. After the initial complaint is taken, the Division Commander will determine if the investigation will be conducted by the employee's Police Department Command Staff or by the Office of Professional Standards.

The Notice of Investigation/Personnel Complaint form should include the name and contact information of the complaining party and witnesses; the names of the involved member(s); the date, time and location of where the allegation occurred; and a brief narrative as to the allegations.

In order to protect the integrity of the investigation as well as protect the rights of those involved, the form may also include an admonishment prohibiting the employee from discussing the particulars of the incident or investigation (excluding immediate family, POA representatives,

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legal counsel, clergy, and spouse/ significant other) as well as an acknowledgement of the right to representation under this policy and/ or collective bargaining agreement. Witnesses to the alleged conduct or those with knowledge material to the investigation may also be required to sign an admonishment which prohibits discussing the investigation, with the same exclusions above, until resolution of the case.

### **1020.3.1 ADMINISTRATIVE LEAVE**

When a complaint of misconduct is of a serious nature, when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department or subject the Department, its members, or the public to risk, or the continued presence of the employee at the place of work may adversely affect the investigation, the Chief of Police or a Captain (or a designee of the foregoing) may temporarily assign an accused employee to administrative leave. Members placed on administrative leave are subject to the following guidelines:

- (a) Members shall continue to receive regular pay and benefits pending the outcome of the investigation and/ or the imposition of any discipline.
- (b) Members may be required to relinquish any badge, identification, assigned weapon(s), electronic devices, and any other equipment of this department.
- (c) Members may be ordered to refrain from taking any action in an official capacity. The member shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (d) Members placed on administrative leave may be temporarily reassigned to a different shift (generally normal business hours) during the pendency of the investigation and the member may be required to remain available for contact at all times during such shift and report as ordered.
- (e) Other constraints as may be included in the notice of administrative reassignment form.

### **1020.4 ALLEGATIONS OF CRIMINAL CONDUCT**

When a member of this department is accused of potential criminal conduct, a separate supervisor, detective or a member of an outside law enforcement agency will be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

A member accused of criminal conduct shall be provided with all rights and privileges afforded to a citizen under the same circumstances and, pursuant to Garrity v. New Jersey, the member may not be administratively ordered to provide any information to the person in charge of the criminal investigation of the member while the criminal investigation is ongoing.

No information or evidence administratively coerced from a member will be provided to the person in charge of the criminal investigation of the member.

### **1020.5 ADMINISTRATIVE INVESTIGATION OF COMPLAINT**

The Office of Professional Standards or the supervisor investigating the complaint will use the following procedures:

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Every investigator or supervisor assigned to investigate a personnel complaint shall proceed with due diligence. Recognizing that factors such as witness availability and the complexity of allegations will affect each case, every effort should be made to complete each investigation within a reasonable period following receipt.

The role of the investigator is to gather facts, clarify information, identify relevant policies, and analyze recordings, material, or electronic evidence in order to provide a complete investigation to the chain of command. The investigator will generally not provide a disposition for alleged misconduct violations unless directed by the Chief of Police, Division Commander or their designee.

If the nature of allegations dictates that confidentiality is necessary to maintain integrity of the investigation, the involved employee(s) need not be notified of the pending investigation unless and until the employee is interviewed or formally charged.

If the complaint is associated with criminal charges or a criminal trial, the investigation may be suspended until the completion of the criminal action or trial. The Chief of Police may also suspend, for good cause, any sanction or other disposition of the complaint pending completion of the criminal action.

When any member is questioned pursuant to a personnel complaint by a supervisor, the interview shall be conducted under the following conditions. This section shall not apply to any interview of a member in the normal course of duty, counseling, instruction, or informal verbal admonishment by or other routine contact with a supervisor, nor shall this section apply to an investigation concerned directly with alleged criminal activities.

(a) Employees have the right to union or legal representation at any investigatory interview. Union or Legal representation shall be provided upon employee request or upon the request of the union representative consistent with Weingarten and International Ladies' Garment Union v. Quality MFG. Co. A request for union or legal representation should be made before or at the time of the interview. Employees shall not be punished nor shall any adverse action be taken because of this request.

(b) After the employee makes a request for representation, the investigator shall grant the request and delay questioning until a union representative has a chance to consult privately with the employee and is able to be present for the interview. Delays must be reasonable and may not be for longer than two weeks unless mutually agreed upon by the employee, the representative, and the investigator.

(c) If the member requests that a representative be present, the representative will be informed by Administration of the subject of the investigation. The representative will be allowed to speak privately with the member before the interview. During the interview, the representative may ask for a caucus to meet with the member privately. The investigator will determine when to recess to allow for a caucus. The Union and/ or Legal representative may object to argumentative, abusive, misleading, or confusing questions to the extent it does not disrupt the interview process. However, only the member's licensed attorney may instruct the member not



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to answer a question. At the end of the interview the representative may ask questions and/or provide information for the investigating supervisor to consider regarding the investigation. If the representative requested by the member is unavailable, the department will not delay the investigation if another representative is readily available to assist the member at the interview.

(d) The interview should be conducted at a mutually agreed upon reasonable hour, preferably at a time when the member is on duty, unless the seriousness of the investigation requires otherwise or there is a mutual agreement to conduct the interview during off duty time. If the interview must occur during off-duty time, the member shall be compensated for any off-duty time in accordance with department policies. Notice to members of an impending interview shall be given no less than 24 hours before the scheduled interview unless a delay in conducting the interview would jeopardize the successful completion of the investigation or compromise the wellbeing of the member, department personnel or the public at large. Interviews shall not be unreasonably delayed or repeatedly rescheduled.

(e) At the start of the interview, all parties present shall identify themselves by rank or title and organization. All questions shall be asked by and through no more than two interrogators at a time.

(f) Prior to any interview, the member will be informed of the nature of the investigation. This notice will include information necessary to reasonably apprise the member of the allegation(s). Generally, the member being interviewed, or his/her representative, may request access to any documents generated by him/her pursuant to the incident for which he/she is being interviewed (reports, videos, audio recordings, etc.) unless the production of those documents would jeopardize the wellbeing of the member, department personnel and/or the public.

(g) All interviews will be for a reasonable period and the member's personal needs will be accommodated. The length of the interview shall be for a reasonable period of time taking into consideration the gravity and complexity of the issue being investigated. Effort should be taken to limit the scope of the interview to the allegations delineated in the NOI/Personnel Complaint form.

The member shall be allowed to take reasonable breaks during the interview process.

(h) No member shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination pursuant to *Garrity v. New Jersey*, 385 U.S. 493 (1967). Garrity warnings shall consist of the following:

1. You are being compelled by the Coeur d'Alene Police Department to truthfully answer questions relating to your duties and/or conduct. You will be asked questions specifically, directly and narrowly related to performance of your official duties or fitness for office. The purpose of this questioning is to obtain information which will assist in the determination of whether administrative disciplinary action is warranted in this matter.

2. I am not questioning you for the purpose of instituting criminal proceedings against you

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3. During the course of this questioning, even if you disclose information which indicates that you may be guilty of criminal conduct in this matter, neither your self-incriminating statements, nor the fruits thereof, will be used against you in any criminal proceeding. However, false statements made by you can be used in other criminal action, such as prosecution for False Reporting or Obstruction of Justice.

4. I am ordering you to answer the questions that I direct to you concerning this matter.

5. If you refuse to answer my questions, you will be subject to immediate dismissal.

(i) Prior to the commencement of the interview the member shall be read his/her Garrity Rights if any aspect of the investigation is being investigated criminally or reasonably foreseeable to be investigated criminally. A member may invoke Garrity by stating such at any point of the interview.

(j) Absent compelling circumstances preventing it, the interviewer should record all interviews of members and witnesses.

(k) Scheduling and other administrative conversations are not required to be recorded.

(l) In order to maintain the integrity of each individual member's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to, or after, being interviewed until after the investigation is completed. This prohibition shall not apply in circumstances where a prosecutor is present with involved members and is speaking to them as a group for the sole purpose of preparing for and presenting a criminal case unrelated to the administrative investigation.

(m) All members must provide complete and truthful responses to questions posed during interviews and shall not disclose any questions or answers to anyone, other than their representative, until after the investigation is completed.

(n) Nothing in this document shall preclude the Chief of Police or his designee from ordering a member to cooperate with other agencies involved in an internal affairs investigation(s) of a member of the Coeur d'Alene Police Department or of an employee of another law enforcement agency. The member shall still retain all rights as spelled out in this article. If a member fails to comply with such an order, he/she shall be subject to disciplinary action.

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall discuss appropriate action with regard to any additional allegations with the Division Commander.

Upon completion, the investigative report and associated documents should be forwarded through the chain of command to the Division Commander of the involved member(s).

### 1020.5.1 LIEUTENANT RESPONSIBILITIES

Upon receipt of the investigation, the Lieutenant shall review the case, identify relevant policy provisions, and recommend disposition of those policy violations to the Division Commander/Captain. In the event that the investigation is assigned to a Lieutenant, these responsibilities will fall to the Captain.

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### 1020.5.2 DIVISION COMMANDER RESPONSIBILITIES

After reviewing the investigative report and associated documents, the Division Commander shall consider appropriate disposition of the complaint, or may return the case for further investigation.

If the Division Commander is considering sustaining the complaint, a Mitigation Meeting should be offered.

### 1020.5.3 MITIGATION MEETING

The Mitigation Meeting serves as an opportunity for the employee to respond to allegations, bring attention to facts that may have been missed in the initial investigation, and serves as an opportunity for the employee and/ or his representative to offer information that the investigator may have not considered. It is offered to ensure a thorough investigation was completed and is offered as a courtesy to the employee. The meeting is not mandatory or required. Mitigation information may be presented orally, in writing, or both. The employee may have an association or legal representative accompany the employee in the meeting and/or assist in the preparation of documents. A copy of the investigation shall be provided to the member and his/her representative for this purpose.

From the date of receipt of notification, the employee shall have ten (10) calendar days to request a Mitigation Meeting and/ or submit a written mitigation memorandum.

After the Mitigation Meeting or expiration of the ten day notification period, the Division Commander shall make recommendations to the Chief of Police regarding disposition of allegations as well as appropriate discipline. Recommendations shall be made to the Chief of Police within 30 days, unless additional time is reasonable based on the circumstances at hand. Any delay past 30 days must be communicated in writing to the affected employee and the Chief of Police by the Division Commander.

### 1020.5.4 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions:

**Unfounded** - When the investigation discloses that the alleged act(s) did not occur or did not involve personnel of this department. Complaints which are determined to be frivolous will fall within the classification of unfounded.

**Exonerated** - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

**Not Sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

**Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

**Policy Failure** – When the investigation reveals that the act occurred, but the actions are consistent with PD policies, procedures or training.

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**Administratively Closed** – When an employee resigns his/ her position of employment prior to the completion of the investigation.

### 1020.5.5 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a written notice and the following:

- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.
- (c) Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.
- (d) If the member elects to respond orally, the presentation shall be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

### 1020.5.6 PRE-DEPRIVATION PROCESS

The pre-deprivation process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline that affects a material benefit including punitive transfer, suspension without pay, reduction in rank, or termination. Transfer of assignment or removal from FTO or other unit is not subject to this section of policy unless directly tied to an allegation of misconduct. The pre-deprivation hearing process should generally follow these guidelines:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses. However, the employee may present information orally or in writing that has not been previously disclosed.

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(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.

(d) In the event that the Chief of Police elects to conduct further investigation, the employee shall be provided with the results prior to the imposition of any discipline.

(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

(f) There is no requirement for the employee to participate in the pre-deprivation process.

### **1020.6 RESIGNATION / RETIREMENTS PRIOR TO DISCIPLINE**

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself may not serve as grounds for the termination of any pending investigation or discipline.

### **1020.7 POST-DISCIPLINE APPEAL RIGHTS**

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement and/or personnel rules. City Personnel rules regarding appeals rights are incorporated herein by reference.

### **1020.8 LIBERTY INTEREST HEARING**

Probationary members released from employment, who may not be subject to the provisions of this personnel complaint process but released for misconduct, may be afforded an opportunity to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

### **1020.9 NOTIFICATION TO IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL**

The Chief of Police or the authorized designee shall notify the Idaho Peace Officer Standards and Training (POST) Council whenever any officer resigns or is terminated as a result of any disciplinary action, or if an officer is convicted of any crime. The notification shall be made within 15 days of the resignation, conviction of criminal charges, or termination (Idaho Code 19-5109).

### **1020.10 RETENTION OF PERSONNEL INVESTIGATION FILES**

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Coeur d'Alene Personnel Policy Section and as governed by Federal/State laws.

### **1020.11 INVESTIGATION FILES & DISCIPLINE**

Upon request, the member shall be entitled to review the complete final investigation file at the completion of the investigation.

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Members shall have the opportunity to review their personnel complaint file upon request and shall be allowed the opportunity to attach a written rebuttal at his or her discretion. This rebuttal shall remain attached to and become part of the original document(s) that comprise(s) the documentation of disciplinary action.

All information regarding the investigation, including the recording and any transcription of the recording shall be considered confidential per Idaho Code 9-340c and shall not be released without the express written consent of the member and the Police Chief, or as required by law.

### **1020.12 RECORDING OF INTERVIEWS AND PROCEEDINGS**

The complete interview of a member may, consistent with applicable laws or upon the request of the member, be recorded by an audio and / or videotaping device. Access to recordings made pursuant to non-criminal, administrative matters shall be granted to the member once the matter is completed or if further questioning of the member will occur at a subsequent time. If any transcription of the interview is made, the member shall, upon request, be provided a copy without cost at the completion of the matter.

### **1020.13 MEDIA INTERACTIONS**

The employer shall not cause a member under investigation to be subjected to visits by any news outlet without his or her express consent nor shall his or her home address be given to any news outlet without his or her express consent or unless required by law.

### **1020.14 REMOVAL OF DOCUMENTS FROM MEMBER'S PERSONNEL FILE**

If documentation of a disciplinary action is placed into the members file, the documentation may be considered for removal by the Chief of Police consistent with Federal and State law, provided there have not been additional offenses of the same nature which resulted in disciplinary action.

If a member wishes to have documentation removed, a request must be made in writing directly to the Chief of Police. The duty to request removal falls upon the member.

### **1020.15 ADMINISTRATIVE SEARCHES**

A member of this department may be administratively ordered, by a Captain or the Police Chief, to submit to a blood, breath, or urine test for alcohol and/or drugs as a condition of continued employment under any of the following circumstances:

- (a) When the member, while acting in his/her official capacity as a member of the Department, whether on or off-duty, is involved in a shooting or police related death.
- (b) When the member is involved in a serious injury or fatal accident while on duty.
- (c) When the member is found to be exhibiting objective symptoms or evidence of intoxication or drug influence while on duty.

All communication devices provided by the department including, but not limited to, telephones, cell phones, computers, radios, are the property of the department and may be searched at any

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time by the department for any reason. Members do not have any privacy rights to any data or communication stored on these devices and should have no expectation of privacy while using these devices.

Work areas assigned exclusively to a member may be searched by a supervisor for non-investigative purposes . Investigative searches of such areas will only be conducted upon a reasonable suspicion that the member has violated city or Department policy, federal, state or local law.

Work areas not assigned exclusively to a member may be searched by the department at any time for any purpose.

### **1020.16 CONFIDENTIALITY OF PERSONNEL FILES**

All investigations of personnel complaints shall be considered confidential peace officer personnel files. The contents of such files shall not be revealed to anyone other than the involved member or authorized personnel except pursuant to lawful process.

In the event that an accused member (or the representative of such member) knowingly makes false representations regarding any internal investigation and such false representations are communicated to any media source, this Department may disclose sufficient information from the member's personnel file to refute such false representations.

All formal personnel complaints shall be maintained in a manner congruent with applicable State and Federal laws.

## Personal Appearance Standards

### 1021.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, all members shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

### 1021.2 GROOMING STANDARDS

Unless otherwise stated, and because unauthorized deviations from these standards could present safety issues, the following appearance standards shall apply to all members, except where the Chief of Police has granted exception.

#### 1021.2.1 PERSONAL GROOMING STANDARDS

Hairstyles of all male members, sworn and non-sworn, shall keep their hair neatly trimmed and conservatively groomed.

- (a) A male's hair shall not extend past his shirt collar or extend over the top of the ears. The hair shall be clipped so as to be evenly graduated around the sides and back of the ear.
- (b) The hair must be styled in a such a manner so that it does not interfere with the proper wearing of any uniform headgear or specialized equipment.
- (c) Sideburns may not extend below the bottom of the earlobe, and must end with a clean horizontal line and not flared out at the bottom.
- (d) The wearing of a mustache is allowed. If worn, a mustache must be kept neatly trimmed. The mustache must not exceed the upper vermilion of the lip or extend more than 1/4 inch beyond the corners of the mouth.
- (e) Facial hair (*beards and goatees*) for uniformed members is prohibited unless there is a medical reason that would prohibit the member from shaving. Facial hair is authorized for members who wear civilian attire, but the facial hair must be neatly trimmed and maintained. Sworn members assigned to Investigations or Administrative duties, must shave their beard or goatee when working a special event or detail that requires them to wear a uniform.
- (f) Dyed, tinted or bleached hair must be within an acceptable color range, and must be professional in appearance.

Hairstyles of all female members, sworn and non-sworn, shall keep their hair neatly trimmed and conservatively groomed.

- (a) Sworn female members hair must be no longer than the horizontal level of the bottom of the uniform patch when the member is standing, or worn up or in a tightly wrapped braid or ponytail.



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- (b) Non-sworn female members shall maintain a hair style that is considered professional or business casual in appearance.
- (c) Sworn female members hair shall be trimmed and shaped and of a length that permits the wearing of any uniform headgear or specialized equipment.
- (d) Dyed, tinted or bleached hair must be within an acceptable color range, and must be professional in appearance.

Exceptions to this policy may be authorized by the Chief of Police or his designee due to a member's special assignment.

### 1021.2.2 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails for sworn members shall be trimmed so that no point of the nail extends beyond the tip of the finger.

Fingernails for all members shall be clean and neatly trimmed.

Nail polish colors for female members must be within an acceptable color range and have a professional appearance.

### 1021.2.3 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by members on any part of the uniform or equipment, except those authorized by the Chief of Police or his designee. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Earrings or other visible piercings shall not be worn by members without permission of the Chief of Police or his designee. Only one ring may be worn on each hand of the member while on-duty.

### 1021.3 BODY ART & ALTERATIONS

At no time while on duty or representing this department in any official capacity, shall any tattoo, branding, piercing, scarification or other form of body art be visible, unless otherwise authorized by the Chief of Police or his designee due to that member's special assignment.

The only exception to this policy will be for members who had any tattoos and were employed by this department prior to August 6th, 2008. These members shall be considered grandfathered under this policy. Members who choose to have any tattoos, brandings, piercings, transdermal implantations, scarifications or other forms of body art added after August 6th, 2008 shall ensure the tattoo or body art is covered by clothing or other authorized covering while acting in their official capacity.

Visible tattoos or body art on the face or neck is prohibited even if it can be covered.

For the purposes of this policy, body art is defined as procedures, which are not medically required, and are used to alter the body's normal anatomical features and appearance including, but not limited to, tattoos, brandings, piercings, scarifications, tongue splitting or piercing, abnormal

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shaping of the ears, eyes, nose or teeth and transdermal implantations, other than reasonable cosmetic alterations.

- (a) Tattoo: The art of marking the skin with indelible designs, forms, figures, art, etc. by puncturing the skin and inserting pigment.
- (b) Branding: The act of burning the skin for the purpose of creating a design, form, figure or art.
- (c) Piercing: The act of creating a hole in any part of the body for the purpose of inserting an object, jewelry or ornamentation.
- (d) Scarification: The act of cutting the skin for the purpose of creating a design, form, figure or art.
- (e) Transdermal Implantations: The act of surgically placing an object underneath the skin's surface to create a visible design, form or figure or art and which may also allow additional objects to be screwed into the implantation.

## Uniform Regulations

### 1022.1 PURPOSE AND SCOPE

The uniform policy is established to ensure that uniformed members will be readily identifiable to the public through the proper use and wearing of the uniform of this department and that all other members are professionally attired in a manner that reflects the serious nature of law enforcement. Members should also refer to the following Policy, Police Department Owned and Personal Property, Body Armor, and Grooming Standards.

### 1022.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (b) Members shall wear only the uniform specified for their rank and assignment.
- (c) Certain equipment and duty gear will be issued to members. Members may purchase additional optional equipment at their own expense but the equipment must be authorized by the Chief of Police or his designee prior to the purchase.
- (d) For a uniformed appearance, duty gear for uniformed members shall consist of the same type of material and look (*i.e. all gear must either be all black nylon web gear or all black basket-weave leather/leather-like gear*).
  - 1. Duty gear shall not be a mix of web and basketweave gear, unless authorized by the Chief of Police or his designee.
  - 2. Department issued duty gear will be black basketweave leather/leather-like, unless otherwise authorized by the Chief of Police or his designee due to special assignments.
- (e) Members shall not alter or tailor any part of their uniform without first obtaining authorization from the Chief of Police or his designee. The alteration may have to be done at the members own expense.
- (f) All supervisors will perform periodic inspections to ensure conformance to these regulations.
- (g) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (h) Uniforms are only to be worn while on duty, while in transit directly to or directly from work, for court, or at other official functions or events.
- (i) Members are not to purchase or drink alcoholic beverages while wearing any part of this department's uniform, including the uniform pants.

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- (j) As a matter of professional courtesy, members should consider removing mirrored sunglasses when speaking directly to citizens.
- (k) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or his designee.
  - 1. Wrist watch.
  - 2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand.
  - 3. Medical alert bracelet.

### 1022.2.1 DEPARTMENT ISSUED IDENTIFICATION

This department issues each member an official identification card bearing the member's name, identifying information and photo likeness. All members shall be in possession of their issued identification card at all times while on duty.

- (a) Whenever on duty or acting in an official capacity representing this department, members shall display the identification issued by the department in a courteous manner to any person upon request and as soon as practical.
- (b) Members working specialized assignments may be excused from the possession and display requirements when directed by their division commander.

### 1022.3 UNIFORM CLASSES

#### 1022.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed.

All sworn members are required to have at least one serviceable Class A uniform.

Every sworn member with a minimum of 3 years of approved full-time sworn law enforcement experience must maintain at least one serviceable long sleeve uniform shirt with the authorized service stripe(s) sewn on the left sleeve and this shirt must be worn during the special occasions or times mentioned above.

Reserves with 3 or more continuous years of active Reserve service with the department are eligible to wear service stripes.

The Class A uniform will consist of the following garments and equipment:

- (a) Long sleeve shirt with badge, tie, tie bar, and name plate with "Serving Since" pin attached.

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- (b) Rank insignia for the Chief of Police, Captains, Lieutenants and Sergeants must be worn on each collar.
- (c) Authorized department shoulder patch stitched to each sleeve and service stripes stitched to left sleeve if applicable to the member's years of service.
- (d) One pair of dress uniform trousers.
- (e) Duty issued equipment and firearm.
- (f) Department issued boots or shoes.
- (g) Class A uniform hat when directed by the Chief of Police.
  - 1. Class A uniform hats shall be a round military style hat, midnight navy blue in color with a 2 inch high gloss bill.
  - 2. The Chief of Police, Captains and Lieutenants shall have a gold strap with gold buttons across the front and a gold police badge, indicating rank, centered on the front and flush with the top.
  - 3. Sergeants and Officers shall have a silver strap with silver buttons across the front and a silver police badge, indicating rank, centered on the front and flush with the top.
- (h) Special Assignment, Recognition, or Commendation Insignias/Bars/Pins defined in Policy, may be worn as optional accessories.

Uniforms shall be dry cleaned and pressed, duty gear and equipment well maintained and in serviceable condition, and boots polished.

### 1022.3.2 CLASS B UNIFORM

All sworn members will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

- (a) The long or short sleeve shirt may be worn with the collar open. No tie is required.
- (b) Rank insignia for the Chief of Police, Captains, and Lieutenants must be worn on each collar. Sergeants may wear their rank insignia on their collars.
- (c) Uniform trousers with cargo pockets are optional. *(Note: Should a sworn member wear a long sleeve shirt and the trousers with cargo pockets, a tie will not be worn).*
- (d) Service stripe(s) are only required to be stitched on at least one long sleeve uniform to be used as a Class A uniform shirt. Service stripes on additional long sleeves shirts which are to be worn as part of the Class B uniform are optional.
- (e) A black crew neck style t-shirt must be worn with uniform shirts. The only exception when wearing a long sleeve shirt is the option of wearing a black turtleneck or black mock turtleneck shirt, without exposed zippers. Officers should make all reasonable

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efforts to ensure that a logo or brand name associated with the crew neck style shirt, turtleneck or mock turtleneck is not visible, unless the turtleneck is embroidered with the initials of CDAPD. No other type of under shirt shall be worn if the uniform shirt is going to be unbuttoned at the collar.

- (f) All shirt buttons must remain buttoned except for the last button at the neck.
- (g) Shoes for the Class B uniform may be as described in the Class A uniform.
- (h) Special Assignment, Recognition, or Commendation Insignias/Bars/Pins defined in Policy, may be worn as optional accessories.
- (i) Optional hat as described in Policy.

Uniforms shall be dry cleaned and pressed, duty gear and equipment well maintained and in serviceable condition, and boots polished.

### 1022.3.3 CLASS C UNIFORM

Sworn members have the option of purchasing an approved jumpsuit uniform at their own expense, with an exception being for Canine Handlers who will have a uniform purchased by the department. The jumpsuit uniform shall be classified as a Class C uniform and can be worn during their shift unless otherwise prohibited by policy, the Chief of Police or his designee.

The Class C jumpsuit uniform will consist of the following garments and equipment:

- (a) Jumpsuit will be an approved navy blue color and a style and manufacturer approved by this department.
- (b) Rank insignia for the Chief of Police, Captains and Lieutenants shall be worn on both collars. The insignia must be an approved cloth, embroidered patch or pins.
- (c) Sergeants shall have silver chevrons stitched to each sleeve. Chevrons may be worn on both collars provided they are an approved cloth, embroidered patch or pins.
- (d) Canine Handlers are authorized to wear an approved "K-9" pin on one collar.
- (e) The word "POLICE" must be screened across the back of the uniform in silver lettering at a size authorized by the department.
- (f) An authorized embroidered name strip must be stitched to the front of the uniform above the right breast pocket and a badge patch shall be stitched above the left breast pocket.
- (g) Service stripe(s) are not required to be sewn on the jumpsuit.
- (h) A black crew neck style t-shirt must be worn with uniform shirts. The only exception when wearing the jumpsuit with the long sleeves attached is the option of wearing a black turtleneck or black mock turtleneck shirt, without exposed zippers. Officers should make all reasonable efforts to ensure that a logo or brand name associated with the crew neck style shirt, turtleneck or mock turtleneck is not visible, unless the

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turtleneck is embroidered with the initials of CDAPD. No other type of under shirt shall be worn if the uniform shirt is going to be unbuttoned/unzipped at the collar.

- (i) Department issued boots must be worn with the jumpsuit uniform.
- (j) Optional hat as described in Policy.

The Chief of Police may authorize additional Class C uniforms for special duty assignments.

Uniforms shall be cleaned and pressed, duty gear and equipment well maintained and in serviceable condition, and boots polished.

### 1022.3.4 SPECIALIZED UNIFORMS

The Chief of Police may authorize special uniforms to be worn by members in specialized units or positions that require easy recognition by citizens that such employees are members of this department. These units or positions include Canine Handlers, SIRT, Honor Guard, SWAT, Bicycle Patrol, Motors, Police Instructors, Code Enforcement, Animal Control, Civilian Report Takers and other non-enforcement civilian assignments, such as Records Specialists and Equipment Specialist. Modifications to these uniform standards can only be changed by the Chief of Police or his designee.

Uniforms shall be washed or dry cleaned (*depending upon type of uniform/clothing*) and pressed, duty gear and equipment well maintained and in serviceable condition, and boots polished.

All issued equipment and uniforms must be returned to the Equipment Specialist when the member leaves an assigned team or the employment of the department.

**Canine Handlers** - Canine Handlers, in addition to maintaining serviceable Class A and Class B uniforms, shall be approved to wear the Class C jumpsuit uniform for their normal duty assignment. The jumpsuit will be issued to the member(s) assigned to this special duty.

**Special Intervention & Response Team** -Members assigned to the Special Intervention & Response Team will be issued uniforms and equipment that shall only be worn or used during team trainings or deployments, unless otherwise authorized by the Chief of Police or his designee.

- Members have the option of purchasing a pre-approved ball cap which must have "Coeur d' Alene Police SIRT" embroidered on the front in silver lettering and their K# embroidered in silver lettering on the back. This hat is authorized to be worn during team trainings or deployments.

**Special Weapons and Tactics** -Members assigned to the Special Weapons and Tactics team will be issued uniforms and equipment that shall only be worn or used during team trainings or deployments, unless otherwise authorized by the Chief of Police or his designee.

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**Motors** - Members assigned to the Traffic Team may also be assigned as a Motor Officer and are authorized to wear the following uniform, equipment and garments only during the designated dates that the department is using motors for traffic enforcement or special events. At all other times, a Class A, B or C uniform shall be worn.

- One motorcycle helmet.
- Two light weight blue uniform shirts with one authorized department patch stitched on the left sleeve and one authorized "Motors Unit" patch stitched on the right sleeve. Only to be worn during motorcycle season.
- Two pair of riding pants, rip stop, BDU style. Only to be worn during motorcycle season..
- One set of rain gear.
- One pair of riding gloves.
- One pair of safety glasses.
- One riding jacket with authorized department patches stitched on each shoulder, a badge patch stitched on the left side of the front of the jacket and an authorized POLICE patch stitched on the back of the jacket.
- One black leather jacket, which shall not have any patches stitched on it, but the officer must pin his department issued badge on the left side of the front of the jacket.
- One pair of duty boots.
- All issued equipment and uniforms must be turned back in when the member leaves the team and fails or is unable to maintain certification.

**Honor Guard** - Members of the department who are selected to be part of the Honor Guard will be issued an authorized Honor Guard uniform that shall be worn when the member is assigned to any Honor Guard duty. This shall consist of the following uniform, equipment and garments:

- One single breasted wool blend jacket, midnight navy blue in color with gold piping on both lapels and the collar. Jacket has gold buttons on the front and belt hooks on the waist. The Department issued honor guard badge will be worn over the left breast pocket, pinned in the provided grommets. A 5/8 inch name plate shall be worn above the right breast pocket and will be 1/8 inch from the top of the pocket and centered. Authorized department patches will be stitched on both sleeves below the shoulder seam. A 1" wide gold braided shoulder cord shall be attached to the right lapel button and worn under the right arm. Service stripes (one stripe representing every 3 years of law enforcement experience) shall be 4 inches long and worn angled and centered on the left sleeve starting 1 inch above the left cuff. Ranking officers, Lieutenant and above, shall wear their rank centered on both lapels. Sergeant's shall have silver chevrons stitched to each sleeve and centered 1/8 inch below the department patch.



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- One pair of midnight navy blue wool blend trousers with a 1 inch gold stripe on each out seam from the waist to the cuff.
- Black dress style socks.
- One pair of Clarino high gloss oxford style dress shoes.
- One Clarino high gloss 2 inch wide belt with brass buckle, worn in the belt hooks on the jacket, along with one 1 inch wide Clarino Sam Browne shoulder strap worn with the belt, supporting the holster, over the appropriate shoulder.
- One Clarino high gloss holster attached to the belt and worn on the appropriate side.
- One pair of white cotton dress gloves shall be worn when appropriate.
- One midnight navy round military style hat with a 2 inch high gloss bill. The hat will have a gold strap with gold buttons across the front and a gold police Honor Guard badge shall be worn centered on the front and flush with the top.
- One honor guard badge.
- With the exception of the honor guard badge, all issued equipment and uniforms must be turned back in when the member leaves the team.

**Bicycle & Foot Patrol** - Members of the department who are selected to work Bicycle and/or Foot Patrol during designated times of the year shall wear only the authorized uniform approved by the Chief of Police or his designee. This shall consist of the following uniform, equipment and garments:

- Authorized polo shirt with the word POLICE screened on the back of the shirt, a badge patch stitched on the left side of the front of the shirt and the word POLICE screened on the right side of the front of the shirt.
- Two pair of authorized zip off bicycle pants.
- All black tennis shoes or bicycle shoes, with white ankle length socks.
- Black bicycle helmet with the word POLICE clearly visible.
- One jacket.

**Police Instructors** - Members of the department who have been given the opportunity to become police instructors, will be issued an instructor uniform, which shall be worn whenever the member is providing in-service instruction, teaching at the Reserve Academy, POST Basic Academy or Traffic School. The only exceptions will be if the member is on uniformed patrol duty during a portion of the time he is instructing, at which time the member is authorized to wear either a Class A or Class B uniform. This shall consist of the following uniform:

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- One short sleeve 5.11 tactical polo shirt, navy blue in color, which will have the authorized circular department patch stitched on the left breast, "Instructor" embroidered in gold lettering below the patch and on the right hand sleeve, and the members name embroidered in gold lettering on the right breast.
- One pair of 5.11 tactical dress pants, beige in color.
- Firearms instructors will also be issued one short sleeve 5.11. tactical polo shirt, red in color, which will have the same patch and embroidery wording, except the embroidery color will be black and "Firearms Instructor" will be the wording on the sleeve and below the patch.

Members may purchase additional instructor uniform pants and shirts, including long sleeve, providing they follow the same guidelines listed above. The purchase of the uniforms and the cost of the tailoring and embroidery will be at the member's own expense.

Additionally, members shall only wear black shoes and a black belt with the instructor uniform. A crew neck t-shirt, white in color, may also be optionally worn under the polo shirt.

**Animal Control** - Members assigned to Animal Control duties shall be issued the following uniforms and equipment:

- Member has the option to wear short or long sleeve polo shirts, or a long or short sleeve collared button up shirt. The color of the shirt shall be approved by the Chief of Police or his designee. The shirts shall be monogrammed with approved department logo on the left breast and the member's name embroidered on the right breast.
- Tactical dress uniform pants which shall be a color approved by the Chief of Police or his designee.
- One pair of black boots.
- One jacket.
- One duty belt with a radio holder and portable radio.
- Optional pre-approved hat purchased at the member's expense.
- Other safety/control equipment as authorized by the Chief of Police or his designee.

**Code Enforcement** -Members assigned to Code Enforcement duties shall be issued the following uniforms and equipment:

- Member has the option to wear short or long sleeve polo shirts, or a long or short sleeve collared button up shirt. The color of the shirt shall be approved by the Chief of Police or his designee. The shirts shall be monogrammed with approved department logo on the left breast and the member's name embroidered on the right breast.

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- Tactical dress uniform pants which shall be a color approved by the Chief of Police or his designee.
- One pair of black boots.
- One jacket.
- One basketweave belt with a radio holder and portable radio.
- Optional pre-approved hat purchased at the member's expense.

**Civilian Report Takers** - Members assigned as Civilian Report Takers shall be issued the following uniforms and equipment:

- Three long sleeve uniform shirts, white in color, with authorized department patches stitched to each sleeve.
- Three short sleeve uniform shirts, white in color, with authorized department patches stitched to each sleeve.
- Three pairs of uniform cargo trousers, navy blue in color.
- One pair of black boots.
- One jacket with authorized department patches stitched to each sleeve.
- A name plate shall be worn above the right breast pocket of the uniform shirt.
- One black basketweave trouser belt, radio holder and portable radio.
- Optional pre-approved hat purchased at the member's expense.

**Records Specialists** - Members assigned as Records Specialist and Records Supervisor shall be issued the following uniforms:

- Member has the option to wear short or long sleeve uniform shirts, light blue in color. Each member will be provided a total of four uniform shirts.
- Three pairs of navy blue cargo uniform trousers.
- One black basketweave trouser belt.
- A 3/8 inch name plate, along with a "Serving Since" pin, worn above the right breast pocket of the uniform shirt, 1/8 from the top of the pocket and centered.
- An authorized uniform badge, approved by the Chief of Police or his designee, which says "Support Staff".

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**Fleet Manager and Supply Specialist** - Members assigned to Fleet Management and Supply duties shall be issued the following uniforms and equipment:

- Member has the option to wear short or long sleeve polo shirts, or a long or short sleeve collared button up shirt. The color of the shirt shall be approved by the Chief of Police or his designee. The shirts shall be monogrammed with approved department logo on the left breast and the member's name embroidered on the right breast.
- Tactical dress uniform pants which shall be a color approved by the Chief of Police or his designee.
- One pair of black boots.
- One jacket.
- One basketweave belt with a radio holder and portable radio.
- Optional pre-approved hat purchased at the member's expense.

### 1022.3.5 HATS AND FOUL WEATHER GEAR

Uniformed members shall only wear department issued jackets which must be clearly marked with shoulder patches and a badge patch.

Members shall only wear authorized rain gear.

Uniformed members may also wear approved cold weather head wear (*i.e. knit type or Under armour type hats, during cold weather*).

- The hat color must closely match the color of the issued uniforms.
- Cold weather hats with the department hat patch or pre-approved embroidery with the initials CDAPD, may be authorized.

Pre-approved ball caps may also be worn with the Class B or C uniforms.

- The hat color must closely match the color of the issued uniforms and must be a flex-fit or fitted hat.
- The hat can only have the authorized department hat patch stitched to the front, and the members K# embroidered on the back of the hat in gold lettering.
- The hats must be purchased at the members expense.
- The hat must remain in good structural condition and free from dirt, stains and fading.
- Any hats previously purchased prior to the adoption of this policy that allowed for the department name to be embroidered on the front of the hat will only be allowed until

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the member decides to purchase a new hat or if the hat does not remain in a clean condition.

- Exceptions to this policy will be for:
  - Special Intervention & Response Team, Special Weapons & Tactics Team, Code Enforcement, Animal Control, Equipment Specialist, Civilian Report Taker and Volunteer Unit hats.
  - These hats shall meet a pre-approved appearance and shall not have the department hat patch affixed to them unless authorized by the Chief of Police. The full title of the members assignment (*i.e. Animal Control*), in a pre-approved color shall be embroidered on the front of the hat and the members K#, if applicable, embroidered on the back of the hat in the same color embroidery.

### 1022.3.6 RESERVE OFFICER UNIFORM

Uniforms for Reserves shall be the same as those described in [Policy](#).

### 1022.3.7 COURT ATTIRE

Uniformed members, when attending any preliminary hearing, court trial, jury trial or grand jury, shall wear only a Class A or Class B uniform.

The only exception to this would be for members assigned as a Canine Handler or to the Motor Unit if the court hearing occurs during their normal duty hours. If the court hearing occurs on their day off, or before or after their normal duty hours, then the Handler must wear their Class A or Class B uniforms.

Class C jumpsuit uniforms or Bicycle Patrol uniforms are not authorized for courtroom attire.

Members working a plainclothes assignment, such as in the Investigations Division, must dress in professional business attire. This does not apply when the member is attending probable cause hearings or applying for search warrants or arrest warrants.

### 1022.3.8 HAND WEAR

The purpose of this policy is to minimize the use of gloves during general contact with the public. The wearing of gloves is generally discouraged and can only be justified when their necessity clearly outweighs their adverse impact to good community relations.

In keeping with professional standards, and understanding the importance of public relations, the use of gloves can be an effective means to protect the hands from abrasions, lacerations, weather conditions, or biological hazards. Gloves may also be considered as a visual deterrent when responding to calls that involve combative or emotionally challenged individuals.

These guidelines shall be followed when considering the use of gloves:

- **Latex Gloves** - Should be used anytime the possibility exists for biological contamination by body fluids or other contaminants. Any color of latex may be worn.

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- **Winter Gloves** - May be used for protecting hands when weather conditions require their use. Officers should keep in mind that their ability to safely, quickly and effectively access or use a defensive weapon, such as their firearm, may be limited depending on the type and thickness of glove.
- **Thin Leather Gloves** - Will not be worn except during events that require their use for protecting hands during searches, rescues, handling property, animals, evidence, or special assignments (*i.e. motors or bicycle patrol, or when the use of a visual deterrent may be helpful in situations which are emotionally charged or participants are known to be combative*).
- **High Visibility Traffic Control Gloves** - Members have the option of purchasing and wearing high visibility traffic control gloves for use when directing traffic. The approved colors shall be green, white or orange, and the gloves may have reflective material stitched on them.

It should be noted that the wearing of leather gloves might cause intimidation with a number of citizens in our community; therefore, good judgment is to be exercised when members consider using this type of hand wear during the performance of their duties.

The standard color authorized for insulated or uninsulated winter gloves, or thin leather gloves, shall only be black. Any other color must have written approval by the Chief of Police or his designee. Any logo appearing on the gloves must be subdued and non-contrasting.

The use of SAP (*weighted*) gloves is strictly prohibited.

Members needing clarification or guidance on the intent or purpose of this policy should consult with their supervisor prior to purchasing and/or wearing gloves.

### 1022.3.9 DUTY BELT SUSPENDERS

Members are authorized to wear suspenders attached to their duty belt as optional equipment.

The type of suspenders must be pre-approved by the Chief of Police or his designee and they must be purchased at the members own expense.

Duty belt suspenders shall only be worn with the Class B or C uniforms as described in Policy

### 1022.4 INSIGNIA AND PATCHES

- (a) **Shoulder Patches** - The authorized shoulder patches supplied by this department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.
- (b) **Service Stripes** - Service stripes for length of service may be worn on long sleeve shirts only. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of 1 1/2 inches above the cuff seam with the rear of

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the service stripes sewn on the crease of the sleeve. The stripes are to be worn on the left sleeve only.

1. Each stripe shall indicate every 3 years of continuous full-time sworn law enforcement service a member has, whether with this department or a previous law enforcement department.
    - (a) Reserve officers who have 3 or more years of continuous service with this department are authorized to wear the service stripes.
  2. Members are required to maintain at least one serviceable long sleeve shirt with updated service stripes stitched on the sleeve.
  3. Only department issued service stripes for each rank shall be stitched onto the uniform shirt.
- (c) **Name Plate or Embroidered Name Strip** - Shall be worn at all times while in uniform. The name plate shall display the member's first initial and last name, unless otherwise authorized. The name plate or name strip shall be worn and placed above the right breast pocket located in the middle, bi-sected by the pressed shirt seam, with equal distance from both sides of the name plate or name strip to the outer edge of the pocket.
- (d) **Special Assignment, Recognition, or Commendation Insignias/Bars/Pins** - Insignias may be worn, and limited, as designated by the Chief of Police. These insignias, pins or bars must be worn above the right breast pocket of the uniform shirt, either attached to the nameplate or centered above the nameplate. Authorized insignias are as follows:
- (a) Serving Since Pin
    - (a) Serving Since pins shall indicate the year of service when the member began his sworn law enforcement service with this department.
    - (b) An exception to this policy will be for members who are a lateral transfer from another law enforcement agency and did not have any break in service between transfer, other than time required for resignation and/or moving purposes from prior agency. Lateral members meeting this criteria can use the year of service as when they started their full-time sworn law enforcement service with that prior employer.
  - (b) Flag Bar or Pin
  - (c) Commendation Bar(s) or Pin(s)
  - (d) Motors
  - (e) SWAT
  - (f) DARE

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- (g) SIRT
- (h) FBI National Academy
- (i) Honor Guard
- (j) Instructor
- (k) Expert Marksman, Marksman or Rangemaster
- (l) Canine Handler
- (m) Air Support
- (n) Religious pins or emblems shall only be worn by the Police Chaplain and must be authorized by the Chief of Police.
- (o) Any other pin, insignia, emblem or bar as authorized by the Chief of Police.
- (e) **Badge** - The badge issued by this department, or an authorized sewn on cloth (patch) replica, must be worn and visible at all times while in uniform.
- (f) **Rank Insignia** - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.
  - 1. **Police Sergeant** - Chevrons, silver in color, must be stitched to all Class A, B and C uniform sleeves and jacket sleeves.
    - (a) Chevron pins, silver in color, may be worn on the collars of Class B and C uniforms and on jackets.
  - 2. **Police Lieutenant** - Single bars, brass in color, must be worn on all Class A, B and C uniform collars.
    - (a) Exceptions would be wearing subdued bars on specialized unit uniforms or jackets.
  - 3. **Police Captain** - Double bars, brass in color, must be worn on all Class A, B and C uniform collars.
    - (a) Exceptions would be wearing subdued bars on specialized unit uniforms or jackets.
  - 4. **Police Chief** - Single or Multiple Stars (choice of Police Chief), brass in color, must be worn on all Class A, B and C uniform collars.
    - (a) Exceptions would be wearing subdued stars on specialized unit uniforms or jackets.
- (g) Additional patches, embroidering or silk screened likenesses of the department badge, patches or logos must be authorized by the Chief of Police prior to being stitched or screened onto any clothing or hats.



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### 1022.4.1 MOURNING BADGE

Uniformed members should wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- **A Sworn Member of this Department** - From the time of death until midnight on the 14th day after the death.
- **A Law Enforcement Officer/Deputy from this or an adjacent County** - From the time of death until midnight on the day of the funeral.
- **Funeral Attendee** - While attending the funeral of an out of region fallen officer.
- **National Peace Officers Memorial Day (May 15th)** - From 0001 hours until 2359 hours.
- **As otherwise directed by the Chief of Police.**

### 1022.5 CIVILIAN ATTIRE FOR MEMBERS

There are assignments within this department that do not require the wearing of a uniform by members because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- (a) All members authorized to wear civilian attire shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- (b) All male and female members authorized to wear civilian attire shall wear business casual or business professional attire appropriate for their gender, such as dress slacks, button up collared shirts, ties, polo shirts, sport jacket, blouses, dresses, skirts, suit or other clothing authorized by the Chief of Police or his designee.
- (c) The following items shall not be worn on duty:
  1. T-shirt alone.
  2. Flip flops or Open-Toed Shoes.
  3. Swimsuit, tube tops, or halter-tops.
  4. Spandex type pants or see-through clothing.
  5. Distasteful printed slogans, buttons or pins.
- (d) Variations from this policy are allowed at the discretion of the Chief of Police or designee when the member's assignment or current task is not conducive to the wearing of such clothing.
- (e) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Department or the morale of the members.

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### **1022.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS**

Unless specifically authorized by the Chief of Police, members may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or, cause to be posted, published, or displayed, the image of another member, or identify himself/herself as a member of the Coeur d Alene Police Department to do any of the following:

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose, any product, service, company or other commercial entity.
- (d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

### **1022.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT**

- (a) Any items approved as optional duty gear shall be purchased totally at the expense of the member. No part of the purchase cost shall be offset by this department for the cost of providing this department's issued item.
- (b) Members may not use or carry any safety item, tool or other piece of equipment unless specifically authorized by the Chief of Police or designee.
- (c) Maintenance of optional items shall be the financial responsibility of the purchasing member. (*i.e. repairs due to normal wear and tear*).
- (d) Replacement of items listed in this order as optional shall be done as follows:
  - 1. When the item is no longer functional because of normal wear and tear, the member bears the full cost of replacement.
  - 2. When the item is no longer functional because of damage in the course of the member's duties, it shall be replaced following the procedures for the replacement of damaged personal property.

## Police Cadets

### 1023.1 PURPOSE AND SCOPE

Cadets work under direct supervision, perform a variety of routine and progressively more advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

### 1023.2 EDUCATION REQUIREMENTS

Cadets are required to maintain a minimum grade point average of 2.0 ("C" grade) for all courses taken. Cadets shall complete six semester units of college course work per semester and senior cadets shall complete 12 units per semester.

### 1023.3 PROGRAM COORDINATOR

The Training Bureau Manager will serve as the Program Coordinator. This supervisor will be responsible for tracking the educational and job performance of cadets as well as making their individual assignments throughout this department. He/she will also monitor the training provided for all cadets and review all decisions affecting job assignments, status for compensation, school attendance and performance evaluations.

#### 1023.3.1 PROGRAM ADVISORS

The Program Coordinator may select individual officers to serve as advisors for the Cadet Program. These officers will serve as mentors for each cadet. Cadets will bring special requests, concerns, and suggestions to their program advisor for advice or direction before contacting the Program Coordinator. One advisor may be designated as the Coordinator's assistant to lead scheduled meetings and training sessions involving the cadets. Multiple cadets may be assigned to each program advisor. Program advisors are not intended to circumvent the established chain of command. Any issues that may be a concern of the individual's supervisor should be referred back to the Program Coordinator.

### 1023.4 ORIENTATION AND TRAINING

Newly hired cadets will receive an orientation of the organization and facilities before reporting to their first assignment. On-the-job training will be conducted in compliance with the Cadet Training Manual. Training sessions will be scheduled as needed to train cadets for as many assignments as possible. In addition to job-specific training, information will be offered to prepare cadets to compete successfully in the police officer selection process, as well as the academy training. All training will focus on improving job performance, as well as preparation to become police officers. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

### 1023.5 CADET UNIFORMS

Each cadet will be provided two uniforms meeting the specifications described in the Uniform Manual for civilian employees.

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## *Police Cadets*

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### **1023.6 ROTATION OF ASSIGNMENTS**

Rotating job assignments should occur on a regular basis to enhance the career development for each cadet. This department's needs and concerns will take precedence over individual considerations with the final decision resting with the Training Bureau Manager.

In general, senior cadets will be assigned to positions requiring more technical skill or responsibility, as well as serving to train cadets for new assignments or those newly hired.

### **1023.7 RIDE-ALONG PROCEDURES**

All cadets are authorized to participate in the Ride-Along Program on their own time and as approved by their immediate supervisor and the appropriate Shift Commander. Applicable waivers must be signed in advance of the ride-along. Cadets shall wear their uniform while participating on a ride-along.

### **1023.8 PERFORMANCE EVALUATIONS**

Performance evaluations for all cadets shall be completed monthly during their first year on probation. Upon successful completion of probation, cadets and senior cadets will be evaluated on a yearly basis to assess their current job performance and their potential as police officers.

## Nepotism and Conflicting Relationships

### 1024.1 PURPOSE AND SCOPE

Refer to the City of Coeur d'Alene [Personnel Rules](#) governing this topic.

<http://citynet/deptimages/PersonnelRules.pdf>

## Badges and Patches

### 1025.1 PURPOSE AND SCOPE

The Coeur d'Alene Police Department badge and uniform patch as well as the likeness of these items and the name of the Coeur d'Alene Police Department are property of the Police Department and their use shall be restricted as set forth in this policy.

### 1025.2 POLICY

The uniform badge shall be issued to Police Department members as a symbol of authority and the use and display of issued or purchased badges shall be in strict compliance with this policy. Only authorized badges issued by the Police Department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

#### 1025.2.1 FLAT BADGES

Full-time sworn members shall also be issued a wallet flat badge to be carried when working in a non-uniformed capacity or off duty and carrying a firearm. The use of the flat badge is subject to all the same provisions of policy as the uniform badge.

- (a) Should the flat badge become lost, damaged or otherwise removed from the member's control, he shall make the proper notifications as outlined in Policy Manual §700 City Owned and Member Owned Equipment/Property.

#### 1025.2.2 CIVILIAN PERSONNEL

With the exception of members assigned as Records Specialist and Records Supervisor, badges shall not be issued to non-sworn members. Department identification cards will be issued to non-sworn members and clearly marked to reflect the position of the assigned member (*i.e. Animal Control and Code Enforcement*).

- (a) Members assigned as Records Specialist and Records Supervisor shall be issued a badge, authorized by the Chief of Police or his designee, which shall be worn on the members uniform shirt. The badge shall indicate their position as "Support Staff", along with the member's K number.
- (b) Non-sworn members shall not display any department identification card or represent himself, on or off duty, in such a manner which would cause a reasonable person to believe that he is a sworn peace officer.

#### 1025.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement, the Chief of Police may authorize a sworn member to be gifted a flat wallet badge displaying the members rank at retirement along with the word "Retired" on the bottom rocker/ribbon. It is intended that this badge be used only as private memorabilia and not for identification purposes as a law enforcement officer.

# Coeur d'Alene Police Department

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## *Badges and Patches*

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### **1025.3 UNAUTHORIZED USE**

Except as required for on-duty use by current members, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn members for official use only. The badge, patches, or the likeness thereof, or the name shall not be used for personal or private reasons including, but not limited to, letters, memoranda and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, patches and name for all material (*printed matter, products or other items*) developed for use shall be subject to approval by the Chief of Police.

Members shall not loan their badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

### **1025.4 PERMITTED USE BY EMPLOYEE GROUPS**

The likeness of the badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

- (a) The Coeur d'Alene Police Officers Association may use the likeness of the badge for merchandise and official Association business provided they are used in a clear representation of the Association and not the Coeur d Alene Police Department.
  1. The text on the first ribbon will be replaced with "Coeur d'Alene", the text on the second ribbon will be replaced with "Police Officers" and the text on the third ribbon is replaced with "Association".
- (b) The likeness of the badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

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## Modified Duty Assignments

### 1026.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for assigning members to modified duty. Temporary modified-duty assignments may be available to members who have incurred a duty-related illness or injury and, due to restrictions or limitations, are unable to perform their regular assigned duties. Non-duty related illnesses or injuries may also be considered for eligibility in accordance with this policy. Eligibility for modified-duty assignment is subject to the approval of the Chief of Police or his designee.

Modified-duty assignments are intended to provide a member with the ability to continue working within the limits of his restrictions and limitations on a temporary basis not to exceed six months while providing the department with a productive member during the interim period.

The department will engage in a good faith interactive process to consider reasonable accommodations for any member with a temporary or permanent disability.

### 1026.2 DEFINITIONS

**Modified Duty** - Means a temporary, limited-term assignment not requiring performance of the full range of duties associated with the regular job classification. Modified duty also may be termed as light-duty assignments.

### 1026.3 LIMITATIONS

Modified-duty assignments are a management prerogative and not an member right. Modified-duty assignments shall be subject to continuous re-assessment dependent upon department needs and the member's ability to perform in a modified-duty capacity.

An injured member may be offered a modified-duty position outside of his normal assignment or duties if it becomes available for either an on or off duty injury.

- (a) If a member cannot adequately perform in a modified-duty assignment, such assignment may be modified or terminated.
- (b) The lack of department need or a change in priorities may result in the member's removal from or modification of a modified-duty assignment.
- (c) The department may place conditions as deemed appropriate upon any modified-duty assignment, to include scheduling changes.

### 1026.4 PROCEDURE

Members may request assignment to modified duty by providing a signed statement from their health care provider describing their restrictions, limitations and expected duration to their Division Commander or his designee. The statement must also indicate if the member requires any workplace accommodations, mobility aids or medical devices.



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## *Modified Duty Assignments*

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The Division Commander will determine what modified-duty assignments may be available based on the needs of the department, limitations of the member and suitability of the member to work a particular assignment, regardless of the number of modified duty hours.

### 1026.4.1 MODIFIED-DUTY SCHEDULES

The schedules of members assigned to modified duty may be adjusted to suit medical appointments or department needs at the discretion of the Division Commander.

The member and his supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the member's health care provider.

### 1026.4.2 ACCOUNTABILITY

The member's supervisors shall coordinate efforts to ensure proper time accountability and documentation.

- (a) Members on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the member's sick leave.
- (b) Members shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An member assigned to a modified-duty assignment shall provide a duty status report to his/her supervisor no less than once every 30 days while the member is on modified duty.
- (c) Supervisors shall keep the Division Commander apprised of the member's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond 60 days will require a written status report and a request for an extension to the Division Commander with an update of the member's current status and anticipated date of return to regular duty. Extensions require approval of the Chief of Police.
- (d) When it is determined that a member on modified duty will return to regular duty, the supervisor shall notify the Division Commander and complete proper documentation. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

### 1026.4.3 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, members shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

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## *Modified Duty Assignments*

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### **1026.5 PREGNANCY**

It is the policy of this department to reassign members who are pregnant to temporary assignments based upon medical need, medical restrictions, and/or when their medical condition presents a safety risk to the member or others.

#### **1026.5.1 EMPLOYEE NOTIFICATION**

A member who is pregnant must submit, to her immediate supervisor, a statement from her health care provider listing any job restrictions and/or limitations she may have so the department can facilitate a reasonable accommodation like any other medical condition.

#### **1026.5.2 SUPERVISOR'S RESPONSIBILITY**

Upon receipt of the statement from the member's health care provider listing job restrictions and/or limitations, or when a pregnant member's medical condition presents a safety risk to the member or others, the member's immediate supervisor shall notify the Division Commander, who will consider assigning the member to an available temporary modified-duty assignment if it is deemed appropriate by the department.

#### **1026.5.3 LEAVE OF ABSENCE**

If at any point during the pregnancy it becomes necessary for the member to take a leave of absence, such leave shall be granted consistent with the City's Personnel Rules regarding family and medical care leave.

### **1026.6 PROBATIONARY EMPLOYEES**

Probationary members who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to the member's assignment to modified duty or long term medical leave of absence.

### **1026.7 MAINTENANCE OF CERTIFICATION AND TRAINING**

Members assigned to modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided the certification, training or qualifications are not in conflict with any limitations or restrictions. members who are assigned to modified duty shall inform their supervisor of any inability to maintain any certification, training or qualifications.

# Employee Speech, Expression and Social Networking

## 1027.1 PURPOSE AND SCOPE

The department endorses the secure use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. This policy establishes this department's position on the utility and management of social media, and provides guidance on its management, administration and oversight. This policy is also intended to address the issues associated with member use of social networking sites and to provide guidelines for the regulation and balancing of member 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.

This policy is not meant to address one particular form of social media or networking due to the ever evolving advances in technology that will occur.

### 1027.1.1 APPLICABILITY

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

## 1027.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Coeur d'Alene 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.

## 1027.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of the Coeur d'Alene 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 anticipated to compromise the safety of any employee, an employee's family or

# Coeur d'Alene Police Department

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## *Employee Speech, Expression and Social Networking*

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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.

### **1027.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT**

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

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Coeur d'Alene 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 Coeur d'Alene Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Coeur d'Alene Police Department or its employees. Examples may include:
  1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
  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 (e.g., 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 Coeur d'Alene 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

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for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee (Idaho Code 74-402).

- (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 Coeur d'Alene 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).

### 1027.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Coeur d'Alene Police Department or identify themselves in any way that could be reasonably perceived as representing the Coeur d'Alene Police Department in order to do any of the following, unless specifically authorized by the Chief of Police (Idaho Code 74-402):

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Coeur d'Alene Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized

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bargaining unit or officer associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

### **1027.5 PRIVACY EXPECTATION**

#### **Department Sanctioned Web Pages or Social Media Outlets**

- (a) Determine Strategy
  1. Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the department's presence on the website.
  2. Where possible, the page(s) should link to the department's official website.
  3. Social media page(s) shall be designed to target audience(s) such as youth and potential police recruits, as well as being able to provide information to citizens regarding certain police activity.
- (b) Procedures
  1. All department social media sites or page shall be approved by the Chief of Police or his designee. They shall be administered by the department's Information Technology division, or as otherwise directed.
  2. Where possible, social media pages shall clearly indicate they are maintained by the department and shall have department contact information prominently displayed.
  3. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
    - (a) Content is subject to public records laws and must be managed, stored and retrieved to comply with such laws. Relevant records retention schedules apply to social media content.
      1. Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the department.
      2. Pages shall clearly indicate that posted comments will be monitored and that the department reserves the right to remove obscenities, off-topic comments, and personal attacks.
      3. Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

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### **Department-Sanctioned Use**

- (a) Department members representing the department via social media outlets shall do the following:
  - (a) Conduct themselves at all times as representatives of the department and, accordingly, shall adhere to all department standards of conduct and observe conventionally accepted protocols and proper decorum.
  - (b) Identity themselves as a member of the department.
  - (c) Not make any statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit or otherwise disseminate confidential information, including photographs or videos, related to department training activities, or work-related assignments without authorization of the Chief of Police or his designee.
  - (d) Not conduct political activities or private business.
  - (e) Department members shall not use personally owned devices to manage the department's social media activities without authorization of the Chief of Police or his designee.
  - (f) Members shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.
- (b) Recruitment opportunities.
- (c) Background investigations of employee candidates:
  - (a) Searches shall only be conducted by the member(s) assigned to conduct background investigations.
  - (b) Searches shall not involve techniques that are in violation of any existing law; techniques should be applied uniformly to all candidates; and every effort must be made to validate Internet based information that is considered during the hiring process.

### **1027.6 PERSONAL USE**

- (a) Precautions and prohibitions regarding the off-duty/personal use of social media.
  - 1. Department members are free to express themselves as private citizens on social media sites to the degree that their speech does not:
    - (a) Impair working relationships of this department for which loyalty and confidentiality are important;
    - (b) Impede the performance of duties;
    - (c) Impair discipline and harmony among co-workers; or

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## *Employee Speech, Expression and Social Networking*

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- (d) Negatively affect the public perception of the department.
- (b) As public employees, members are cautioned that speech, on or off duty, made pursuant to their official duties, is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the department. Members should assume that their speech and related activity on social media sites will reflect upon this department.
- (c) Members shall not post, transmit, or otherwise disseminate any information, including photographs, video, or documentation, to which they have access as a result of their employment, without authorization of the Chief of Police or his designee.
  - (a) Refer to Policy Manual 385.1.7 *Prohibited Uses of Cellular Telephones or Personal Communication Devices* for additional restrictions or prohibitions related to this policy.
- (d) For safety and security reasons, members are cautioned not to disclose their employment with this department, nor shall they post personal information pertaining to any other member without that member's permission. As such, department members are cautioned not to do the following:
  - (a) Display department logos, uniforms, badges or similar identifying items on personal web pages or social networking sites.
  - (b) Post personal photos, videos or similar means of personal recognition that may cause them to be identified as a police officer of this department. Members who are, or who may reasonably be expected to work in undercover operations, should not post any form of visual or personal identification.
  - (c) When using social media, members should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the department's expectations and/or requirements regarding conduct shall be applied to the member's personal use of social media. In particular, members are prohibited from the following:
    - (a) Speech containing obscene or sexually explicit language, images or acts and statements, other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, religion or protected class of individuals.
    - (b) Speech involving themselves or other department members reflecting behavior that would reasonably be considered reckless or irresponsible.
  - (d) Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching a member's testimony in criminal proceedings, which could lead to disciplinary action taken against the member up to and including termination.



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- (e) Members may not divulge information gained by reason of their authority; make any statements, speeches, appearances and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this department without authorization of the Chief of Police or his designee.
- (f) Members should be aware that they may be subject to civil litigation for:
  - (a) Publishing or posting false information that harms the reputation of another person, group or organization.
  - (b) Publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person.
  - (c) Using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or
  - (d) Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
- (g) Members should be aware that personal information posted on social media sites is not always protected.
- (h) Members should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.
- (i) Members who become aware of or have knowledge of a posting or of any website or web page that is in violation of this policy shall notify his immediate supervisor as soon as practical.

### **1027.7 PRIVACY EXPECTATION**

Members forfeit any expectation of privacy with regard to anything published or maintained through file-sharing software or any Internet site open to public view.

The department also reserves the right to access, audit and disclose for whatever reason all messages, including attachments, and any information transmitted over any technology that is issued or maintained by the department or the City of Coeur d'Alene, including the department e-mail system, computer network or any information placed into storage on any department system or device.

All messages, photos, videos and attachments transmitted, accessed or received over department networks are considered department records and, therefore, are the property of the department. The department reserves the right to access, audit and disclose for whatever reason all messages, including attachments, that have been transmitted, accessed or received through any departments

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system or device, or any such information placed into any storage on any department system or device. This includes records of all key strokes or web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through a department computer or network.

### **1027.8 TRAINING**

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

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## Line-of-Duty Deaths

### 1028.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Coeur d'Alene Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

#### 1028.1.1 DEFINITIONS

Definitions related to this policy include:

**Line-of-duty death** - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a civilian member during the course of performing their assigned duties.

**Survivors** - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

### 1028.2 POLICY

It is the policy of the Coeur d'Alene Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

### 1028.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Shift Commander and Central Dispatch.
  1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The Shift Commander should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the Shift Commander or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

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## *Line-of-Duty Deaths*

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- (d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

### **1028.4 NOTIFYING SURVIVORS**

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Shift Commander or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department Chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting childcare or other immediate needs.

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- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison subsection of this policy), if known, and the Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Coeur d'Alene Police Department members may be apprised that survivor notifications are complete.

### 1028.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

### 1028.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

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### **1028.6 LIAISONS AND COORDINATORS**

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

- (a) Department Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Critical Incident Stress Management (CISM) coordinator.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

#### **1028.6.1 DEPARTMENT LIAISON**

The Department Liaison should be a Division Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-mast.
- (g) Ensuring that department members are reminded of appropriate information—sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.

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- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

### 1028.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Arrange for appropriate and separate waiting areas for:
  - 1. The survivors and others whose presence is requested by the survivors.
  - 2. Department members and friends of the deceased member.
  - 3. Media personnel.
- (b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Coeur d'Alene Police Department members (except for members who may be guarding the suspect).
- (c) Ensure that survivors receive timely updates regarding the member before information is released to others.
- (d) Arrange for survivors to have private time with the member, if requested.
  - 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
  - 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
- (f) If applicable, explain to the survivors why an autopsy may be needed.
- (g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

### 1028.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Division Commander. The following should be considered when selecting the Survivor Support Liaison:

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- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include, but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes and other locations, as appropriate.
- (b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
  1. Items should not be delivered to the survivors until they are ready to receive the items.
  2. Items not retained as evidence should be delivered in a clean, unmarked box.
  3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
  4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.
  1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the CISM coordinator to ensure that survivors have access to available counseling services.
- (h) Coordinating with the department's Public Information Officer ([PIO]) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.



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- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

### 1028.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Chief of Police or the authorized designee, liaisons, coordinators and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include, but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:
  - 1. Members involved in the incident.
  - 2. Members who witnessed the incident.
  - 3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive CISM support as appropriate and possible.
- (c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.

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- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

### 1028.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Department, including, but not limited to the following:
  1. Honor Guard
    - (a) Casket watch
    - (b) Color guard
    - (c) Pallbearers
    - (d) Bell/rifle salute
  2. Bagpipers/bugler
  3. Uniform for burial
  4. Flag presentation
  5. Last radio call
- (d) Briefing the Chief of Police and command staff concerning funeral arrangements.
- (e) Assigning an officer to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

### 1028.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Coeur d'Alene Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Mutual Aid and Outside Agency Assistance Policy.

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### 1028.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
  - 1. Public Safety Officers' Benefits (PSOB) Programs.
  - 2. Public Safety Officers' Educational Assistance (PSOEA) Program.
  - 3. Social Security Administration.
  - 4. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
  - 1. Death benefits (Idaho Code 59-1361A; Idaho Code 50-1516)
  - 2. Education benefit (Idaho Code 33-4302)
- (d) Researching and assisting survivors with application for other survivor benefits such as:
  - 1. Private foundation survivor benefits programs.
  - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
  - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

### 1028.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.

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- (b) Providing information on finance-related issues, such as:
  - 1. Paying survivors' travel costs if authorized.
  - 2. Transportation costs for the deceased.
  - 3. Funeral and memorial costs.
  - 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

### **1028.7 PUBLIC INFORMATION OFFICER**

In the event of a line-of-duty death, the department's [PIO] should be the department's contact point for the media. As such, the [PIO] should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that department members are instructed to direct any media inquiries to the [PIO].
- (c) Prepare necessary press releases.
  - 1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
  - 2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member's survivors.
- (d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
  - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the [PIO] should request that the media withhold the information from release until proper notification can be made to survivors. The [PIO] should ensure that media are notified when survivor notifications have been made.

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### **1028.8 DEPARTMENT CHAPLAIN**

The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

### **1028.9 INVESTIGATION OF THE INCIDENT**

The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

### **1028.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL**

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

### **1028.11 NON-LINE-OF-DUTY DEATH**

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

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# SELF-ADMISSION REPORTING (SAR) PROCESS

## 1029.1 PURPOSE

This order provides Coeur d'Alene Police Department members with the use guidelines and protocols of the Self-Admission Reporting (SAR) Process.

### Definition

- A SAR is an option to be used after the NOI has been served but prior to an investigation being initiated.
- A SAR cannot be used at the conclusion of an investigation.

### Philosophy

- The Self-Admission Reporting (SAR) Process is a way of quickly resolving minor complaints of member misconduct.
- It is a voluntary option for a subject member who does not dispute the allegations.
- The SAR allows the subject member to admit to the allegations against him/her without going through the disciplinary process.
- It allows for the swift imposition of the associated discipline and ensures member accountability.

## 1029.2 GENERAL GUIDELINES

### Use of SAR

- Determination to use the Self-Admission Reporting (SAR), is at the discretion of the subject member's Division Commander.
- Factors to be considered when making the decision to use the SAR Form include, but are not limited to:
  - Disciplinary history of subject member.
  - Severity of the allegation(s).
- The SAR Form may be used when the allegation(s) will result in Sustained: No Discipline or Sustained Discipline of a Written Reprimand (i.e. accident with minor property damage, missed court, missed training, abuse of sick time, etc.).

### When SAR is Not Applicable

- The SAR Form shall not be used to resolve a complaint when:
  - There are allegations of criminal misconduct, workplace violence, or bias based on race, religion, age, national origin, color, disability, sex, or sexual orientation.
  - If the subject member has a pattern of misconduct.
  - When discipline includes a recommendation of more than a written reprimand.
  - There are two (2) or more allegations of misconduct.

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### **1029.3 SAR PROCESS**

#### Issuance of SAR

- Upon receiving a complaint and documenting it, the subject member shall be notified of the complaint as outlined in the disciplinary process through the use of the Notice of Investigation (NOI).
- The subject member will have the option when they receive the NOI for the Division Commander to determine if the SAR is a viable option to resolve their respective complaint.
- Choosing the option to use SAR for the subject for the subject member:
  - Is an automatic admission of responsibility for the allegations of misconduct.
  - Expresses an interest in an alternate method of adjudicating the complaint.
- If the subject member agrees to use the SAR option, the subject member's Division Commander or designee shall begin SAR proceedings as outlined below.
- If the subject member does not agree to use the SAR option, the procedures for a normal Command Investigation will commence.

#### SAR Procedures

- Upon the subject member's agreement for the SAR option, the affected Division Commander or designee shall ensure the use of SAR is applicable by:
  - Reviewing the subject member's disciplinary history.
  - Reviewing the severity of any previous allegations of misconduct.
  - Notifying the subject member's immediate chain of command.

### **1029.4 SAR ADJUDICATION**

#### Agreement of SAR

- If the subject member agrees to the final SAR adjudication of a complaint, the affected Division Commander or designee will prepare the SAR Form, listing the allegation(s) and the corresponding disciplinary penalty.
- When the subject member agrees to sign the SAR Form:
  - The subject member understands the disposition of the complaint is final and binding, and he/she is no longer entitled to participate in the discipline process.
  - This includes submitting a mitigation memo, a hearing, or appealing the decision through the appeals process.
- The subject member's Division Commander or designee will forward the signed and completed NOI, and SAR Form, to the Chief for final approval.
  - Allegation(s) resulting in a Written Reprimand will be included in the subject member's disciplinary history as a sustained complaint with the disciplinary penalty indicated on the SAR Form.

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- Allegation(s) resulting in a Sustained: No Discipline will be included in the subject member's disciplinary history as a sustained complaint with no disciplinary penalty indicated on the SAR Form.
- The final SAR disciplinary penalty can only result in a Written Reprimand.



## Anti-Retaliation

### 1030.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or collective bargaining agreement.

### 1030.2 POLICY

The Coeur d'Alene Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

### 1030.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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### **1030.4 COMPLAINTS OF RETALIATION**

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Human Resources Director.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

### **1030.5 SUPERVISOR RESPONSIBILITIES**

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

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### **1030.6 COMMAND STAFF RESPONSIBILITIES**

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

### **1030.7 WHISTLE-BLOWING**

Idaho law protects an employee who makes a good faith report about the existence of (Idaho Code 6-2104):

- (a) Any waste of public funds, property, or manpower.
- (b) A violation or suspected violation of Idaho law, rule, or regulation.

Employees may also be protected under Idaho law for objecting or refusing to carry out a directive that the employee reasonably believes violates an Idaho law, rule, or regulation (Idaho Code 6-2104).

Employees should report the waste or violation through the chain of command to allow the department a reasonable opportunity to correct the waste or violation (Idaho Code 6-2104).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Professional Standards Review Board/Professional Standards Lieutenant for investigation pursuant to the Personnel Complaints Policy.

### **1030.8 RECORDS RETENTION AND RELEASE**

The Records Supervisor shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

### **1030.9 TRAINING**

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

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# WORKPLACE-RELATED DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL VIOLENCE, AND STALKING

## 1031.1 PURPOSE

The Coeur d'Alene Police Department institutes this policy as part of its commitment to a safer and more supportive organizational climate and to the prevention and reduction of the incidence and effects of domestic violence, dating violence, and stalkings that are workplace related. The Department recognizes that domestic violence, sexual violence, dating violence, and stalking present unique issues for its workforce,

Domestic violence, sexual violence, dating violence, and stalking are workplace issues even if incidents occur elsewhere. Therefore, the Department will take every appropriate measure to prevent and/or address such violence in context of:

- Subordinate/Supervisor relationships
- Heterosexual and same-sex intimate partner relationships, including marital, cohabitation, or dating
- Heterosexual or same-sex non-intimate cohabitation relationships
- Parent-Child relationships
- Violent acts of others that could potentially occur within the workplace

The purposes and goals of this policy are to:

1. Create a work environment that helps employees to avoid the use of violence in any context
2. Institutionalize responsive policies and procedures to assist employees who are impacted by violence
3. Provide immediate assistance and support to survivors of violence, such as information and referrals to community resources, to facilitate safety and support for survivors and fellow employees

## 1031.2 DEFINITIONS

### 1. Domestic/Dating Violence, Sexual Offenses, Stalking, and Protection Orders/No Contact Orders

As defined or enumerated in Idaho Criminal Code and Department policy 317 Domestic Violence

### 2. Workplace-Related Incidents

Workplace-related incidents of domestic violence, sexual violence, dating violence, and stalking include acts, attempted acts, or threatened acts by or against employees, the

# Coeur d'Alene Police Department

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## *WORKPLACE-RELATED DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL VIOLENCE, AND STALKING*

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families of employees, and/or their property, and imperil the safety or well-being of any person associated with an employee of the Department, regardless of whether the act occurred in or outside the Department's physical workplace. An employee is considered to be in the workplace while in, or utilizing resources of the Department, including but not limited to facilities, work sites, equipment, or vehicles, or while on work-related travel.

### **3. Non-Workplace Incidents**

Non-workplace incidents of domestic violence, sexual violence, dating violence, and stalking include acts, attempted acts, or threatened acts by or against any person or animal that occur anywhere outside the Department's physical workplace, and/or while an employee is not engaged with or traveling for the Department.

### **4. Workplace Safety Plan**

A strategy developed in collaboration with a victim service provider to implement workplace safety options if requested by the victim employee.

### **1031.3 PERSONS COVERED BY THIS POLICY**

Persons covered by this policy include full and part-time employees, interns, contractors, volunteers, or temporary workers engaged by the department or in any workplace location.

### **1031.4 STATEMENT OF CONFIDENTIALITY**

The Department recognizes and respects an employee's right to privacy and the need for confidentiality and autonomy. The Department shall maintain the confidentiality of an employee's disclosure regarding violence to the extent allowed by law, and unless to do so would result in physical harm to any person, and/or jeopardize safety in the workplace. When information must be disclosed to protect the safety of individuals within the workplace, the Department shall limit the breadth and content of such a disclosure to information reasonably necessary to protect the safety of the disclosing employee and others, and to comply with the law. The Department shall provide advance notice to the employee who disclosed the information, to the extent possible, if the disclosure must be shared with other parties in order to maintain safety in the workplace or elsewhere. The Department shall also provide the employee with the name and title of the person to whom the Department intends to share the employee's statements, and shall explain the necessity and purpose regarding said disclosure.

### **1031.5 EMPLOYER RESPONSES TO SURVIVORS OF VIOLENCE**

#### **1031.5.1 NON-DISCRIMINATION AND NON-RETALIATION**

The Department will not terminate or in any manner discriminate or retaliate against an employee because of the employee's status as a survivor of domestic violence, sexual violence, or stalking, if the survivor provides notice to the organization of the status, or the organization has actual knowledge of the status. The Department will not retaliate against a survivor of domestic violence,

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sexual assault, or stalking for requesting leave or a reasonable accommodation, regardless of whether or not the request was granted.

### 1031.5.2 LEAVE AND OTHER REASONABLE ACCOMMODATIONS AND ASSISTANCE

The Department recognizes that survivors of domestic violence, sexual assault, stalking, and dating violence may need time off to obtain or attempt to obtain a protection or restraining order or any other legal assistance to help ensure his or her health, safety, or welfare of that of his or her child. The Department will work in collaboration with the employee to provide reasonable and flexible leave options when an employee or his or her child is a survivor of domestic violence, sexual assault, and/or stalking. An employee must provide reasonable advance notice to the employer of the need to take time off unless advance notice is not feasible. To request leave, the employee should initiate the request through their chain of command. The Department will maintain the confidentiality of a person who requests leave under this policy, to the extent allowed by law.

### 1031.5.3 WORK PERFORMANCE

The Department recognizes that employees who are survivors of violence may experience temporary difficulty fulfilling job responsibilities. If the Department becomes aware that an employee's work performance or conduct has been impacted by domestic violence, dating violence, sexual assault, or stalking, the Department will offer support to the employee and work in collaboration with the employee to address the issues, in accordance with established policies within the workplace. The Department may develop a work plan or other reasonable accommodations with the employee and provide referrals to support or advocacy agencies.

### 1031.5.4 PROTECTION AND RESTRAINING ORDERS

The Department recognizes that a survivor of violence may seek and order of protection, or may receive a protection or restraining order, as part of his or her efforts to become safe and as part of his or her workplace safety plan. The Department recognizes that the workplace may or may not be included on an order as a location from which a perpetrator must remain away. If an employee chooses to disclose the existence of a protection or restraining order, the Department may, wherever possible, assist the employee to enforce his or her order, shall archive said order in a confidential and separate file from the employee's personnel file, and, if applicable, may assist the employee to gather documentation from the workplace, such as emails or voice messages, that could support the employee's efforts in the justice system or otherwise to obtain or maintain safety from a perpetrator.

### **1031.6 REPORTING BY EMPLOYEES WITH INFORMATION ABOUT VIOLENCE**

Employees who have information about or witness an act of violence perpetrated by an employee, or who have information about or witness violence against an employee, are required to report all information to a supervisor per Department policies 101.1.2 Conduct Unbecoming, 101.2.9 Member Responsibility, and 317 Domestic Violence.

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### **1031.7 EMPLOYER RESPONSES TO WORKERS WHO COMMIT VIOLENCE**

If the Department receives information that alleges an employee has committed an incident of workplace related or non-workplace related violence, as defined in this policy or any other applicable Department policy (such as 317 Domestic Violence), or if any other supervisor receives information that any employee has engaged in any incident or workplace related or non-workplace related violence, then the matter shall be referred to the Chief of Police or his designee. The Department shall conduct an immediate investigation of the information or allegation as outlined in Department policy 1020 Personnel Complaints.

### **1031.8 REPORTING BY EMPLOYEES WHO ARE SURVIVORS**

Employees who are survivors of domestic violence, dating violence, sexual assault, and stalking, and employees who are concerned about coworkers who might be survivors are encouraged to provide a report to the Department through their chain of command or through Human Resources. The Department shall provide community referrals and resources to employees in order to assist them with their concerns or experiences.

### **1031.9 REPORTING VIOLATION OF POLICY**

A person who wishes to report a violation of this policy should notify their immediate supervisor or Human Resources. The Department will not subject employees who report violence or report a violation of this policy to work-related or personal retaliation.

## Purchasing Cards

### 1032.1 PURPOSE

This policy provides members of the Coeur d'Alene Police Department with guidelines, use, and responsibilities related to Department purchases utilizing procurement cards (PCards)

### 1032.2 PROCUREMENT CARDS (PCARDS)

#### 1032.2.1 ISSUANCE OF PURCHASE CARDS (PCARDS)

- The Chief's Executive Assistant will assist authorized members in obtaining a purchasing card with the City Finance Department
- Members must complete and sign a City of Coeur d'Alene Purchasing Card User Agreement to receive a purchasing card
- Members shall become familiar with the City of Coeur d'Alene Purchasing Policy Manual, prior to making any purchases on their PCard. The manual can be located on the City's intranet at <http://citynet/deptimages/PCardPolicy.pdf>

#### 1032.2.2 SPENDING AUTHORIZATION AND LIMITS

Members must obtain authorization to utilize their PCard. The spending limit authorization shall be approved as follows:

- Supervisors may authorize members a single purchase limit of \$200
- Lieutenants may authorize members a single purchase limit of \$1,000
- The Chief and Division Commanders may authorize members a single purchase limit in any amount
- Members who receive an approved training request will have their PCard authorized in the corresponding amount on the training request

### 1032.3 USE OF PROCUREMENT CARD

The PCard shall only be used for approved City of Coeur d'Alene purchases and shall follow the procedures outlined in the City of Coeur d'Alene Purchasing Policy Manual (located on the City's intranet at <http://citynet/deptimages/PCardPolicy.pdf>).

### 1032.4 RESTRICTIONS OF THE PROCUREMENT CARD

The member assigned to the Pcard is the only person authorized to utilize the Pcard.

The PCard shall not be used for transactions such as:

- Items that exceed the authorized purchasing limit
- Purchases that are parceled (split) to circumvent the single purchase limit
- The withdrawal of cash
- Cash refunds for returned purchases



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Coeur d Alene PD Policy Manual

## *Purchasing Cards*

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- The purchase of good and services for personal use
- Alcohol products

### **1032.5 REPORTING PURCHASES MADE WITH THE PROCUREMENT CARD**

Members who utilize a PCard for purchases shall account for all transactions with itemized receipts that include sufficient detail to support the charges. Members shall make a copy of the receipt and submit it to the Chief's Executive Assistant no later than the last business day of the workweek. Members shall submit the original receipt to their supervisor for review and approval through the chain of command.

### **1032.6 LOST OR STOLEN PROCUREMENT CARDS**

In the event a member's PCard is lost or stolen, the member shall immediately report it to their supervisor and follow the procedures outlined in the City of Coeur d'Alene Purchasing Policy Manual (located at <http://citynet/deprtimages/PCardPolicy.pdf>).

## Attachments

**Major Incident Notification Feb 2016.pdf**

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