



PORT ORCHARD POLICE DEPARTMENT GENERAL ORDERS

NUMBER: 1815
TOPIC: AUTOMATED LICENSE PLATE RECOGNITION
ISSUED BY: ALAN L. TOWNSEND, CHIEF OF POLICE
DATE: 7-15-2011
SUPERCEDES: 9-25-09
REFERENCE: WSP Hot List Agreement

I. POLICY

Automatic License Plate Reader Technology (ALPR), also known as License Plate Recognition, provides automated detection of license plates. Its primary function is to convert data taken in the field from vehicle plates and use it for the law enforcement purpose of identifying stolen vehicles, stolen license plates, and missing persons. ALPRs are also used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery

II. PROCEDURE

A. In Washington, the information download will come from the National Crime Information Center (NCIC) hot file via ACCESS (A Central Computerized Enforcement Service System), currently managed by the Washington State Patrol. NCIC contains national stolen vehicle and plate data published daily by the FBI. The Washington State Patrol (WSP) places the NCIC file on a server available through ACCESS to those agencies that have a specific and signed agreement with WSP to access and use the information. There may be other files local law enforcement may use if a local jurisdiction wishes to upload them. This could include access to local records management systems, parking violations, or warrant data.

B. The sergeant assigned to coordinate ALPR activities will serve as the ALPR administrator. The administrator will be responsible for the following:

1. Overseeing and administering the ALPR program, including the storage and management of all ALPR data systems.
2. Ensuring the proper selection of the personnel approved to operate the ALPR system.
3. Ensuring appropriate training of operators and that the training is completed prior to an operator using the system.

4. Ensuring that all training is documented.
5. Ensuring the provision of ongoing training as deemed necessary.
6. Authorizing any requests for ALPR use or data access according to department guidelines.

C. Only authorized POPD personnel will be permitted to access historical ALPR data.

D. An operator is prohibited from using the ALPR system until properly trained in its use, and after he or she has been instructed as to operational protocols.

E. Operators must be ACCESS certified prior to using ALPR data.

F. Use of the ALPR

1. ALPR operation and access to ALPR collected data shall be for official agency purposes only.
2. ALPRs may be used during any routine patrol or criminal investigation.
3. ALPR equipped cars should be made available to conduct license plate canvasses for all major (part 1) crimes or incidents to include Amber alerts. ALPR may be used to conduct grid searches of all blocks around the crime scene. Partial plates reported during major crimes should be entered in the ALPR in an attempt to identify suspected perpetrator's vehicles.
4. POPD shall document and maintain records of all ALPR operators and their ALPR usage.

G. Data Collection and Retention

1. All ALPR recorded data should be maintained on the operator's laptop for a maximum of 24 hours from the end of the Officer's shift during which the data was recorded. All ALPR data recorded during a shift should be downloaded within 24 hours to an authorized server. Once the data is

transferred it shall be purged immediately, or as soon as practicable, from the ALPR laptop.

2. All ALPR data downloaded to the operator laptop and server must be accessible only through a login/password accessible system capable of documenting who accesses the information by identity, date and time.
 3. Only those with ACCESS Level 1 certification may access ALPR data. All requests for access to stored data must be logged, and a stated purpose for access must be provided. This includes all POPD authorized employees.
 4. Requests to review stored data shall be recorded and maintained in the same manner as criminal history logs.
 5. All ALPR data downloaded to the server may be stored for a period up to but no longer than 60 days prior to purging. Data must be purged once the maximum retention period has been reached unless it has become or it is reasonable to believe it will become evidence in a specific criminal or civil action. In those circumstances, the applicable data shall be downloaded from the server onto a CD or other portable technology. It shall be subject to the same logging, handling and chain of custody requirements as other evidence. The ALPR operators and the ALPR coordinator will ensure that this is monitored and completed.
 6. Persons approved to access ALPR data under these guidelines are permitted to access the data when there is articulable suspicion that the data relates to an investigation in a specific criminal or civil action.
- H. Notwithstanding any other provisions of law, all electronic images or data gathered by Automatic License Plate Readers are for the exclusive use of law enforcement in the discharge of duties and are not to be made open to the public. However, nothing in these guidelines should be interpreted to limit the use of the electronic images or data for legitimate purposes by prosecutors or others legally permitted to receive evidence under the law.



PORT ORCHARD POLICE DEPARTMENT GENERAL ORDERS

NUMBER: 1830
TOPIC: MOTOR VEHICLE PURSUITS
ISSUED BY: ALAN L. TOWNSEND, CHIEF OF POLICE
DATE: 7-15-2011
SUPERCEDES: 3-19-03; 2-17-04
REFERENCE:

I. POLICY

The Port Orchard Police Department authorizes officers to engage in motor vehicle pursuits subject to limitations and guidelines intended to maximize public safety and minimize the likelihood that suspects will elude arrest. As a general policy, officers will not engage in or continue pursuits when the risk created by the pursuit outweighs the necessity for immediate apprehension.

II. PROCEDURE

A. Motor vehicle pursuit is defined as an active attempt by an officer operating a police vehicle to apprehend the driver or occupants of a motor vehicle when the driver is aware of those attempts and is resisting apprehension by fleeing in the motor vehicle

B. Initiation and Continuation of Pursuits

1. When a decision is made to pursue a vehicle, the officer initiating the pursuit must have reasonable suspicion to believe that the driver or the occupants of the vehicle have committed or are about to commit a crime, or that the violator poses an immediate or future threat of death or serious bodily injury to officers or the public.
2. Ordinarily, only vehicles equipped with both overhead emergency lights and sirens will enter into pursuits. When a fleeing vehicle constitutes an immediate threat, unmarked vehicles and motorcycles may pursue initially, until a marked unit can undertake direct pursuit. The unmarked vehicle and/or motorcycle shall then withdraw from any active pursuit and will serve in a support role only.
3. Units in Pursuit
 - a. No more than two Port Orchard Police Department vehicles will engage in the direct pursuit of a motor vehicle unless utilizing the Pursuit Immobilization

Technique or otherwise approved by a supervisor.

- b. The second unit is responsible for assisting the primary unit in safely apprehending the suspects, and assisting in communications when necessary.
 - c. Other units should be alert to the progress of the pursuit, but will not engage in direct pursuit without authorization.
 - d. All units involved in a pursuit shall maintain a safe following distance to avoid collisions.
4. Reserve Officers engaged in vehicular pursuits:
- a. Reserve Officers will engage in pursuits only after receiving approval from a supervisor;
 - b. The supervisor shall take into account the level of experience the reserve officer has attained, including Emergency Vehicle Operation training and the nature of the offense.
 - c. Reserve Officers will not pursue vehicles for minor traffic offenses.
5. Upon initiating a pursuit, the officer shall immediately notify the dispatcher and provide the following information:
- a. Location, speed, and direction of travel;
 - b. Reason for initiating the pursuit;
 - c. Description of vehicle and occupants.
6. The pursuing officer (or secondary officer, when present) shall advise the dispatcher of the progress of the pursuit, including, when applicable:
- a. Changes in location, speed, and direction of travel;
 - b. Updated descriptions of vehicle/occupants;
 - c. Relevant traffic and roadway conditions.
7. The supervisor is responsible for the progress of the pursuit, and will:
- a. Monitor radio transmissions concerning the pursuit, and direct any involvement by other units;

- b. Order termination of the pursuit when appropriate, pursuant to the guidelines in this General Order.
- 8. When a supervisor is not on duty, it is the responsibility of the officer involved to ensure compliance with this policy and laws governing pursuits.
- 9. In determining whether to initiate or continue a pursuit, the officers and supervisor shall consider all relevant factors, including the following:
 - a. Nature of Offense: A serious crime, particularly one involving violence or the potential for danger if apprehension is delayed may justify pursuit in circumstances that a minor offense would not.
 - b. Time of Day: May influence risk created by the pursuit due to the level of activity occurring on or near the roadway, as well as lighting conditions and visibility.
 - c. Traffic Volume: The presence and amount of vehicular and pedestrian traffic affects the level of risk to innocent persons.
 - d. Location of Pursuit: The proximity to business, residences, schools, and other congested areas may increase the risk.
 - e. Weather Conditions: Pursuits are more dangerous during inclement weather such as rain, snow, fog, etc.
 - f. Road Conditions: Road surface, sight distance, roadway width, roadside hazards, etc. must be taken into account.
 - g. Availability of Assistance: Pursuits are more dangerous when other units are not in the vicinity to control traffic and assist in apprehension.
 - h. Traffic Violations: The driving behavior of the fleeing driver may create unacceptable risks when especially high speeds, frequent, or hazardous violations are occurring.
 - i. Barriers to Hearing and Visibility: Other barriers to hearing or visibility such as ambient noise level, foliage, etc. enhance the risk involved in the pursuit.
 - j. Potential for Later Apprehension: Pursuit is more difficult to justify when the suspect is known or can be identified for later apprehension.
 - k. Familiarity with Surroundings: Pursuit is more difficult to justify if the officer pursuing is not familiar with the surroundings or geographic area.

C. Termination of Pursuit

- 1. Officers shall terminate the pursuit or the supervisor will order termination of the pursuit, whenever the level of danger created by the pursuit outweighs the necessity for immediate apprehension.
- 2. Factors to be considered in terminating a pursuit shall include whether or not the crime is a dangerous felony or the violator poses an immediate or future threat of death or serious bodily injury to officers or the public.
- 3. Whenever the pursuit has been discontinued, no other unit shall undertake or continue pursuit of the vehicle.

D. Driving Guidelines During Pursuit

- 1. As soon as it is evident that the driver of the pursued vehicle is fleeing, officers shall activate their emergency lights and siren, and shall operate these continuously during the pursuit.
- 2. The law provides that operators of emergency vehicles are exempt from certain traffic regulations, however, officers are not relieved from the responsibility to drive with due regard for the safety of all persons. Reckless disregard for the safety of others is prohibited.
- 3. Officers approaching a stop or yield intersection will visually check for cross traffic, proceeding through the intersection only when the way is clear.
- 4. Officers will not duplicate extremely hazardous speeds or driving maneuvers made by the fleeing vehicle. Officers may not pursue suspects the wrong way on interstate or controlled access highways unless authorized by the supervisor. Officers may drive on the wrong side of divided roadways or the wrong way on one-way roadways only when absolutely necessary.
- 5. During night time pursuits, officers shall limit the use of wig-wag headlights, take-down lights, spotlights, and high-beam head lights. In any case, these lights shall not be used to blind the vision of the driver of the suspect vehicle.
- 6. The use of roadblocks must be approved in advance by the supervisor. Any roadblock employed must:
 - a. Be placed in a location that affords sufficient visibility, time and distance for the fleeing vehicle to stop safely;

- b. Provide the fleeing driver with an adequate opportunity to avoid the roadblock.
- c. Rolling roadblocks are prohibited.
- 7. Officers shall not attempt to overtake or pass a fleeing motor vehicle, except in extreme circumstances.
- 8. Intentional contact between pursuing units and the fleeing vehicle shall be prohibited except in extreme circumstances or when the Pursuit Immobilization Technique (PIT) is being applied, as explained below.
- 9. The use of a motor vehicle to barricade a roadway or to force another vehicle to go off the roadway is considered use of deadly force. The use of a motor vehicle as deadly force is authorized in the following circumstances:
 - a. In defense of his/her own or another person's life;
 - b. To prevent grievous bodily harm to the officer or civilian;

The use of deadly force must always be based upon those facts which the officer reasonably believes he has at the time of the use of that force. Facts which are unknown to the officer cannot be considered when later determining whether the use of deadly force was justified.

- 10. Use of Spike Strips
 - a. When safe to do so, officers will make use of issued spike strips in an attempt to terminate a pursuit.
 - b. A sufficient distance should be placed between the officer administering the spike strips and the vehicle being pursued.
 - c. Spike strips shall be placed on the roadway or thrown under the vehicle tires but at no time shall they be thrown from a vehicle in an attempt to disable the suspect vehicle.
 - d. Officers administering the spike strips shall place themselves in such a position to be out of harms way of the suspect vehicle should that vehicle try to take evasive action to avoid the spike strips.
 - e. When applying spike strips, officers shall be in a position to pull them out of the roadway prior to the spike strip being struck by uninvolved traffic.
 - f. The use of spike strips on motorcycles is strictly prohibited.
- 11. Use of Pursuit Immobilization Technique (PIT)
 - a. The PIT maneuver shall only be used by authorized personnel who have been through POPD sponsored PIT training

and have been approved by the chief of police.

- b. PIT is authorized at speeds less than 40 mph.
- c. Conducting the PIT at speeds in excess of 40 mph may be considered deadly force and shall be done only in accordance with the use of force policy.
- d. Before initiating the PIT maneuver, authorized officers shall consider the following additional factors:
 - (1) Site selection;
 - (2) Other traffic present;
 - (3) Vehicle type;
 - (4) Number of occupants and whether children are present;
 - (5) Type of incident; and
 - (6) Training level and experience of the officer.

E. Pursuits Involving Multiple Agencies

- 1. The initiating agency is responsible for the progress of the pursuit.
- 2. When outside agency assistance is requested for a POPD pursuit, officers will advise the dispatcher that they are requesting assistance from the respective agency.
- 3. Officers will actively participate in a pursuit initiated by another agency only when necessary for the safety of the public or law enforcement personnel, and when such assistance has been approved by the supervisor.
- 4. When engaged in a pursuit initiated by another agency, officers will abide by all the requirements of this General Order.

F. Reports and Review of Pursuits

- 1. All officers who participate directly in pursuits will submit a Supplementary Report.
- 2. The supervisor shall review the pursuit with the officer and submit a pursuit report to the chief of police.
- 3. The chief of police will also review the pursuit and will notify officers of the results of the review.



PORT ORCHARD POLICE DEPARTMENT GENERAL ORDERS

NUMBER: 1510
TOPIC: USE OF FORCE
ISSUED BY: ALAN L. TOWNSEND, CHIEF OF POLICE
DATE: 7-15-2011
SUPERCEDES: 9-20-01; 2-17-04
REFERENCE:

I. POLICY

Law enforcement officers are empowered by law to use force under certain circumstances. Port Orchard Police Officers may use force when and as authorized by law. Officers will use only that force which is reasonable and necessary under the circumstances as they know them to be. The application of force will cease when the purpose justifying its use has been accomplished. The use of excessive force is prohibited. All officers will be issued a copy of this General Order and will receive instruction regarding its requirements before being authorized to carry a weapon.

II. PROCEDURE

A. Definitions

1. Lethal Force: Shall mean force which creates a substantial risk of causing death or serious bodily harm.
2. Less-lethal Force: Shall mean force which does not create a substantial risk of causing death or serious bodily harm.
3. Serious Bodily Harm: Shall mean injury that creates a risk of death, causes serious permanent disfigurement, or results in long term loss or impairment of a major bodily function.
4. Reasonable Belief: Shall mean a reasonable conclusion based on the information known to the officer at the time.
5. Hospitalization: Shall be admission to a hospital, and does not include treatment and release at an emergency room.

B. Use of Firearms and Lethal Force

1. Officers may use lethal force only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in immediate danger of serious bodily harm. In no case shall an officer discharge his firearm until all other reasonable means

have been exhausted or would be clearly ineffective.

2. Officers may draw or display firearms when engaged in a hazardous duty in which firearms may be needed. In effecting felony arrests, officers may display firearms for the purpose of obtaining and maintaining control of persons arrested.
3. Officers shall not draw or display firearms unnecessarily.
4. Shots fired into the air or ground in an attempt to cause a fleeing suspect to stop or surrender are prohibited.
5. The use of firearms to kill animals that are seriously injured or pose a threat to the safety of humans is authorized when no other disposition is practical.
6. In all circumstances, officers will discharge firearms only when the safety of others has been taken into consideration, and will use the utmost caution to avoid endangering innocent persons.
7. Officers shall not surrender their firearms.

C. Use of Less-lethal Force

1. The department has adopted a resistance control continuum as a conceptual model for the use of force. A chart depicting the continuum is contained in this General Order.
2. The resistance control continuum is a guide on when to use less-lethal force, and what type and degree of force to use. The continuum is founded on the principle that officers should:
 - a. Respond to the resistance with a level of control that is sufficient to overcome the resistance, but is reasonable and necessary under the circumstances.
 - b. Select a type and degree of force in consideration of the particular circumstances at hand, such as:
 - (1) Environmental factors;
 - (2) Reaction time;

- (3) Individual attributes of both the subject and the officer, such as size, strength, etc.;
 - c. Escalate the level of force if the present level is ineffective or if the subject escalates the resistance.
 - d. De-escalate the force as the subject is brought under control
- 3. The resistance control continuum is only a guide, and is not intended to cover all situations, and all possible variables.
- 4. Officers shall employ less-lethal force techniques consistent with the methods and procedures instructed by the department.
- 5. Officers may be requested to use force in non-arrest situations, to effect a lawful purpose, such as restraining a person who is mentally ill or injured for treatment. Officers may provide such assistance to caregivers when necessary in emergency circumstances, but should not use force in the absence of an emergency or when other less intrusive methods would suffice.

D. Medical Aid After Use of Force

- 1. Officers should obtain appropriate first aid when subjects are injured in use of force incidents.
- 2. Officers should summon emergency medical units promptly in the event of a medical emergency resulting from use of force.
- 3. If a subject injured by the use of force is transported by ambulance, an officer shall accompany the subject in the ambulance or follow directly behind the ambulance.
- 4. Officers should regularly observe the subject to determine his or her state of consciousness and physical condition whenever weapons or active countermeasures have been employed. The duty to observe shall end upon the arrival of emergency medical personnel. Active countermeasures include:
 - a. Hard empty hand techniques;
 - b. OC spray or other chemical agents;
 - c. Lateral vascular neck restraint (subject to officer being trained in this tactic);
 - d. Baton strikes.
 - e. Air-Taser
- 5. In the circumstances listed above, officers should employ the following precautions following the use of force:
 - a. Place subject in an upright position as soon as safely possible;
 - b. Regularly observe the subject;

- c. Summon emergency medical assistance immediately if the subject displays visible signs of medical distress, such as loss of consciousness, difficulty breathing, convulsions or tremors.
- 6. Officers should obtain necessary medical treatment for subjects prior to booking, and should notify corrections staff of any use of lateral vascular neck restraint, OC spray, loss of consciousness, or other known medical distress or condition which may have occurred.

E. Reportable Use of Force

- 1. Any incident where, under the color of authority, a Port Orchard Police Officer employs a control device or any physical force above custodial controls to:
 - a. Overcome resistance during arrest or detention;
 - b. Defend self or another from an aggressive action by a subject; and/or
 - c. Compel a non-compliant person to obey direction.
- 2. Officers who employ a reportable use of force shall, prior to the end of shift, complete the Use of Force form except as permitted by a supervisor.
- 3. In situations where multiple officers apply a control device or any physical force to the same individual, each officer shall complete the Use of Force form.
- 4. Supervisors shall ensure that each officer completes a Use of Force form.
- 5. The supervisor shall notify the Chief of Police, and the internal affairs unit whenever police action has resulted in death or hospitalization.

F. Review of Use of Force

- 1. The Department has adopted a Use of Force form as a method of tracking the application of force and compiling data.
- 2. A copy of the Use of Force form shall be forwarded to the Chief of Police, Training Sergeant, and Defensive Tactics Instructor.
- 3. The chief of police shall review each form and the related reports to determine compliance with this policy.
- 4. The Use of Force form is intended to quantify applications of force and provide specific training correction for those tools, tactics, and techniques which are applied unsuccessfully or incorrectly. It is also intended to allow officers an opportunity to

identify training issues and assess their skills and tools.

G. Investigation of Lethal Force and Serious Injury

1. Incident Investigation

- a. All incidents involving the use of force by department personnel which result in serious bodily injury or the death of a person will be investigated by another law enforcement agency to be determined by the chief of police.
- b. If another law enforcement agency is conducting such an incident investigation, the chief of police will assign a supervisor to serve as a liaison to that agency during the investigation.

2. Administrative Investigation

- a. The Internal Affairs Unit shall undertake a separate internal investigation, following the guidelines contained in General Order 1430, "Internal Affairs". The purpose of this investigation is to

determine compliance with department procedures and gather information for the internal use of the department.

- b. Officers involved in the use of lethal force may be temporarily reassigned or other appropriate administrative action may be taken by the chief of police. Officers involved in the use of force which results in a death will be removed from line duty assignment. Return to full duty will be at the discretion of the chief of police.

USE OF FORCE MODEL

